

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

**SECOND ASSEMBLY
(SIXTH SESSION)**

NCCA/TJ/PL/2021(8)

17th February 2022

PAPER LAID

Hon. Speaker, Pursuant to Standing Order 131(4), I beg to lay the following Paper on the Table of the Assembly today, Thursday 17th February 2022:

- **THE REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2021.**

(Chairperson, Sectoral Committee on Children, Early Childhood Education and Vocational Training)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

*Paper laid
on 17/02/2022
14:11/16
Ag PCA(c)*





NAIROBI CITY COUNTY ASSEMBLY
(SECOND ASSEMBLY - SIXTH SESSION)

COMMITTEE SERVICES

INTERNAL MEMO

TO : Ag. CLERK TO THE NAIROBI CITY COUNTY ASSEMBLY
FROM : Ag. PCA (C)
DATE : 9TH FEBRUARY 2022
REF : NCCA/MFS/CORR/2022/ (----)

RE: FORWARDING THE REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION & VOCATIONAL TRAINING ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2021

The above subject refers;

Kindly find the attached Report of the Sectoral Committee on Children, Early Childhood Education and Vocational Training on the Consideration of the Nairobi City County Early Childhood Development and Education Bill, 2021 as adopted by the Committee on 10th November, 2021, for your advice and further action.


JOSHUA MBILA

AG. PRINCIPAL CLERK ASSISTANT (C)

DC
Forwarded for
your consideration
@Eme
for Ag PCA
17/2/2022
Approved for Tabung
17/2/21

THE NAIROBI CITY COUNTY GOVERNMENT



*Paper laid by
Hon. ~~Wanjiku~~ ^{Esther Nyang'oro}
Chage on
17/2/2022
Ag PCA (e)*

THE NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – SIXTH SESSION

THE REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY
CHILDHOOD EDUCATION & VOCATIONAL TRAINING

ON

THE CONSIDERATION OF THE NAIROBI CITY COUNTY EARLY CHILDHOOD
DEVELOPMENT AND EDUCATION BILL, 2021 (ASSEMBLY BILL NO. 5 OF 2021)

Clerk's Chambers,
CITY HALL,
NAIROBI.

Edition: February, 2022

Contents

1.0. PREFACE.....	1
1.1. Mandate	1
1.2. Membership	1
1.3. Executive Summary	3
1.4. Acknowledgement	4
2.0. INTRODUCTION.....	6
3.0. CONSIDERATION OF THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2021.....	6
3.1. Objective of the Bill	6
3.2. Part II: Establishment, Powers and Functions of Nairobi City County Education Board...8	
3.3. Part III: Free and Compulsory Pre-primary School; Education	9
3.4. Part IV: System and Structure of Pre-primary School Education	11
3.5. Part V: Promotion of Special Needs Pre-primary School Education.....	12
3.6. Part VI: Private Education Institutions	12
3.7. Part VII: Assessment	13
3.8. Part VIII: Licensing, Registration and Accreditation procedures of pre-primary Schools .13	
3.9. Part IX: Financial Provisions	15
3.10. Part X: Power of Entry and Inspection.....	15
3.11. Part XI: General Provisions	16
4.0. SUMMARY OF THE CONSIDERATION OF THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2021	16
5.0. ANNEXES	Error! Bookmark not defined.

1.0. PREFACE

1.1. Mandate

Hon. Speaker,

The Sectoral Committee on Children, Early Childhood Education and Vocational Training is established under Standing Order No. 203 (1). Its mandate pursuant to Standing Order 203 (6) is to: -

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196(Committee on Appointments): and
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.2. Membership

The Committee comprises the following Members: -

1. Hon. Samuel Ng'ang'a Mwangi, MCA – Chairman
2. Hon. Mwaura Samora, MCA – Vice-Chairman
3. Hon. Kabiru Mbugua, MCA
4. Hon. Esther Waithera Chege, MCA
5. Hon. Patrick Karani, MCA
6. Hon. Abdikadir Mohammed, MCA
7. Hon. Fredrick Njoroge Njogu, MCA
8. Hon. Elijah Mputhia, MCA
9. Hon. Robert Mbatia, MCA
10. Hon. Stephen Gikonyo Kanyi, MCA

11. Hon. Jayendra Malde, MCA
12. Hon. Mark Mugambi, MCA
13. Hon. Ann Catherine Akinyi, MCA
14. Hon. Esther Nyangweso, MCA
15. Hon. Paul Shem Shilaho, MCA
16. Hon. Fredrick OtienoOmondi, MCA
17. Hon. Jane Muasya, MCA
18. Hon. Husin Mohammed Lawi, MCA
19. Hon. Rosemary Masitsa Shitote, MCA
20. Hon. Mary ArivizaMwami, MCA
21. Hon. Kennedy Oyugi Odhiambo, MCA
22. Hon. Redson Otieno Onyango, MCA
23. Hon. Caroline AndisiMayunzu, MCA
24. Hon. Eunice WanjikuMarimbi, MCA
25. Hon. Emily Oduor Ondeje, MCA

Hon. Speaker,

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary.

The Committee exercise its oversight role on the work and administration of the Education and Children Sub-Sectors.

Pursuant to the provisions of Standing Order 203 (6) (b), (d) and (e), the Sectoral Committee on Children, Early Childhood Education and Vocational Training is supposed to study the programme of the Education and Children Sub-Sectors and the effectiveness of the implementation; study, assess, and analyze the success of the Sub-Sectors as measured by the results obtained; and inquire into all matters relating to the Sector.

In accordance with the Third Schedule of the Standing Orders, the Sectoral Committee on Children, Early Childhood Education and Vocational Training is mandated to consider all matters relating to: - *“to investigate, inquire into, and report on all matters relating to pre-primary education, village polytechnics, home craft centres and childcare facilities; children welfare”*.

1.3. Executive Summary

Hon. Speaker,

Pursuant to Section 23 of the County Governments Act, 2012, the Nairobi City County Early Childhood Development and Education Bill, 2021 was published in the special issue of the Kenya Gazette Supplement No. 6 on 28th April, 2021. The Bill was introduced in the County Assembly as First Reading on Tuesday, 7th September, 2021. The Bill sponsored by Hon. Jayendra Malde, MCA, Member for Parklands/Highridge Ward, was thereafter committed to the Sectoral Committee Children, Early Childhood Education and Vocational Training for scrutiny, public participation and reporting to the Assembly pursuant to Standing Order 131.

