



REPUBLIC OF KENYA

**BUNGOMA COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2015

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CONTENT

Act—

PAGE

The Bungoma County Early Childhood Education Act, 2015 1

**THE BUNGOMA COUNTY EARLY CHILDHOOD
EDUCATION ACT, 2015**

No. 7 of 2015

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ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

Section

- 1— Short title.
- 2— Interpretation.
- 3— Object and purpose of the Act.
- 4— Guiding principles.

PART II—RIGHT TO EARLY CHILDHOOD EDUCATION

- 5— Right to early childhood education .
- 6— Obligation of the County Government in promoting the right to early childhood education.
- 7— Prohibition against infringement of the right to early childhood education.
- 8— Prohibition of discrimination.
- 9— Limitation of the right to early childhood education.

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

- 10—Registration of early childhood education centers.
- 11—Registration of education centers.
- 12—Conditions for registration.
- 13—Registration of private education centers.
- 14—Criteria for registration of private education centers.
- 15—Suitable premises.
- 16—Change of premises.
- 17—Review of registration.
- 18—Revocation of registration.
- 19—Suspension of registration where welfare of students is at risk.
- 20—Cancellation of registration.
- 21—Standard of Education in a private education center.

22—Boarding education centers.

PART IV—MANAGEMENT OF EDUCATION CENTRES

23—Early childhood education Committees.

24—Composition of the Committee.

25—Functions of the Committee.

26—Sub-Committees.

27—Record keeping requirement.

28—Framework of Curriculum.

29—Teaching staff.

30—ECDE teacher-in-charge.

31—Age of admission into education center.

32—Prohibition of administration of exams.

33—Grouping of children on admission.

34—Education center programmes.

35—Prohibition of holiday tuition.

36—Feeding programmes.

37—Teacher child ratio.

PART V—QUALITY ASSURANCE AND STANDARD OF EDUCATION

38—Power of entry and assessment.

39—Power of entry and assessment of a private education center

40—Quality assurance.

41—Sub-County quality assurance committees.

PART VI—SAFETY AND PROTECTION OF CHILDREN

42—Safety equipment.

43—Prohibition of corporal punishment.

PART VII—TRANSITIONAL PROVISIONS

44—Existing Education Centers

PART VIII—REGULATIONS

45—Regulations

SCHEDULES

First Schedule

Second Schedule

THE BUNGOMA COUNTY EARLY CHILDHOOD EDUCATION ACT, 2015

AN ACT of the County Assembly of Bungoma to provide a framework for the establishment of systems for the administration of early childhood education within the County, and for connected purposes

ENACTED by the County Assembly of Bungoma, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Bungoma County Short title.
Early Childhood Education Act, 2015.

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

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

“ECDE” means Early Childhood Development and Education;

“ECDE teacher-in-charge” means a head administrator of an Early Childhood Development and Education centre;

“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 Education Board” means the County Education Board established under section 17 of the Basic Education Act, 2013;

“County Government” means the County Government of Bungoma;

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

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

Object and
purpose.

3. The object and purpose of this Act is to—

- (a) establish a comprehensive early childhood development and education system through an aligned continuum of county and private programmes, including early intervention, child care, early childhood special education and family support;
- (b) provide for the establishment of the infrastructure necessary to support the provision of quality education in the early childhood education system;
- (c) promote the delivery of quality early childhood education and provide a framework that enhances the quality and efficiency of early childhood education; and
- (d) provide a framework for the establishment of—
 - (i) a developmentally, culturally and linguistically appropriate early childhood care and education system including the implementation of programme 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 functions under this Act, be guided by the following principles—

Guiding
principles

- (a) the right to free and compulsory education enshrined under Article 53 (1) (b) 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 parents and the 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, 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 programmes; 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—RIGHT TO EARLY CHILDHOOD EDUCATION

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) 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;
- (e) ensure the development of skills and capacity building necessary for achieving an equitable and effective early childhood education system in the county; and
- (f) provide and maintain a sustainable early childhood education system 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 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. The department responsible for education in the County shall, in promoting the right to early childhood education—

Obligations of the County in promoting the right to early childhood education.

