THE LAIKIPIA COUNTY PRE-PRIMARY EDUCATION BILL, 2014

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THE LAIKIPIA COUNTY PRE-PRIMARY EDUCATION BILL, 2014

A Bill for

AN ACT of County Assembly of Laikipia to provide for the promotion, provision, and administration ofpre-primary education and for connected purposes.

ENACTED by the County Assembly of Laikipia as follows-

PART I- PRELIMINARY

Short title.

1. This Act may be cited as the Laikipia County Pre-Primary Education Act, 2014.

Interpretation.

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

"Department" means the department of the County Executive Committee responsible for education;

"Executive Member" means the member of the County Executive for the time being responsible for education;

"Coordinating Committee" means the County Pre-primary Education Coordinating Committee established under section 9;

"Management Committee" means the Pre-Primary School Management Committee established under section 13;

"pre-primary school" means a public pre-primary school established under this Act;

"school" means a public pre-primary school established or sponsored by the county government.

Purpose of the Act.

3. The purpose of this Act is to -

(a) provide for the implementation of

section 9 of Part 2 of the Fourth Schedule to the Constitution, Article 43 (1) (f) and Article 53 (1) (b) of the Constitution;

(b) promote and facilitate access to basic education at pre-primary level;

(c) promote and facilitate enrollment, retention, completion and transition rates in pre-primary schools; and

(d) provide for mechanisms for improvingbasic education standards and literacy levels.

Objective of pre-primary education.

4. (1) The objective of pre-primary education shall be to promote the intellectual, emotional, physical, language, social and spiritual development of children.

(2) The Department shall ensure that the objectives of pre-primary education as provided under this section are implemented.

PART II- ADMINISTRATION

Functions of the Department.

5. The Department shall be responsible for–

(a) coordinating and facilitating the provision of pre-primary education;

(b) developing and facilitating implementation of laws, policies, plans and programs related to pre-primary education;

(c) providing human resource development of teachers and personnel involved in provision of pre-primary education;

(d) ensuring compliance with

standards for pre-primary education;

(e) promoting the value and role of pre-primary education among county residents and parents;

(f) mobilizing parents and guardians and local residents to enroll children in pre-primary education;

(g) resource mobilization for promotion and development of pre-primary schools;

(h) providing liaison and facilitating collaboration between the county government and national government and other county governments;

(i) facilitating and coordinating the physical development of pre-primary education facilities; and

(j) carrying out any other function that may be assigned by the Executive Member in furtherance of the purpose of the Act.

Staff.

6. (1) The County Public Service Board shall in consultation with the Executive Member recruit pre-primary teachers and such staff as are necessary for providing pre-primary education on such terms as the Board and the County Executive Committee may determine.

(2) Notwithstanding subsection (1), the Department may, with the approval of the County Executive Committee recruit such staff as are necessary on short term or part-time basis for the purposes of providing pre-primary education services.

PART III- MANAGEMENT OF PRE-PRIMARY EDUCATION AND SCHOOLS

Principles of pre-primary education.

7. The Department and pre-primary school shall be guided by the following principles–

(a) universal access to pre-primary education;

(b) inclusive access to pre-primary education;

(c) equityin provision and development of pre-primary education;

(d) participation and collaboration between community and county government;

(e) integrated learning for pastoralist communities; and

(f) wholistic empowerment of children.

Establishment of County Pre-primary Education Coordinating Committee.

8. (1) There is established the County Pre-primaryEducation Coordinating Committee.

(2) The CoordinatingCommittee shall consist of the following members–

(a) the Chief Officer responsible for education who shall be the Chairperson;

(b) one officer representing the national government on matters related to primary school education;

(c) the county officer responsible for matters related to children;

(d) two professionals qualified and experienced in matters related to early child education, one of whom

shall be a woman, appointed by the Executive Member with the approval by the County Executive Committee;

(e) onerepresentative of parents in pre-primary schools appointed by the Executive Member with the approval by the County Executive Committee; and

(f) onerepresentative offaith based organizations appointed by the Executive Member with the approval by the County Executive Committee; and

(g) one staff of the Department designated by the Executive Member, who shall be an *ex-officio* member and the Secretaryto the Committee.