Article 196(b) of the Constitution of Kenya, 2010 requires the County Assemblies to facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

Hon. Speaker,

Upon committal of the said Bill, the Committee placed a notice in the local dailies on Wednesday, 15th September, 2021 calling for representations and proposals for amendments from the public pursuant to Article 196(b) of the Constitution of Kenya, 2010 and the Nairobi City County Standing Orders 131 (3) which require public participation in the legislative and other business of the County Assembly and its Committees. The Committee also identified the following key stakeholders to the Bill and invited them to submit comments, reviews and propose amendments to the Bill;

- a) The State department of Education;
- b) The Institute for Social Accountability (TISA);
- c) Kenya Law Reform Commission;
- d) Kenya Institute of Curriculum Development;
- e) Kenya National Examination Council;
- f) Kenya Education Management Institute;
- g) Kenya National Commission for UNESCO;
- h) ECD Network;

- i) Uthabiti Africa;
- j) Save the Children International;
- k) Terre Des Hommes Foundation;
- l) The Action Foundation; and
- m) The Nairobi City County Sector of Education, Sports Culture, Youth, Gender & Social Services

Hon. Speaker,

The Committee held a total of five meetings to consider the Bill and all representations received from stakeholders. All stakeholders while supporting the Bill in principle, proposed amendments on some of the provisions of the proposed law.

Hon. Speaker,

The Committee finds this Bill to be a right step towards streamlining the pre-primary schooling and Early Childhood Development Programmes to achieve the goals of basic education within the County. The Bill seeks to provide for a comprehensive pre-primary schooling and early childhood development and education programmes so as to achieve the goals of basic education for all residents in the County.

Hon. Speaker,

The Committee considered the submissions by stakeholders as provided for in the Standing Order and had proposed amendment to the Bill in the Long Title Clauses 1,2,3,7,21,25, 27,28,29,30,31,39,40,41,45,46,47,48,49, 59 & 63. Some of the amendments are editorial while others are aimed at ensuring that the Bill is consistent with the Constitution, the National Laws and also cater for the concerns of the stakeholders.

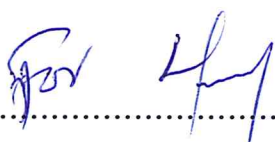
1.4. Acknowledgement

Hon. Speaker, I wish to acknowledge with gratitude the offices of the Speaker and the Clerk of the County Assembly for the logistical and technical support accorded to the members of the Committee to enable them consider the Nairobi City County Early Childhood Development and Education Bill, 2021. Appreciation is also extended to the sponsor of the Bill and the stakeholders for their immense contribution.


I am grateful for the Members of the Committee whose support and commitment enabled the Committee to accomplish this task. Special thanks to the Secretariat for their support at all times.

On behalf of the Committee and pursuant to Standing Order 131 (3), I now have the honour and pleasure to present this Report on the consideration of the Nairobi City County Early Childhood Development and Education Bill, 2021.

Thank You.

SIGNED 

HON. SAMUEL MWANGI, MCA
(CHAIRMAN)

DATE 

2.0. INTRODUCTION

Pursuant to Article 185 of the Constitution of Kenya, 2010, the legislative authority of a County is vested and exercised and the County Assembly. The County Assembly is to make laws that are necessary for effective performance of the functions of the County Government as provided for in Part Two of the Fourth Schedule to the Constitution.

Pursuant to Section 23 of the County Governments Act, 2012, the Nairobi City County Early Childhood Development and Education Bill, 2021 was published in the special issue of the Kenya Gazette Supplement No. 4 on 28th April, 2021. On Tuesday, 7th September, 2021, the Bill sponsored by Hon. Samuel Mwangi, MCA, was read a First Time and thereafter committed to the Sectoral Committee Children, Early Childhood Education and Vocational Training for scrutiny, public participation and reporting to the Assembly pursuant to Standing Order 131.

Article 196(b) of the Constitution requires the County Assemblies to facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

3.0. CONSIDERATION OF THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2021

While examining the Bill, the Committee noted the following;

3.1. Objective of the Bill

The principle objective of the Bill is to provide a legal framework for a comprehensive pre-primary schooling and early childhood development and education programmes in order to achieve the goals of basic education for all residents in the County. The Bill provides for values and principles under which the provisions of pre-primary school education shall be guided. This include the right for every child to free and compulsory pre-primary school education; equitable access for the child to pre-primary education and promotion of quality and relevant education amongst others.

The Committee observed that paragraph 9 of Part two of the Fourth Schedule to the Constitution of Kenya, 2010 gives County Government powers to regulate Early

Childhood Development and Education within the County. The Committee is therefore in agreement with the Bill since it seeks to give effect to the Part two of the Fourth Schedule to the Constitution of Kenya, 2010. Furthermore, since the Bill seeks to regulate pre-primary education within the County, it will help in addressing some of the challenges facing the education Sector which include unregistered early childhood education centres that offers unapproved courses with untrained teachers.

Part I: Preliminary Provisions

Part I of the Bill sets out the preliminary matters with respect to the Bill. Clause 1 sets out the short title of the Bill. Clause 2 provides for definition and interpretation of terms as used in the Bill while Clause 3 gives guiding principles and values under which the pre-primary school education is to be directed.

On Clause 2, a stakeholder one Daniel Okoth proposed for definition of the word “home-schooling” to be used in the proposed law. The Committee disagreed with the stakeholder as it would be difficult to monitor and regulate home schooling. The Committee proposed for development of a substantive law on home-schooling in the County. The Committee agreed on the proposed definition of the words “Education”, “guardian” and “parent” to have the meaning assigned to them under the Children Act, 2001. The Kenya Law Reform Commission proposed for definition of the following words used in the proposed law: -

- a) Service provider;
- b) Pre-primary school; and
- c) Early childhood service

On clause 3, the Action Foundation proposed to expound on the guiding principles to specifically mention affirmative action for learners with disabilities owing to the unique barriers and challenges they face in enrolling and transitioning to school. The Committee disagreed with the proposed as the guiding principles already provided for equitable access for the children in pre-primary school and protection against discrimination. In addition, clauses 29 and 30 further expound on needs for children with special needs. The

Committee agreed with the proposal by the Kenya Law Reform Commissions and Uthabiti Africa to delete the word “public” as used in clause 3 (e) since the protection of rights should be extended to all children in the County and not just those in public schools. The Committee further agreed with the proposal to provide a clause for guidelines on the provision and funding of assistive devices used by learners with disabilities. The County Government to fund the same.

3.2. Part II: Establishment, Powers and Functions of Nairobi City County Education Board.

Part II of the Bill contains the provisions relating to the establishment, powers and functions of a County Education Board.