- (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 of personnel in the county;
- (c) develop, in consultation with the County Education Board, local curriculum programmes promoting traditional and other practices and technologies of food production that ensure the conservation of biodiversity;
- (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; and
- (h) promote the circulation of and access to up-to-date and timely information on early childhood education and development.

7. (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
- (b) would impede the implementation of activities carried out for the implementation of food security under this Act.

Prohibition
against
infringement of
the right to early
childhood
education.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction, to imprisonment for a term not exceeding one

year or to a fine not exceeding one hundred thousand shillings or to both.

8. A person shall not discriminate against any child 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 of discrimination.

9. (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 which 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.

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

10. A person shall not offer an early childhood development and education service or establish or maintain an education center unless it is registered in accordance with this Part.

Registration of early childhood education centers.

11. (1) A public education center that undertakes or offers early childhood and development services shall submit an application for registration to the County Government in the Form prescribed by the Executive Committee Member.

Registration of education centers.

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

- (a) a certificate of registration or incorporation and in the case of a company, a copy of the memorandum and articles of association of the company;

- (b) duly completed and signed application forms for the Management of the Institution in the prescribed form;
- (c) a full Institution assessment report by the Sub-County Education office;
- (d) a Public Health or Sanitary assessment report;
- (e) the Title Deed, allotment letter or a valid license agreement covering a period not less than five years;
- (f) certified copies of professional and academic certificates of all teachers and ECDE teachers-in-charge;
- (g) certified copies of registration certificates of the teachers with county department responsible for education;
- (h) supporting Sub-County minutes signed by the relevant authorities showing existing facilities and future development or extension plans where applicable; and
- (i) registration fees as set by relevant county department payable to the County Executive Committee Member.

12. An education center shall not be registered unless it is situated in a piece of land which is 0.5 acres in the case of a center in the urban area or 1 acre in the case of a center in the rural area.

Conditions for registration.

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

Registration of private education centers.

(2) A person who seeks to set up a private education center that intends to offer or render early childhood education services shall make an application to the County Government for registration in a Form prescribed by the Executive Committee Member.

(3) The County Government shall, where the applicant meets the criteria for registration, provisionally register the school in respect of which an application is made under subsection (1) 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 County Government 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 center; and
- (b) the education center is likely to meet the criteria for registration as a private education center in that period.

(6) The County Government may undertake a further review of the education center, in addition to the review required under section 17, of an education center that has its provisional registration renewed under subsection (5).

(7) The County Government shall fully register an education center as a private education center if it is satisfied, having considered any report under section 17 (4) in relation to a review under section 17 or 13(6) as the case may be, that a provisionally registered education center meets the criteria for registration as a private education center.

14. The County Government shall not register an education center as a private education center under section 13, unless such center—

Criteria for registration as a private education center.

- (a) has premises that are suitable, as described in section 15;
- (b) usually cares and provides early childhood education to at least nine students who are at least three years and not more than eight years of age;
- (c) has staffing that is suitable to the age range and level of its students, the curriculum taught at the education center, and the size of the school;
- (d) has equipment that is suitable for the curriculum being delivered or to be delivered at the education center;

- (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 15 (1); and
- (g) has employed teachers who are professionally qualified to be teachers of a private education center as determined by the Board.

15. (1) In determining whether the premises of an education center are suitable in relation to a private school, the County Government shall take into account the number of students at the education center and the curriculum that is to be delivered to students by the center.

Suitable premises.

(2) Subsection (1) shall apply to all premises used by the education center for the regular delivery of courses, whether or not the ECDE teachers-in-charge of the center own or lease the premises for the school.

16. (1) The proprietor of a school registered under section 13 shall notify the County Government of any change in the location of the education center including—

Change of premises.

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

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

(3) In determining whether to grant approval of premises under subsection (1), the County Government shall take into account the criteria specified under section 14.

17. (1) As soon as practicable after provisionally registering an education center under section 13, the County Government shall inform the County Education Board of the provisional registration.

Review of registration.

