



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – (FOURTH SESSION)

ORDERS OF THE DAY

TUESDAY, FEBRUARY 18, 2025 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8. *COMMITTEE OF THE WHOLE COUNTY ASSEMBLY – TO CONSIDER THE GOVERNOR’S RESERVATION ON THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2024

Subject: *Governor’s Reservation*

The Governor’s Reservations on the Nairobi City County Early Childhood Development and Education Bill, 2024.

(Hon. Perpetua Mponjiwa, MCA)

NOTICES

- I. **NOTICE** is given that the Vice-Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training intends to move the following amendments to the Nairobi City County Early Childhood Development and Education Bill, 2024, at the Committee Stage.

CLAUSE 2

THAT, Clause 2 of the Bill be amended as follows; -

- (i) By amending the definition of the following words in their alphabetical sequence of definitions to read
- a) **“County Education Board”** means a Board established as an agency of the National Government to serve the relevant County under section 17 of the Basic Education Act 2013;
 - b) **“County”** means the Nairobi City County established under Article 176 of the Constitution of Kenya;
 - c) **“Committee”** means the County Early Childhood Education Committee established under Clause 4 of the Bill.

CLAUSE (S) 5 & 7

THAT, Clause 5 and 7 of the Bill be amended as follows; -

- (i) By interchanging the clauses so that the composition of the Committee is contained under Clause 5 and functions of the Committee be under Clause 7;
- (ii) By insert the words “County Educational Assessment and Resource Centers (EARC) Coordinators” under the Composition of the Committee.

CLAUSE (S) 36, 37 & 38

THAT, Clause (s) 36, 37 & 38 of the Bill be amended as follows; -

- (i) By deleting the clauses in their entirety.

CLAUSE 39

THAT, Clause 39 of the Bill be amended as follows; -

- (i) By amending sub-clause (e) by deleting the word “department” and substituting thereof with “the County Executive Committee Member responsible for matters Finance”;
- (ii) By deleting sub-clause (f).

CLAUSE 42

THAT, Clause 42 of the Bill be amended as follows; -

- (i) By deleting the marginal note in its entirety and substituting thereof with “funding of public Pre-Primary Education Centres”

CLAUSE 45

THAT, Clause 45 of the Bill be amended as follows; -

- (i) In sub-clause (1) by deleting and inserting the clause to read **“The County Executive Committee Member for Finance may, in consultation with the County Executive Committee Member for Education, invest....”**

TITLE

THAT, the Title of the Bill be amended as follows; -

- (i) By deleting the word “Development” in Part I of the Bill

LONG TITLE & SHORT TITLE

THAT the Long Title and Short Title of the Bill be amended as follows; -

- (i) By deleting the word “Development” in Part II of the Bill and replace it with the word “Education”

II. The Governors' Reservations on the Nairobi City County Early Childhood Development and Education Bill, 2024: -

Clause	Recommendation	Justification
PART I		
Title (Long Title and Short Title)	Delete the word 'Development' in both the long and short titles.	<ol style="list-style-type: none"> 1. The word Development has been used in the Title whereas the same has not been outlined in the Bill 2. The title of the bill contains the word "development" that is not in tandem with the contents of the Bill as it stipulates development programs and goals that are not captured in the bill. These development programs include but are not limited to growth monitoring, nutrition and early detection of children with special needs.
Clause 2 (Interpretation)	Delete the first definition of " County Education Board "	The word "County Education Board" has been given two distinct meanings in the bill with the first one indicating that the "Board" is established under Clause 4 which clause does not actually establish any Board.
	Insert the interpretation of the word "County" to mean Nairobi City County	For ease of reference
	Insert the interpretation of the word "Committee" to mean County Early Childhood Education Committee	Committee has been established under Clause 4 of the Bill
	Insert a Clause on Objects and purpose	Objects and Purpose outlines the intent for enacting the Bill.
PART II		
Title	Delete the word " <i>Development</i> " in Part II of the Bill and replace it with the word " <i>Education.</i> " The Title should read as follows "PART II -COUNTY EARLY CHILDHOOD EDUCATION COMMITTEE"	This is provided for under Clause 4.2.1 in the National Pre-Primary Education Policy Standard Guidelines 2018.

Clauses 5 & 7	Interchange Clause 7 on “ the composition of the Committee” with Clause 5 on the “Functions of the Committee”.	The arrangement of Clauses is not chronological. A committee should first be established then it’s composition provided for before outlining its mandates and functions thereto.
Clause 7	Insert the “ County Educational Assessment and Resource Centers(EARC) Coordinators” under the Composition of the Committee	This has been provided for under clause 4.2.2.1 of the National Pre-Primary Education Policy Standard Guidelines 2018.
PART IV		
Clause(s) 22, 23,24 and 25	Delete all these Clauses in their entirety	The Clauses offend the provisions of schedule 4 of the Constitution of Kenya, 2010 as follows: - a) Teacher training is a function of the National Government; b) Curriculum development is also a function of the National Government; and c) Daycare facilities are provided for under the Nairobi City County Childcare Facilities Act, 2017.
PART V		
Clauses 27, 28, 29, 30 and 31	Delete these clauses in their entirety.	This part is in contravention with the constitutional principle of Inclusivity. The Sector Policy for learners and trainees with disability dated May, 2018 also encourages inclusion of all children irrespective of their special needs in ordinary pre-primary education system.
PART VI		
Clauses 32, 33, 34 and 35	Delete these Clauses in their entirety	Part III of the Early childhood Education Act ,2021 sufficiently provides for the establishment and registration of early childhood education centers.

PART VII		
Clause 36 and 37	Delete these Clauses in their entirety.	Recruitment, setting out criteria for eligibility and terms of service of ECD Teachers are functions of the County Public Service Board as provided under the County Governments Act 2012.
PART VIII		
Clause 38	Delete the Clause in entirety	Assessment of Trainee teachers is a function of the National Government.
PART IX		
Clause 39 (e) and (f)	Delete these sub clauses	Clause 39(e) Clause contravenes section 140 of the Public Finance Management Act, 2012 on the authority to borrow by the County government and not a department. Sub clause (f) is vague
Clause 42	Delete the title of the clause which is “Funding of certain early childhood education services” and replace with “Funding of Public Pre-primary Education Centres” and harmonize the contents of the clause to ensure that they address public preprimary education Centres.	Funding in the bill should be clear that the funding is only for public pre-primary ECDs and not for the private pre-primary institutions.
Clause 45	Delete the clause entirely .	The clause offends the provisions of the Public Finance Management Act, 2012 that vests the authority to invest the assets of a county entity upon the County Executive Committee Member –Finance

III. The Assembly resolved on Wednesday, 12th February, 2025 as follows: -

- a) **THAT**, each speech in a debate on **Bills** sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

*** Denotes Orders of the Day***