(3) The County Executive Committee may designate any county officers to be co-opted members of the Coordinating Committee for the purposes of representing other relevant county departments:

Provided that the number of such co-opted officers shall not exceed three persons.

(4) A person shall not be appointed under subsection (2) (d) and (f) unless the person is a holder of at least a diploma in education or a related field from a recognized institution.

(5) The term of office of a person appointed under subsection (2) (d), (e) and (f) shall be three years and may be renewed for one further and final term of three years.

Removal from office.

9. A person appointed under subsection (2) (d), (e) and (f) may –

(a) at any time resign by issuing notice in writing to the Chairperson;

(b) be removed from office by the Executive Member for-

(i) serious violation of the Constitution or any other written law;

(ii) gross misconduct, whether in the performance of the functions of the office or otherwise;

(iii) physical or mental incapacity to perform the functions of office;

(iv) has been absent from three consecutive meetings of the Board without the permission of the chairperson;

(v) incompetence; or

(vi) bankruptcy.

Functions of the Coordinating Committee.

10. The Coordinating Committee shall be responsible for–

(a) advising the County Executive Committee on policies, programs, strategies and plans to be adopted in promotion of pre-primary education;

(b) reviewing the implementation of this Act and advising the County Executive Committee on appropriate measures to be adopted in ensuring comprehensive implementation;

(c) facilitating coordination of government and non government programs for promotion of pre-primary education;

(d) mobilizing resources for promoting and developing pre-primary

education; and

(e) carrying out any other function as may be assigned by the Executive Member in furtherance of the purpose of this Act.

Establishment of pre-primary schools.

11. (1) There shall be in the county such pre-primary schools as may be approved by the County Executive Committee.

(2) The Executive Member shall facilitate the establishment of pre-primary schools under this Act.

(3) A pre-primary school existing prior to the commencement of this Act, shall be deemed to have been established under this Act at the commencement of this Act.

(4) The County Executive Committee shall progressively ensure that the schools established under this section are situated within reasonable distances and equitably distributed within the Wards.

Establishment of school management committee.

12. (1) There is established in each school a Management Committee.

(2) The Management Committee shall consist of–

(a) the chairperson which shall be a parent in the school;

(b) the teacher in charge of the school who shall be an *ex-officio* member and the secretary to the Committee;

(c) two parents or guardians, one of whom shall be of either gender; and

(d) onerepresentative ofthe sponsor of the school and where there is no sponsor, a representative of the faith based organizations, non governmental organizations or community based organizations

involved in matters related to children or education; and

(e) one person representing the local community.

(3) Except the teacher in charge of the school, the members of the Management Committee shall be elected by parents of the school in accordance with the prescribed procedure.

(4) The Executive Member may designate a person to attend any meeting of the Management Committee provided that such person shall have no voting rights.

(5) The term of office for a member elected under subsection (2) (a) and (c) shall be one year and the person may be eligible for election for a further term of one year where theparent's or guardian's child is still a pupil in the pre-primary school.

(6) The term of office for a member elected under subsection (2) (d) and (e) shall be two year and the person may be eligible for election for one further and final term of two years.

(7) A member elected under subsection (2) (a), (c), (d) and (e) may cease being a member as stipulated under section 10.

Functions of theManagement Committee.

13. The Management Committee shall be responsible for–

(a) promotingdevelopment of the school;

(b) promoting and facilitating programs that facilitate the intellectual, emotional, physical, language and social development of children

(c) preparing and implementing the school strategic plan in accordance with this Act;

(d) mobilizing the local community to

participate in promotion and development of support pre-primary education;

(e) promoting and facilitating school physical development and ensuring safe environment of children in school;

(f) mobilizing resources for development of the school;

(g) mobilizing and facilitating parents participation in the child learning process; and

(h) carrying out any other function in furtherance of the purpose of this Act.