Clause 4 provides the establishment of a Board to be known as the Nairobi City County Education Board which will be an agent of the National Education Board. Clause 5 provides for the functions of the Board which shall include to advise the County Executive Committee Member, the Department of Education and related departments on policy matters in respect to Education, oversee in consultation with other departments of the County Government, the operations and management of County Vocational Training Centres, pre-primary education including early childhood care and education programmes in the County amongst other functions. Clause 6 provides for the manner in which the Education Board will conduct its business and affairs where the Board is to work in consultation and cooperation with the National Education Board. The Board is to conduct and regulate its affairs as it shall be provided for in the Regulations. Clause 7 provides for the composition of the County Education Board which shall consist of a Chairperson and other eight members to be appointed by the County Executive Committee Member through an open and competitive process. The Clause further provides for the qualifications to be appointed as a member of the Board. A stakeholder proposed for the removal of the word “religious balance” in clause 7 (2). The Committee disagreed with the proposed, however, it agreed to remove the word “balance”. The Committee further agreed to amend the clause to conform to the provisions of the Basic Education Act, 2013. Clause 8 provides for the tenure of the Board which shall be five years with the eligibility for reappointment for a further five-year term. Clause 9 highlights the remuneration of the County Education

Board which shall be as approved by the County Executive Committee Member in consultation with the County Treasury and the Salaries and Remuneration Commission. Clause 10 provides for establishment of Committees within the Board as may be appropriate to perform such functions as it may be determined by the Board. The Clause further [provides for the necessary committees that may be established by the Board. Clause 11 provides for the Board to consult with experts from time to time to assist in the discharge of the functions of the Board. Clause 12 provides for the reporting of the Board, where the Board is to submit annual report to the County Executive Committee Member detailing the activities and new registrations undertaken by the Board during the year.

3.3. Part III: Free and Compulsory Pre-primary School; Education

Part III of the Bill contains provisions on the role of the County Executive Committee Member, free tuition, duty of parents and guardians, free admission, proof of age for admission, period of admission and prohibition of discrimination and the responsibility of the County Executive Committee Member. Clause 13 highlights the role of the County Executive Committee which is to implement the right of every child to access free and compulsory pre-primary school education. The C.E.C Member is to establish pre-primary education centres and Special integrated and inclusive schools for learners with disability. Some stakeholders proposed for provisions for the County Executive Committee Member in consultation with relevant stakeholders develop curriculum programmes that are wholistic in nature and promote culture and the overall development of the child. The Committee agreed with the proposal for the C.E.C Member to develop the curriculum in consultation with the Kenya Institute of Curriculum Development. Clause 14 provide for free tuition to all county public pre-primary schools. However, tuition fee may be charged to a person who is not a Kenyan citizen. A stakeholder proposed the replacement of the word “pupil” by the word “leaner”. The Committee disagreed with the proposal as the word “pupil” is defined as a person who is taught by another person especially a schoolchild. Clause 15 provides for duty of parents and guardians to present for admission or cause to be admitted his or her child to a pre-primary education institution. The Clause further provides a fine

to a parent or guardian who fails to present his or her child for admission. The Clause further provides for the right of a parent or guardian to participate in the character development of his or her child. Clause 16 provides for free admission of a child to a public pre-primary school. Clause 17 provides for need to proof age of a child during admission which shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births and Deaths Registration Act, Chapter 149 or on attainment of the school going age of three years. The Clause further provides that a child shall not be denied admission in a school for lack of proof of age. Clause 18 provides for the period of admission where a child is to be admitted to a pre-primary school at the commencement of the academic calendar or within such other extended period as by be prescribed by a basic education institution. The Clause further prohibits discrimination against any child seeking to be admitted in any pre-primary education institution on the basis of ethnicity, sex, religion, race, colour or social origin, age disability, language or culture. Clause 19 give provisions for a pupil to be given appropriate learning incentives to learn and complete pre-primary school education. The Clause further prohibit a pupil to be held back in any class or be expelled from a pre-primary school. Clause 20 prohibit any physical punishment and mental harassment to a pupil. The Clause provides for charge against any person who contravenes the provisions in the Clause. Clause 21 forbids any pre-primary education institution from subjecting a pupil to holiday tuition. There was proposal in Clause 21 (1) to delete the word “to” appearing immediately after “or” which the Committee agreed to. Clause 22 highlights the responsibilities of the C.E.C Member which includes ensuring free and compulsory pre-primary education to every child in the County; ensure compulsory admission, attendance and completion of pre-primary education by every pupil; progressively provide human resource including schools, learning and teaching equipment and appropriate financial resources amongst other responsibilities. Clause 23 provides for the duty of head teacher which include investigation of the circumstances of a pupil’s absence from school. A stakeholder proposed to amend clause 23(3)(b) for the head-teacher to submit a report to the County Education Board through CECEC. The Committee declined the proposal as the head-teachers’ report and collaborate with the Board as highlighted in Clause 5 (g). The Kenya Law Reform

Commission proposed deletion of the word “guardian” as used in clauses 14,15 and 57. The Committee disagreed with the proposal as there was difference between a “parent” and “guardian”.

3.4. Part IV: System and Structure of Pre-primary School Education

Part IV of the Bill contains provisions for pre-primary education and early childhood training, administrative requirements, structure of education, curriculum framework and categories of schools. Clause 24 provides for C.E.C Member to promote pre-primary education and training of the early childhood education teachers in the County. Amendment was proposed to the clause to substitute the word “ECD” with the word “Early Childhood Development” which the Committee agreed to. Clause 25 highlights the administrative requirements for service provider for every licensed early childhood education service. The Committee disagreed to amend clause 25 (a) by replacing it with “a register of the children who have attended the early childhood education service”. However, the Committee agreed with the proposal to include “monitoring and tracking records for child development” as proposed. Clause 26 provides for structure of education to enable learners to access education and training at any level in a sequence and at a pace that be commensurate with the individual learner’s physical, mental and intellectual abilities and the resources available. Clause 27 provides for establishment of curriculum framework to be prescribed by the C.E.C Member for licensed early childhood education services in consultation and in alignment with the current National Curriculum framework developed by the Ministry of Education and Kenya Institute of Curriculum Development. The Clause further provide for publication of the curriculum framework in the Gazette. The Committee disagreed with the proposal to delete the Clause as proposed by a stakeholder. However, it was agreed to include the word “in consultation with Kenya Institute of Curriculum Development”. Clause 28 highlights provisions of the various categories of pre-primary school educational institutions as either private schools or public schools. The Clause further prohibit conversion of a public basic education institution to a private basic education institution.

3.5. Part V: Promotion of Special Needs Pre-primary School Education

Part V of the Bill contains provisions for establishment and management of special needs pre-primary education institutions, regulations in Special needs education, duty of county education Board to provide child guidance services, reporting of child with special needs to County Education Board and future provisions for children with special needs. Clause 29 provides for establishment and management of special pre-primary school institutions by the County Executive Committee Member. The Clause further provides for the C.E.C Member to ensure that every special school or educational institution with learners with special needs is provided with appropriate trained teacher, non-teaching staff, infrastructure, learning materials and equipment for the learner. Clause 30 provides for the C.E.C Member to make regulations for the establishment and management of special schools and institutions offering special needs education to pupils with special needs. The Committee negated the proposal to delete the Clause. However, the Committee proposed amendment to the Clause by including the word “in line with the National Government”. Clause 31 provides for the County Education to provide for education assessment and research centres including a special need service in identified clinics in the County. The Clause further provides what includes special needs services which include giving advice to parents and teachers as to appropriate methods of education for such children. The Committee agreed to the proposal to delete the word “County Government” and replace it with the word “County Executive Committee Member” as proposed. Clause 32 provides for relevant Director in relation to each child with special needs belonging to schools in their area make a report to the County Education Board. The Clause further highlights the contents of the report to be made to the Board by the Director. Clause 33 provides for the Board to make such arrangements as they deem necessary to enable a pupil with special needs attend an establishment whether or not is a school in or outside the County if the establishment makes provisions wholly or partly for gifted or talented learners or advantage of pupil or one or both of his or her parents or some other persons to be present with him or her at the establishment during the period of the attendance.