(2) The County Education Board shall review any education center that is provisionally registered under section 13 either—

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

(3) The County Education Board shall conduct a further review of the education center that has had its provisional registration renewed under section 13(5), when the further review is requested by the County Government under section 13 (6).

(4) The County Education Board shall, upon conducting a review under subsection (2) prepare a written report in relation to the review and submit a copy to the County Government Board and to the proprietor of the education center.

(5) The County Education Board shall ensure that a school, while registered under section 13 (1), is reviewed in accordance with Section 17 (1).

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

18. (1) The County Government may take any action specified under subsection (2) with regard to a private education center where—

Revocation of registration.

- (a) it considers that the education center has not met any or all of the criteria for registration as a private education center;
- (b) a review conducted under section 17 indicates that the education center does not, or is not likely to, meet all or any of the criteria for registration as a private education center; or
- (c) the ECDE teacher-in-charge of the education center that has breached or are breaching their statutory duties in relation to the education center

under this or any other enactment; or

- (d) it has reasonable grounds to believe that serious criminal activity is occurring in the education center .

(2) Where the County Government is satisfied that any ground specified under subsection (1) exist in relation to an education center registered under section 13, it may take one or more of the following actions—

- (a) issue the education center's proprietor with a notice to comply;
- (b) require the proprietor of the education center to inform parents of the students at the center that the center is not meeting the criteria for registration as a private education center;
- (c) impose conditions on the education center's registration; or
- (d) take any action specified under paragraphs (a) to (c), and suspend the education center's registration;
- (e) cancel the education center's registration under section 20.

(3) Any action taken by the County Government under subsection (2) —

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

19. (1) The County Government may at any time suspend the registration of an education center registered under section 13 if it has reasonable grounds to believe that the welfare of the students at the education center is at risk, and—

- (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

Suspension of registration where welfare of students is at risk.

registration, the amount of time necessary to do so is likely, in the opinion of the County Government, to be excessive.

(2) An education center shall remain suspended under subsection (1) until the County Government—

(a) is satisfied that the proprietor of the center has complied with all requirements imposed by it under section 16; or

(b) cancels the school's registration under section 20.

(3) A suspension under section 19 (1) shall continue in force until the County Government—

(a) is satisfied that the welfare of the students at the school is no longer at risk; or

(b) cancels the school's registration under section 20 (1), after taking action under section 20 (2).

20. (1) The County Government may cancel the registration of an education center if, following an action by it taken under any of paragraphs (a) to (d) of section 18 (1)—

Cancellation of registration.

(a) the education center—

(i) does not improve sufficiently to meet the criteria for registration under section 14; and

(ii) is not likely to do so, in the opinion of the County Government, within a further reasonable time;

(b) the proprietor of the education center are continuing in breach of their statutory duties in relation to the center;

(c) serious criminal activity continues to occur in the education center.

(2) Before cancelling an education center's registration under subsection (1), the County Government 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 proprietor of the school that it is considering cancelling the school's registration, and give reasons; and

- (c) give the proprietor of the school a reasonable opportunity to respond to the notice.

21. (1) Tuition of a suitable standard at a school registered under section 13 must include giving students tuition of a standard no lower than that of the tuition given to students enrolled at State schools of the same class levels.

Standards of education in a private education center.

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

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

Boarding education centers.

(2) Notwithstanding subsection (1), an education center 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 CENTERS

23. There is established in every public early childhood education center, a Management Committee.

Early Childhood Education Boards.

24. (1) The composition of the Management Committee established under section 23 shall be prescribed in regulations.

Composition of the Committee

25. The functions of the Committee shall be to—

Functions of the Committee

- (a) identify the needs of early childhood education and development services within their local communities and develop viable strategies for meeting them;
- (b) mobilize the parents and local communities to initiate and sustain education centers and support early childhood education programmes;
- (c) manage the early childhood education programme in the center by ensuring the provision of quality early childhood education;
- (d) recruit the support staff within the education center;
- (e) identify the local resources to equip the education center and identify sources for, and

undertake fundraising activities to raise funds for the education center;

- (f) ensure the provision of quality early childhood education services in the center;
- (g) ensure that the facilities within the education center are well maintained;
- (h) carry out advocacy in relation to the needs and the rights of a child in relation to early childhood education; and
- (i) take such other functions as may be necessary for the implementation of this Act within the education center.