Conduct of business.

14. The conduct and regulation of the businessand affairs of the Coordinating Committee and Management Committee shall be as prescribed.

Pre-primary education master plan.

15. (1) The Department shall, within six months upon coming into force of this Act, prepare a ten year pre-primary education master plan which shall form part of County Integrated Development Plan as a sectoral plan.

(2) The master plan shall provide among others for–

(a) infrastructure development in the schools;

(b) human resource planning and development;

(c) education program development;

(d) measures intended to enhance quality of education;

(e) strategies for resource mobilization; and

(f) any other matter as may be required

by the Executive Member.

(3) The master plan prepared under this section may be reviewed and updated annually.

Reporting by the Department.

16. (1) The Department shall prepare an annual status report on pre-primary education which shall provide among others for–

(a) the progress made in the implementation of this Act;

(b) the enrollment, retention, completion and transition levels in pre-primary schools;

(c) the challenges faced in the implementation of this Act and proposed measures;

(d) the level of community participation in pre-primary education;

(e) the level of collaboration with national government and other government or non government entities;

(f) the level of funding received for development of pre-primary education;

(g) theemerging issues and trends in relation to pre-primary education in the county; and

(h) any other matter as may be required by the Executive Member.

(2) The Executive Member shall submit the report to the County Executive Committee for consideration.

(3) The Executive Member shall after the report is considered by the County Executive Committee,

publish and publicize the report within the county.

(4) The management Committee shall submit such reports as may be required by the Executive Member.

PART IV- PRE-PRIMARY EDUCATION SERVICE DELIVERY

Child enrolment.

17. (1) A parent or a guardian of a child aged between three to five years shall enroll the child in a pre-primary school.

(2) The teacher in charge of a pre-primary school shall enroll a child presented under subsection (1) in the prescribed form.

Roles and duties of parents and guardians.

No. 14 of 2013.

18. A parent or a guardian of a child who has attained the age of three to five years or whose child is enrolled in a school under this Act as the case may be shall–

(a) enroll the child in a pre-primary school in accordance with Article 53 (1) (b) of the Constitution and the Basic Education Act, 2013;

(b) partner or collaborate with teachers or school administration in facilitating the learning process of the child; and

(c) provide the necessary support to the child in facilitating the learning process.

Access to pre-primary education.

19. The Executive Member shall progressively ensure that pre-primary education is accessible to residents within reasonable distance.

School strategic plan.

20. (1) Management Committee shall prepare a five year strategic plan which shall be approved by the Executive Member.

(2) The strategic plan shall provide among others for–

(a) the strategies for implementing the matters provided for in master plan prepared under section 16 in respect to the school;

(b) the resource mobilization strategies to implement the strategic plan;

(c) strategies for community mobilization and participation; and

(d) any other matter as may be required by the Executive Member.

Education Standards.

21. (1) The Executive Member shall, subject to national standard and policy, prescribe the education standards to be adopted in the schools.

(2) The Department shall facilitate each school to comply with the prescribed standards.

Resourcing of schools.

22. The Department shall, in collaboration with school management Committee progressively ensure that-

(a)each school is equipped with the necessary teaching and learning materials and facilities;

(b) there is sufficient deployment of qualified teachers in each school; and

(c)there is in place such facilities for extra curriculum activities for facilitating child development.

Cost sharing.

23. The Executive Member may, subject to the approval by the County Executive Committee prescribe such charges that may be levied on students enrolled in a pre-primary school for the purposes of meeting operational costs of the school:

Provided that no tuition fees shall be levied on any

student.

Collaboration with primary schools.

24. (1) The Management Committee shall collaborate with any primary school situated within its locality for the purposes of providing pre-primary education.