3.6. Part VI: Private Education Institutions

Part VI of the Bill contains provisions for establishment registration of private early childhood education institutions. The Part further five provisions for duties of private

schools and eligibility of teachers to be recruited. Clause 34 provides for any person to establish and maintain a private school subject to the Constitution, the National law and the provisions of the proposed County law. Clause 35 provides for the registration of private schools where a person cannot establish and maintain a private school unless it is registered according to the law. The Clause further highlights criteria for registration of a private school. Clause 36 provides for the right to attend a private School as an alternative to a public school. Clause 37 provides for duties of a private school which includes establishment of necessary educational and governance structure; recruitment of registered teachers and compliance with and follow the approved curriculum. Clause 38 provides for the eligibility of a person to be recruited as early childhood education teacher by the recruitment panel. The Clause further provides for the composition of a recruitment panel. Clause 39 provides for the terms and conditions of service for any person recruited as an early childhood education teacher which is to be determined by the County Public Service Board.

3.7. Part VII: Assessment

Part VII of the Bill contains provisions for assessment of an early childhood education teacher trainee. It provides for duration, sequence and report of assessment. Clause 40 provides that the early childhood education trainee teacher is to be assessed during normal class session at least twice in a term but on different dates and lessons. The Clause further provides for the conditions of the assessment process by the assessor to be appointed by the recruitment panel established under Clause 38 (2). The Committee agreed to combine Part VI and VII as they speak on the same issue.

3.8. Part VIII: Licensing, Registration and Accreditation procedures of pre-primary Schools

Part VIII of the Bill contains provisions for licensing, registration and accreditation procedures of pre-primary schools. Clause 41 provides for a person or organisation that intends to establish an institution offering basic education to make an application in the manner prescribed to the County Education Board. The Clause further highlights the criteria to be followed in applying for registration of an institution that intends to offer basic education. The Committee agreed with the proposal to delete the numeric “65” and replace with the numeric “64”. Clause 42 provides for grounds under which the County

Education may reject an application for registration of pre-primary school. Clause 43 provides for offence and penalty where a person engages in the promotion, management or teaching of pre-primary education without being accredited and registered according to the provisions of the proposal law. Clause 44 provides for the County Education Board to establish and maintain a databank for all registered, accredited, licensed and incorporated institutions of education, training and/or research in the County; teachers in the County and pre-primary school children. The Clause further provides for the availability of the data register to the public for inspection during normal working hours. Clause 45 provides for the County Executive Committee Member in consultation with Standard Assurance Board and relevant stakeholder establish guidelines and prescribe rules and regulations for establishment, accreditation, licensing and registration of basic education and training institutions. The Committee disagreed with the proposal to amend the clause to read as “the County Executive Committee Member shall implement the guidelines set by the Cabinet Secretary in the Basic Act”. Clause 46 provides for licensing of an institution of basic education and training where the institution is to apply to the Standard Assurance Board for license and registration. The Standard Assurance Board is to scrutinise the application and report to the County Education Board. Clause 47 gives provisions for any person aggrieved by the decisions of the County Education Board to appeal to the Education Appeals Tribunal within thirty days. The Committee agreed with the proposal for the Education Appeals Tribunal established under the Basic Education Act. Clause 48 provides for the establishment of County Education Tribunal with the jurisdiction to hear and determine any complain from any person aggrieved by the decisions of the County Education Board. The Clause further provides for the C.E.C Member to prescribe regulations on the operations and structure of the Education Appeals Board. Clause 49 provides for the establishment of County Standards Assurance Board with the responsibility amongst others to promote quality education, professionalism and public accountability on behalf of the students and County residents. The Committee agreed with the proposal to delete Clauses 48 and 49 as the provisions are anchored in the Basic Education Act.

3.9. Part IX: Financial Provisions

Part IX of the Bill contains financial provisions of Early Childhood Development and Education in the County. Clause 50 provides that funds of the Department of Early Childhood Education shall be used to promote pre-primary school education, which includes; monies provided by the County Assembly for the purposes of the Department; any funds provided by bilateral or multilateral donors for the purpose of basic education; gifts, grants, donations or endowments by the Department amongst others. Clause 51 provides for the financial year of the Department which shall be government financial year. Clause 52 provides for preparation of Annual estimates by the relevant Department. Clause 53 provides for funding of certain early childhood education services where in every year, out of money appropriated by the County Assembly, the service provider for a licensed early childhood education service maybe paid general grants. The County Executive Committee Member is to determine the means by the which the amounts of grants may be calculated or ascertained. Clause 54 provides for Accounting and Auditing of county Early Childhood Development and Education Departments and schools in the County. Clause 55 provides for the C.E.C Member to establish mechanisms for school-based auditing where the responsible officers are to advise and work with respective head teachers. Clause 56 provides for the C.E.C Member in consultation with the C.E.C Member for finance to invest any of the funds of the Department in securities.

3.10. Part X: Power of Entry and Inspection

Part X of the Bill contains provisions for power for entry and inspection of any pre-primary education institution in the County. Clause 57 provides the parents or guardians the right to enter to a licensed early childhood education service provider where a licensed home-based education and care service is provided whenever their child is there. Clause 58 provides for the C.E.C Member to authorize any person in writing who is suitable and trained to enter and inspect an early childhood education centre. The Clause further provides what contained in an authorization. Clause 59 provides for power of entry and inspection of an early childhood education centre with warrant. The authorized officer is to apply in writing and on oath to court for a warrant. The Clause further provides for the contents of the warrant to be issued.

3.11. Part XI: General Provisions

Part XI of the Bill contains general provisions on Early Childhood Development and Education in the County. Clause 60 gives general penalties for any person who commits an offence under the proposed law where no other penalty is provided. Clause 61 provides for offence of insult, abuse and intimidation of staff where a person who intentionally insults, abuses or intimates a teacher or member of staff or an early childhood education and care centre commits offence. Clause 62 provides for offences of physical and verbal abuse of children where a service provider, teacher or caretaker who subjects children in an early childhood education centre to verbal or physical abuse commits an offence. Clause 63 provides for offences in obstructing power of entry provides for the inspection of Early Childhood Development and Education on regular basis by the Directorate. Clause 64 empowers the County Executive Committee Member in consultation with the County Education Board to make regulations for purposes of implementing the proposed Legislation. The Clause further highlights specific components that require regulation. Clause 65 repeal the Nairobi City County Early Childhood Education Act of 2017.