26. (1) The management Committee established under this Act may establish such other sub-committees as may be prescribed in regulations.

Management sub-Committees

27. The early childhood institution shall keep, and make available to the Committee or the County Government on request, —

Record keeping requirements.

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

28. (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 Kenya or County 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 service and to whom that curriculum framework applies, shall implement that curriculum framework in accordance with any requirements prescribed in regulations made under this Act.

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

- (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;

Teaching staff.

(d) meets such other requirements as the County Executive Committee Member may prescribe.

(2) An education center shall not employ a person as an ECDE teacher-in-charge in an early childhood education center unless such person—

(a) holds at least a diploma in early childhood education and development;

(b) is registered as a teacher by the County Education Board;

(c) meets such other requirements as the County Executive Committee Member may prescribe.

30. (1) There shall be deployed by the department responsible for matters relating to early childhood education in consultation with the County Education Board, to every public education center under this Act, an ECDE teacher-in-charge.

ECDE teacher-
in-charge

(2) A person shall not be employed or deployed as an ECDE teacher-in-Charge unless such a person is professionally qualified to manage the education center in accordance with this Act.

(3) In assessing whether a person is professionally qualified to be an ECDE teacher-in-charge of an education center registered under this Act, the following shall be taken into account—

(a) any conviction for an offence for a term of at least six months;

(b) any health problems that may affect the person's ability to comply with his or her obligations towards the education center and its students;

(c) any adjudication of bankruptcy, or in the case of a company managing a school, such company is declared insolvent;

(d) any previous cancellation under this Act of the registration of a school of which the person was an ECDE teacher-in-charge;

(e) any serious breach of the person's statutory duties as an ECDE teacher-in-charge of a school registered under section 13;

- (f) such other matter as the Board may consider relevant.

(4). Where the management of a school registered under section 13 changes in its entirety or is transferred to a new entity, the new ECDE teacher-in-charge shall inform the Board and an assessment under subsection (1) shall be made of the new ECDE teacher-in-charge of the school.

(5) The ECDE teacher-in-charge shall be responsible for overseeing the management of the center to ensure compliance with the provisions of this Act.

(6) The ECDE teacher-In-Charge shall be responsible to, and shall report to the Ward Programme Officer or such other prescribed person, in the performance of his or her duties under this Act.

31. (1) All children shall be eligible for admission to an early childhood education center upon attaining the age of three years.

Age of admission into education center.

(2) For purposes of subsection (1), the ECDE teacher-In-Charge of an education center may, in determining the age of a child, use the immunization card or birth certificate of the child.

(3) Entry into an early childhood education center may be determined using the County Assessment Tools or such other methods as prescribed by the Executive Committee member.

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

Prohibition of administration of exams.

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

Grouping of children on admission.

34. (1) In administering early childhood education, an education center shall –

Education center programmes.

- (a) provide appropriate and adequate learning and play materials;
- (b) emphasize and carry out activities aimed at enhancing creativity amongst the children and use of learning materials; and

- (c) emphasize the need for the child centered approach in individual learning for the development of each individual child.
- (2) An education center may offer any of the following programmes during a week day—
- (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 at 8.00 a.m and ends at 3 p.m.
- (3). Where an education center offers the programme specified under subsection (2)(b), the children shall be afforded an opportunity to rest during the afternoon period commencing at 2:00 p.m.
- (4). An education center shall not, in offering the programmes specified under subsection (2), exceed the time period specified therein.

35. An education center shall not undertake early childhood education services nor offer tuition during school holidays or on a day declared to be a public holiday under the Constitution or the Public Holidays Act.

Prohibition of holiday tuition.

36. The Committee Executive Member shall, in consultation with the Board, carry out feeding programmes in relation to early childhood education centers under this Act and shall—

Feeding programmes.

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

37. The teacher child ratio in an early childhood education center shall be prescribed by the Executive Committee Member.