(2) Where a pre-primary school is situated within a primary school, the Executive Member shall, in consultation with the national government and collaboration with the Management Committee facilitate partnership and collaboration with the primary school.

Teacher capacity development.

25. The Department shall initiate and implement programs for teacher capacity skills assessment and development.

Community mobilization and participation

26. The Department and Management Committee shall mobilize and facilitate local communities or residents to participate in matters related to pre-primary education in their locality.

Health and nutrition programs.

27. The Department shall, in collaboration with other entities and Management Committees initiate health and nutrition programs for children enrolled in pre-primary schools.

Integrated education and schools.

28. The Department shall, in collaboration with other entities initiate and facilitate integrated education-

(a) for pastoralists' children who reside in localities where pastoralism is the lifestyle; and

(b) children with special needs.

School safety.

29. The school Management Committee shall ensure that the school environment is safe for children in accordance with the prescribed guidelines.

Inspections.

30. The Executive Member shall cause to be carried out continuous inspections of schools in order to ensure quality education and child safety in schools.

Code of conduct and professional guidelines.

31. The Executive Member shall prescribe a code of conduct and professional guidelines for teachers employed under this Act.

Performance management system.

32. An institution established under this Act shall adopt the performance management system as may be prescribed by the county government.

Reporting.

33. A school established under this Act shall submit progress and annual reports in the prescribed form.

PART V- GENERAL PROVISIONS

Regulations.

34. (1) The Executive Member may, make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may-

(a) prescribethe procedure for conduct of business for committees;

(b) prescribe the cost sharing charges that may be payable;

(c) prescribe the forms; and

(d) prescribe the guidelines for school safety.

Transition.

35. A person who, immediately prior to the commencement of this Act was a member of a pre-primary committee, shall cease being a member of the committee upon the election of the management committee under this Act.

MEMORANDUM OF OBJECTS AND REASONS

Firstly, the Billprovides for the implementation of section 9 of Part 2 of the Fourth Schedule to the Constitution, Article 43 (1) (f) and Article 53 (1) (b) of the Constitution.

Secondly, the Bill seeks to provide for the establishment and management of pre-primary schools in order to promote access to basic education.

PART I of the Bill provides for preliminary matters. It provides for the purpose of the Bill which include the promotion of access to basic education, promotion of enrollment, completion and transition rates and provision of mechanism for improving basic education standards and literacy levels. It also provides for the objective of pre-primary education which is the wholistic development of children.

PART II of the Bill provides for administration. It provides for assignment of functions to th**e** Department responsible for educationwhich include facilitation and coordination and facilitation of provision of pre-primary education, development of policies related to basic education, mobilization of parents, guardians and local residents to enroll children in pre-primary schools and to facilitate physical development of schools among others. The Part also provides for the recruitment of teachers and staff.

PART III of the Bill provides for management of preprimary education and schools. It provides for the principles of pre-primary education which include universal access, inclusive access, equity in provision and development of the institutions, community participation, integration of learning for pastoralist communities and wholistic development of children.

The Part provides for the establishment of the county pre-primary education coordinating committee consisting of government and representatives from non state actors. The Committee is responsible for advising the County Executive Committee on matters related to preprimary education and facilitating coordination of government programs and resource mobilization related to pre-primary education.

The Part also provides for the establishment and classification of pre-primary schools, establishment of a management committee for each school, the preparation of pre-primary master plan and requirement for reporting by he department.

PART IV of the Bill provides for service delivery in pre-primary education. It provides for the role of parents and guardians, access to pre-primary education,

development of strategic plan, compliance with standards, resourcing of schools, cost sharing mechanisms in to facilitate development of schools, corroboration with national government, teacher capacity development, community participation and mobilization, health and nutrition programs in schools, provision of integrated education and schools, school safety, performance management system and development of code of conduct and professional guidelines.

PART V of the Bill provides for general provisions which provides for the power to make Regulations and transitional provisions.

Dated the 12th November 2014.

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Chairman, XXXXXXXX Committee