4.0. SUMMARY OF THE CONSIDERATION OF THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2021

The Committee deliberated on the Bill as follows: -

Long Title	– proposed amendments
Short Title	– proposed amendments
Clause 2	– proposed amendments
Clause 3	– proposed amendments
Clause 4	– agreed to
Clause 5	– agreed to
Clause 6	– agreed to
Clause 7	– proposed amendments
Clauses 8 to 20	– agreed to
Clause 21	– proposed amendments

Clauses 22 to 24	– agreed to
Clause 25	– proposed amendments
Clause 26	– agreed to
Clause 27	– proposed amendments
Clause 28	– proposed amendments
Clause 29	– proposed amendments
Clause 30	– proposed amendments
Clause 31	– proposed amendments
Clauses 32 to 38	– agreed to
Clause 39	– proposed amendments
Clause 40	– proposed amendments
Clause 41	– proposed amendments
Clause 42 to 44	– agreed to
Clause 45	– proposed amendments
Clause 46	– proposed amendments
Clause 47	– proposed amendments
Clause 48	– proposed amendments
Clause 49	– proposed amendments
Clause 50 to 58	– agreed to
Clause 59	– proposed amendments
Clause 60 to 62	– agreed to
Clause 63	– proposed amendments
Clause 64	– agreed to
Clause 65	– agreed to

5.0. ANNEXES

1. Committee Stage Amendments
2. Amendments Matrix

(As attached to this Report)

8th November, 2021

The Clerk
Nairobi City County Assembly
NAIROBI.

**RE: COMMITTEE STAGE AMENDMENTS TO THE NAIROBI CITY COUNTY EARLY
CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2021**

NOTICE is given that the Chairperson of the Sectoral Early Childhood Education intends to move the following amendments to the Nairobi City Early Childhood Development and Education Bill, 2021, at the Committee Stage.

LONG TITLE

THAT, the Long Title be amended by deleting the numeric “2021” and substituting with the numeric “2022” thereof.

CLAUSE 1

THAT, Clause 1 be amended by deleting the numeric “2021” and substituting with the numeric “2022” thereof.

CLAUSE 2

THAT Clause 2 of the Bill be amended as follows;

- (i) By deleting the definition of “**parent**” and replacing therefor the following “means the mother or father of a child and includes any person who is liable by law to maintain a child or is entitled to his custody”
- (ii) By inserting the following new definitions in their proper alphabetical sequence:
“**ECD**” as “means Early Childhood Development”

“Education” “means the giving of intellectual, moral, spiritual instruction or other training to a child”;

“Guardian” in relation to a child includes any person who in the opinion of the court has charge or control of the child;

“Public School” as “schools established owned or operated by the Government and includes sponsored schools.

“Pre-primary school” as “an educational establishment or learning space offering early childhood education to children before they begin compulsory education at primary school”

“Service provider” in this Act has the meaning assigned to a pre-primary school institution”.

CLAUSE 3

THAT Clause 3 of the Bill be amended as follows;

- (i) In sub-clause (e) by deleting the provision in its entirety and substituting therefor the following **“protection of the right of every learner in the pre-primary educational institution including the medium of instruction for all learners of the same educational level”**

CLAUSE 7

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

- (i) By deleting it in its entirety and replacing therefor the following **“The County Education Board shall consist of the membership as outlined under Section 20 of The Basic Education Act, 2013.”**

CLAUSE 21

THAT Clause 21 of the Bill be amended as follows; -

- i. In sub-clause (2) by deleting the word **“to”** appearing immediately after the words **“one year or”**.

CLAUSE 25

THAT Clause 25 of the Bill be amended as follows; -

- i. In sub-clause (a) by deleting the words **“the service provider, specifying the date of birth of each”** appearing immediately after the word **“attended”** and substituting therefor the following **“the early childhood education centre”**
- ii. by inserting a new sub-clause (ca) immediately after sub clause (c)
(a) (ca) **“monitoring and tracking records for the child development”**

CLAUSE 27

THAT Clause 27 of the Bill be amended as follows; -

- i. In sub-clause (1) by inserting the words **“in consultation with the Kenya Institute of Curriculum Development”** to appear immediately after the words **“Executive Committee Member”**

CLAUSE 28

THAT Clause 28 of the Bill be amended as follows; -

- i. In sub-clause (1) paragraph (a) by deleting the words appearing immediately after **“private schools”**
- ii. In sub-clause (1) paragraph (b) by deleting the words appearing immediately after **“public schools”**
- iii. In sub-clause (2) by deleting the words appearing after the words **“private status”**

CLAUSE 29

THAT Clause 29 of the Bill be amended as follows; -

- i. In sub-clause (3) paragraph (a) by deleting the word **“intellectually”**

- ii. In sub-clause (4) by inserting the words “**assistive devices used by learners with disabilities**” immediately after the words “**learning materials**”.

CLAUSE 30

THAT **Clause 30** of the Bill be amended as follows; -

- i. by inserting the words “**in consultation with the Cabinet Secretary for Education**” immediately after the words “**The Executive Committee Member**”

CLAUSE 31

THAT **Clause 31** of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the words “**County government**” appearing immediately after the words “**consultation with the**” and substituting therefor with the following ‘**Executive Committee Member**’

CLAUSE 38

THAT **Clause 38** of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the words “**under this section as ECD teacher**” appearing immediately after the words “**recruitment panel**” and substituting thereof “**in a public school**”

CLAUSE 39

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

- (i) By deleting the words “**Section 34**” appearing immediately after and replacing therefor the following “**Section 38**”

CLAUSE 40

THAT **Clause 40** of the Bill be amended as follows; -

- (i) In sub-clause (2) by deleting the words “**Section 36 (2)**” appearing immediately after the word “**under**” and replacing thereof “**Section 38 (2)**”

CLAUSE 41

THAT **Clause 41** of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the word **‘Section 65’** appearing immediately after the word **“under”** and substituting thereof **‘Section 64’**

CLAUSE 45

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

- ii. By inserting the word **“implement”** immediately after the word **“shall”**;
and
- iii. by deleting the words **“Standards Assurance Board”** appearing immediately after the words **“in consultation with”** and substituting thereof the following **‘Cabinet Secretary for Education’**; and
- iv. By deleting the word **“establish”** appearing immediately after the word **“stakeholders”**.

CLAUSE 46

THAT **Clause 46** of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the words **“Standards Assurance Board Council”** appearing immediately the words **“apply to the”** and substituting **“Education, Standards and Quality Assurance Council”**

CLAUSE 47

THAT **Clause 47** of the Bill be amended as follows; -

- i. By inserting the words **“established under The Basic Education Act, 2013”** immediately after the words **“Education Appeals Tribunal”**.

CLAUSE 48

THAT **Clause 48** of the Bill be amended as follows; -

- i. by deleting the entire Clause

CLAUSE 49

THAT Clause 49 of the Bill be amended as follows; -

- i. By deleting the entire clause.

CLAUSE 59

THAT Clause 59 of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the words “**Section 56(3)**” appearing immediately after the words “**person authorized by**” and substituting “**Section 58(3)**”.