Teacher child ration

PART V—QUALITY ASSURANCE AND STANDARDS OF EDUCATION

38. (1) Subject to the provisions of section 39, any person holding an authorization under subsection (2) may, at any reasonable time—

Power of entry and assessment.

- (a) enter and assess any registered education center;

- (b) assess, 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 board of the education center; 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 center under subsection (1)(c), the person who removes the documents shall—

- (a) leave at the education center a list of the documents removed; and
- (b) return the documents, or a copy of them, to the center 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 Government may authorize in writing any person to exercise the powers specified under subsection (1).

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

- (a) a reference to this section;
- (b) the full name of the person authorised; 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, assessment, in relation to any school, includes—

- (a) access to the written and recorded work of students enrolled there; and

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“ECDE” means Early Childhood Development and Education;

“ECDE teacher-in-charge” means a head administrator of an Early Childhood Development and Education centre;

“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 Education Board” means the County Education Board established under section 17 of the Basic Education Act, 2013;

“County Government” means the County Government of Bungoma;

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

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

(c) one person with knowledge and experience in matters relating to education nominated by the County Education Board.

(2) The quality assurance committee shall –

(a) prepare standards and guidelines on quality assurance in education centers in the County;

(b) ensure that the standards and quality of education offered in education centers 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) There is established for each Sub-county, quality assurance committee consisting of such persons not exceeding three in number and 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 committees shall be responsible to the quality assurance committee for the performance of their functions under this Act.

(3) The committees shall submit quarterly reports and such other reports to the quality assurance committee and the department responsible for education as the quality assurance committee may consider necessary.

PART V—SAFETY AND PROTECTION OF CHILDREN

42. (1) Each 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 pupils, teachers, non-teaching staff and other persons within the institution;

(c) put in place firefighting 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 center shall ensure that such equipment is accessible during an emergency.

(3) The equipment and medicine under subsection (1) shall be maintained or kept by a 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.

43. (1) A person shall not administer any form of corporal punishment within the premises of an education center.

Prohibition of corporal punishment.

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

PART VII—TRANSITIONAL PROVISIONS

44. (1) Subject to sub sections (2), (3), and (6), every 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 licensed for the relevant period of registration subject to such conditions of registration as may be imposed under this Act.

Existing education centers.

(2) Despite sub section (1), the County Education Board may give written notice to the provider of an education center registered under subsection (1), requiring the service provider who operates that center to apply for registration under regulations made under section 45 within three months of the date of that notice, and—

- (a) if that service provider 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 service provider 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, the Secretary to the Board may, by written notice to the service provider who operates an early childhood education and care 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 Board may give a notice under subsection (3) only if it is satisfied that the service provider or the center—

- (a) fails to comply with the regulations made under section 45; or
- (b) fails to comply with any conditions for registration.

(5) The Board may, despite the fact that the center concerned does not meet the minimum requirements for registration under section 13, issue to the service provider operating the center a transitional certificate in such manner as the County Executive Committee Member may prescribe and subject to such conditions as he or she may impose.

(6) Where the Board is not satisfied that the conditions specified in a certificate issued under subsection (5) are being complied with, the Board may, by written notice to the service provider operating the center, cancel the certificate.

(7) Every notice under subsection (3) or subsection (6) shall set out the reasons for the action taken.

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

PART VIII—REGULATIONS

45. (1) The County Executive Committee Member may 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, programmes 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 services;
 - (b) limit or regulate the number of children who may attend a registered education center;
 - (c) provide for the grant, duration, expiry, renewal, suspension, transfer, re-classification, and cancellation of registration certificates of or more specified kinds for service providers for each kind of early childhood education centre;
 - (d) 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;
 - (e) prescribe conditions governing, or that may be imposed in respect of, registered education centers and the duties of their service providers;
 - (f) prescribe the records to be kept by education centers in respect of children attending registered centers; and
 - (g) regulate the qualifications to be held by persons managing, teaching or offering any care services in an education center.
- (3) Regulations made under subsection (2) may prescribe different standards and other requirements—
- (a) for early childhood education
 - (b) services of different types or descriptions; and
 - (c) in respect of different kinds of registrations