CLAUSE 63

THAT Clause 63 of the Bill be amended as follows; -

- i. By deleting the words “**Section 56(3) or Section 57**” appearing immediately after the words “**conferred by**” and substituting with the words “**Section 58(3) or Section 59**”.

PART VII

THAT Part VII of the Bill be amended as follows; -

- i. In the title PART VII by inserting the words “**LICENSING, REGISTRATION AND ACCREDITATION PROCEDURES OF PRE-PRIMARY SCHOOLS**” immediately after the word “**ASSESSMENT**”.

PART VIII

THAT Part VIII of the Bill be amended as follows; -

- i. In the title PART VIII by deleting the title in its entirety.

MATRIX OF STAKEHOLDER COMMENTS AND FINAL COMMITTEE PROPOSED AMENDMENTS TO THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2021

CLAUSE/ SCHEDULE	STAKEHOLDER	PROPOSED AMMENDMENTS BY STAKEHOLDERS	JUSTIFICATION	COMMENT ON PROPOSED AMENDMENT	FINAL COMMITTEE PROPOSED AMENDMENT
Clause 2	DANIEL OKOTH	Define "Education" has the meaning assigned to it under the Children Act, 2001		Agreed	Agreed
		Define "Homeschool" means the provision of education to fewer than five children under the age of six, of not more than four families or households, where the parents or guardians or members of those households provide academic instruction or care in- (a) Their own home; or		Disagreed. It would be difficult to regulate Homeschooling.	Disagreed with insertion of the definition.

			(b) The home of the person providing the education; or (c) Any other home nominated by a parent or guardian of the child			
			Define "Guardian" - has the meaning assigned to it under the Children Act, 2001		Agreed	Agreed
			"Parent" has the meaning assigned to it under the Children Act, 2001		Agreed	Agreed

Insert new Clause		<p>Develop a framework for the inclusion of homeschools within Nairobi City County-</p> <p>(1) The County government will allow parents to establish homeschools, recognizing the important role of the parent in providing education within the county.</p> <p>(2) The provisions of this Section shall, subject to the relevant subsections, apply with necessary modification to the registration of homeschools.</p> <p>(3) The CECM may in consultation with the County</p>		<p>Disagreed. There is no current regulations on Homeschooling thus implementation can't be accounted.</p>	<p>Disagreed. It will be difficult to regulate homeschooling.</p>
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			Education Board prescribe the requirements for the establishment of homeschools within the County.			
New Clause			The CECM shall develop, in consultation with the relevant stakeholders, curriculum programmes that are wholistic in nature and that promote culture and the overall development of the Child.		Disagreed under the Constitution of Kenya, 2010 Part 1, the National Government is Mandated with Curriculum Development. Also as elaborated under the Basic Education Act.	Agreed. The amendment to be effected through Clause 27(1).
Clause 29	TERRE DES HOMMES FOUNDATION		The CECM should encourage integration of children with disabilities in mainstream schools	Give priority to inclusive education at mainstream schools over special schooling and allocate adequate human, financial and technical resources for schools to provide inclusive	The provision already contains integration under Clause 29 (4)	Disagreed with the Proposed amendment.

		education in an effective way.cv		
Clause 3	THE ACTION FOUNDATION	Expond the guiding principles to specifically mention affirmative action for learners with disabilities owing to the unique barriers and challenges they face in enrolling and transitioning to school. (b) in ensuring the right to equal standards, introduce a clause stipulating that notwithstanding this provision, learners with disabilities shall have an equitable right to receive special considerations and differentiated medium of learning even at the same level as their peers.	Disagreed. The guiding principles already provide for equitable access for the children in pre-primary school and protects against discrimination. Clause 29 and 30 further expound on needs for children with special needs.	Disagreed.

New Clause	Introduce a clause to provide guidelines on the provision and funding for assistive devices used by learners with disabilities		Agreed. There is need for the county to fund for assistive devices used by learners with disabilities for equitable access to education. Implemented through the Special Needs schools to be established.	Agreed.
	Amend Part IV to read Establishment of Special integrated and inclusive schools for learners with disabilities to be read together with Section 13(2) (b), which provides the establishment of special integrated and inclusive schools. This will provide a framework for resourcing all public ECDE schools in Nairobi City County to be inclusive and accessible for all learners, including learners with		Part IV is not limited to Special needs it provides for amongst others, the system and structure of pre-primary school. Clause 13(2) delegates to the CECM in consultation with the County Education Board to establish Special integrated schools.	Disagreed with the proposed amendment.

		<p>disabilities, by making reasonable accommodation adjustments, including physical infrastructure, providing appropriate teachers, non-teaching staff, learning materials and equipment.</p>			
New Clause		<p>Introduce a clause retaining the need for special schools institutions for cases of learners with severe disabilities who may require specialized learning and whose needs may not be met in inclusive schools.</p>		<p>Clause 29 establishes special pre-primary schools. This means this institutions are for special needs only unlike the integrated schools.</p>	<p>Disagreed with the proposed amendment</p>

Clause 7	PATRICK ANGÁSA	Section 7 (2) be amended by deleting the words “religious Balance”	It is not only impossible to define religious balance but also impossible for the government to achieve such religious balance. Kenya is a secular state.	Agreed, Kenya is a secular state, it would be difficult to balance all religions in the composition of the Board. However, used of inter-faith based organisations can guide the process.	Disagreed. The Composition of the Board to be in accordance with the Basic Education Act, 2013.
Clause 15		<p>Clause 15 (1) be amended by including the words, that the parent or guardian homeschooling his or her children provide evidence of relevant learning appropriate for the Child at the obtaining age.</p> <p>Clause 15(2) be amended by adding the words “a homeschooling parent or guardian who has proved that his child has been learning at the safe environment of the home and that the child himself or herself has</p>	Governments’ role is the civil law and spiritual matters are not under government but should be left for the parent.	It is difficult for the County to regulate homeschools. The proposed law intends to regulate pre-primary education in institutions.	Disagreed. It is difficult to regulate homeschooling.

		<p>shown evidence of learning is excluded from the criminal charges herein stated"</p> <p>Clause 15(3) be amended by adding the words "the parent or guardian shall have the primary role in teaching values to his children as persuaded by his faith. That the syllabus or subjects must end at national values excluding the spiritual teaching which is not duty of government but of parents"</p>			
Clause 3	UTHABITI AFRICA	<p>3 (e) protection of the right of every learner in the pre-primary educational institution including the medium of instruction for all learners of the same educational level</p>		<p>Agreed, limiting the provision to public schools might seem discriminatory.</p>	<p>Agreed with the proposed amendment.</p>

<p>Clause 4</p>		<p>4 (1) There is established a Board to be known as Nairobi County Early Childhood Education Committee</p> <p>(2) The Board established under subsection (1) shall be an agent of National Early Childhood Education Committee</p>	<p>The national primary policy Chapter 2 Section 2.2 proposes a board established at County Level (CECEC) that shall be an agent of NECEC. The composition and the role of the board have also been outlined in the Policy.</p>	<p>Indeed Chapter 3 of the policy indicates the establishment of this Committee but does not establish the NECEC. The composition and role of such a committee is not provided in the policy. The Board as established under this Bill is already established in the Basic Education Act.</p> <p>The Committee can be formed in future through an amendment which will clearly cater for different functions of the committee and the Board. The Budget Committee recommended not to establish an authority or committee due to financial constraints of the County.</p>	<p>Disagreed with the proposed amendment.</p>
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Clause 5		Amend clause 5 by deleting any function of the Board that pertains to planning, promoting, developing, registering, monitoring or coordinating training in vocational, polytechnics or any other kind of training for ECD personnel	Training of ECD personnel is done by the National government. This act addresses matters pertaining to Early Childhood Development & Education only.	Disagreed as this as functions assigned to the Board under the Basic Education Act Section 18 (1) thus sufficient to be included in the county legislation.	Disagreed with the proposed amendment.
Clause 9		Clause 9 be amended to read "The members of the County Education Board shall be paid such allowances and disbursements for expenses as may be approved by the County Executive Committee Member in consultation with the County Treasury and the Salaries and Remuneration Commission.		In the submission on the clause there is No proposed amendment as the provision in the Bill provides for word for word as proposed.	Disagreed with the proposed amendment.

Clause 14		Amend Clause 14(1) by replacing the term Pupil with learner	A pupil is found from Grade 1 and above.	Disagreed, a pupil is defined as a person who is taught by another, especially a schoolchild or student in relation to a teacher.	Disagreed with the proposed amendment.
Clause 23 (2) (b)		The Head teacher shall submit a report to the County Education Board through CECEC		Disagreed, the head-teachers' report and collaborate with the Board as enumerated under Clause 5(g).	Disagreed with the proposed amendment.
Clause 24		Amend to read "the Executive Committee Member shall promote pre-primary education in the County under the following system and structure	Training of ECD personnel is done by the National Government.	Disagreed, Section 18 Basic Education Act bestows the function to the County Education Board to train in the County on behalf of the National Government.	Disagreed with the proposed amendment.
Clause 38 (2) (c) & (e)		Amend (2) (c) to read "a representative from CECEC who shall be nominated by Executive Committee Member.		Disagreed refer to Clause 4 above.	Disagreed with the proposed amendment.

		(d) Member of CECEC			
Clause 39		Amend to read "the terms and conditions of services for any person recruited under Section 38 shall be determined by the county public service board	Agreed. Amend Section 34 to read Section 38.	Agreed with the changes to read Section 38.	
Clause 40 (2)		Amend to read "in assessing a trainee teacher under subsection (1), the assessor, appointed by the recruitment panel under section 36(2) shall observe...	Agreed. The proposed amendment is erroneous. However, the recruitment panel is established under Section 38 (2) thus there is need to amend Section 36(2) to read Section 38(2).	Agreed with the amendment to read Section 38 (2).	

Clause 41 (1)		Any person offering basic education in the county shall be accredited and registered for under this Act.		Disagreed. It is necessary to indicate accreditation shall be done in accordance with the Act and Regulations under Section 64 instead of Section 65 as indicated in the Bill.	Agreed with the proposed amendment to read Section 64.
Clause 46(1) (3)		Amend (1) to read “An institution may apply to the standards assurance Board Council for license and registration as a Basic education” Amend (3) to read “without prejudice to the foregoing, the county Education Board shall license and register a basic education only if-			Agreed to delete the term standards and assurance Board Council and replaced with the Education Standards and Quality Assurance Council.
Clause 2	Kenya Law Commission	Reform Define “service provider” “pre-primary school” and	The terms are used in the Bill and need to be defined		Disagreed to define the in accordance with KICD

		"early service" childhood			
Clause 3 (e)		Delete the word "Public"	Protection of rights should be extended to all children in the count and not just those in public schools	Agreed	Agreed to delete the word public.
PART II		Delete whole part	Same provisions of Part III of the Basic Education Act which establishes the County Education Boards in all countries	The Board is already established under Basic Education Act, it is justified to adopt the same provision in the County Legislation.	Disagreed with the proposed amendment.
Clause 14, 15 and 57		Delete "or guardian" appearing immediately after parent	The word parent has been defined to include guardian in clause 2	Agreed.	Disagreed with the proposed amendment.

Clause 21(2)		Delete the word “to” appearing immediately after “or”	In line with the principles of plain writing		Disagreed with the proposed amendment.
Clause 25		Substitute clause (a) with “a register of the children who have attended the early childhood education service	The words “early childhood education service” are more appropriate in this case	Agreed.	Proposed to be amended to read “...who attend or have attended the early childhood education centre”
Clause 24		Substitute the word “ECD” with the word “Early Childhood Development”	In line with the principles of plain drafting and also for consistency in the drafting of the Bill	Agreed.	Agreed. However, due to the numerous use of the term ECD, the committee agreed that the term be defined under Clause 2.
Clause 27		Delete Clause	Curriculum development is a function granted to the National government under schedule four of the Constitution	Agreed.	Disagreed with the proposed amendment to delete the clause.

Clause 28		Delete the words appearing immediately after schools in clauses (a) and (b)	Private and public schools have been defined in clause 2	Disagreed. Public school is not defined.	Agreed to delete all words appearing after the term schools in (a) and (b) but the term public school be defined under Clause 2. Further, in sub-clause (2) by deleting all words appearing after the words "private Status".
		Substitute clause (2) with "a public school shall not be converted to a private school without approval of the Executive Committee Member after consultation with the County Education Board"			
Clause 30		Delete	The Cabinet Secretary is in charge of children with special needs in pre-primary in the Basic Education Act, 2013.	Agreed.	Disagreed with the proposed amendment, instead, the committee proposed to insert "in consultation with the Cabinet Secretary for Education"
Clause 31		Substitute with "the County Education Board shall in consultation with the Executive Committee Member provide for education assessment	In order to give responsibility to a particular officer in the County Government	Agreed.	Agreed to delete term "county government" and replace with the Executive Committee Member"

		and research centres including a special need service in identified clinics in the county”				
Clause 32 and 33		Delete		This is copied from the Basic Education Act and relates to the role of the cabinet secretary and the county education board in special education.		Disagreed with the proposed amendment.
Clause 38		Substitute with “a person shall not be recruited by the recruitment panel in a public school unless that person”		Private schools should have liberty to privately recruit their teachers		Agreed.
Part VI and VII		Combine the two		They speak to the same issue. One Clause in a part is discouraged in drafting legislation.	Agreed.	Agreed.

Clause 41		Substitute with “any person offering pre-primary education in the county shall be accredited and registered as provide for under the Basic Education Act”	The clause referred to is the repeal clause	Agreed. Amend to read Section 64.	Agreed to amend to read Section 64.
Clause 45		Substitute with “the Executive Committee Member shall implement the guidelines set by the Cabinet Secretary in the Basic Education Act”	The cabinet secretary has been granted the power to set the guidelines set in the Basic Education Act.	Agreed.	Agreed and modified.
Clause 47		Substitute with “any person who is aggrieved by the decision of the County Education Board, may within thirty days of being notified of the decision, appeal against such a decision to the Education Appeals Tribunal established under the Basic Education Act”	The tribunal contemplated in the Basic Education Act is a universal one for the whole country	Agreed.	Agreed with the proposed amendment.

Clause 48		Delete	The tribunal contemplated in the Basic Education Act is a universal one for the whole country	Agreed.	Agreed to delete the Clause
Clause 49		Delete	Quality Assurance in the education sector is a preserve of the National government	Agreed.	Agreed to delete the Clause
Clause 62 and 63		Delete	These are general offenses provided for under other statutes e.g the Penal Code among others	Agreed	Disagreed with the proposed amendment.
Clause 7	ECD NETWORK FOR KENYA	Add the following to the composition of the Board 1. A representative from faith based organisations/ churches	Composition	Agreed to add a Representative of Parents through Parents Teachers Associations.	Agreed to amendment the Composition of the Board.

		2. A representative of parents or caregivers			
Clause 10 (2) (a)		Establish the sub-committee to be same as the County Early Childhood Education Committee as per Article 4.2.2 of the National Pre-primary Education Policy	Disagreed. Refer to comments in Clause 4 above.	Disagreed with the proposed amendment.	
Clause 13 & 14		Add a clause indicating how children from informal settlements enrolled in preschools attached to non-formal institutions can be supported to access free primary schools.	Disagreed. There is no mechanisms with the county structure to account for this.	Disagreed with the Amendment.	
Clause 25		The records that ECD centres need to keep should include growth monitoring/ tracking record. This is key for achievement of developmental	Agreed. Add "monitoring and tracking records for child development"	Agreed with the proposed inclusion.	

		milestones and tracking stunting in children. Also include individualized Education plans for learners with disabilities to be maintained in all- inclusive ECDE centres			
Clause 27 (1)		Amend to read "The Executive Committee Member, in consultation with Kenya Institute of Curriculum Development, may -		Agreed KICD is tasked with curriculum development.	Agreed with the proposed amendment.
Clause 25		Amend to read "Promotion of inclusive education"	Special needs education promotes segregation which is against Article 24 of the UN Convention on the Rights of Persons with Disabilities. Hence, there is need to Replace all statements with the phrase Special Education with inclusive education	Disagreed.	Disagreed.

Clause 29 (3) (a)		Delete "intellectually" and replace with "learners with specific learning difficulties". Add deaf-blindness in the list		Disagreed with the insertion but agreed to delete the word "intellectually"	Agreed to delete the term "intellectually"
Clause 36		Delete "person" and replace with "child"		Agreed.	Agreed to replace person with the term child.

MINUTES OF THE 73RD SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING (FIFTH SESSION) HELD ON WEDNESDAY, 10TH NOVEMBER, 2021 AT 3.00 P.M. THROUGH ZOOM TELECONFERENCING.

PRESENT

1. Hon. Samuel Mwangi Ng'ang'a, MCA – Chairman
2. Hon. Mwaura Samora, MCA – Vice-Chairman
3. Hon. Stephen Gikonyo Kanyi, MCA
4. Hon. Kennedy Odhiambo Oyugi, MCA
5. Hon. Eunice Wanjiku Marimbi, MCA
6. Hon. Jayendra Malde, MCA
7. Hon. Rosemary Masitsa Shitote, MCA
8. Hon. Esther Nyangweso, MCA
9. Hon. Paul Shem Shilaho, MCA
10. Hon. Fredrick Njoroge Njogu, MCA
11. Hon. Husin Mohamed Lawi, MCA
12. Hon. Jane Muasya, MCA
13. Hon. Ann Catherine Akinyi, MCA
14. Hon. Robert Mbatia, MCA
15. Hon. Mark Mugambi, MCA
16. Hon. Fredrick Otieno Omondi, MCA
17. Hon. Mary Ariviza Mwami, MCA
18. Hon. Caroline Andisi Mayunzu, MCA
19. Hon. Patrick Karani, MCA

ABSENT

1. Hon. Hassan Abdikadir Mohammed, MCA
2. Hon. Elijah Mputhia, MCA
3. Hon. Redson Otieno Onyango, MCA
4. Hon. Kabiru Mbugua, MCA
5. Hon. Esther Waithera Chege, MCA
6. Hon. Emily Ondeje Oduor, MCA

SECRETARIAT

1. Kevin Wasike – Clerk Assistant
2. Rose Edna Kanana – Clerk Assistant

MIN.07/SC-ED/NOV/2021 – PRELIMINARIES

The Chairman called the meeting to order at five minutes past Three O'clock and the opening prayers were said by the Secretariat. The Chairman then welcomed the Members present to the meeting and took them through the agenda which was adopted for discussion as proposed by Hon. Stephen Gikonyo, MCA and seconded by Hon. Rosemary Masitsa, MCA as follows;

- a) *Preliminaries (prayers & adoption of the Agenda);*

- b) *Confirmation of Minutes – 72nd Sitting*
- c) *Matters Arising*
- d) ***Consideration and adoption of the draft report on the consideration of the Nairobi City County Early Childhood Development and Education Bill, 2021***
- e) *A.o.B; and*
- f) *Adjournment*

MIN.08/SC-ED/NOV/2021 – CONFIRMATION OF MINUTES

The Secretariat took the Committee through the Minutes of the 72nd Sitting held on 8th November, 2021. The Minutes were confirmed to be true record of the proceedings as proposed by Hon. Stephen Gikonyo, MCA and seconded by Hon. Rosemary Masitsa, MCA.

MIN.09/SC-ED/NOV/2021 – MATTERS ARISING

There were no matters arising from the Minutes.

MIN.10/SC-ED/NOV/2021 – CONSIDERATION AND ADOPTION OF THE DRAFT REPORT ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2021

The Secretariat tabled the draft report on the consideration of the Nairobi City County Early Childhood Development and Education Bill, 2021. The Secretariat took the Committee through the draft report for the deliberation. the Committee deliberated on the report and adopted it for tabling as proposed by Hon. Stephen Gikonyo, MCA and seconded by Hon. Jayendra Malde, MCA. The Committee was further informed that the Bill was scheduled for Second Reading on Tuesday, 16th November, 2021.

MIN.11/SC-ED/NOV/2021 – A.o.B

A Member requested for a Statement on the status of the bursary disbursement – the Chairman informed the Committee that he was pursuing the matter in consultation with the Leader of Majority to ensure the funds were released expeditiously. He committed to report progress in the next meeting.

MIN.12/SC-ED/NOV/2021 – ADJOURNMENT

There being no any other business and the time being twenty-seven minutes past Three O'clock, the Chairman adjourned the meeting. The next meeting was to be held on Monday, 15th November, 2021 at 3.00 p.m. through Zoom Teleconferencing.

CONFIRMED AS TRUE RECORD OF THE PROCEEDINGS

SIGNATURE

(Chairperson)

DATE.....