

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(THIRD SESSION)



NCCA/TJ/PL/2024(70)

5TH DECEMBER, 2024

PAPER LAID

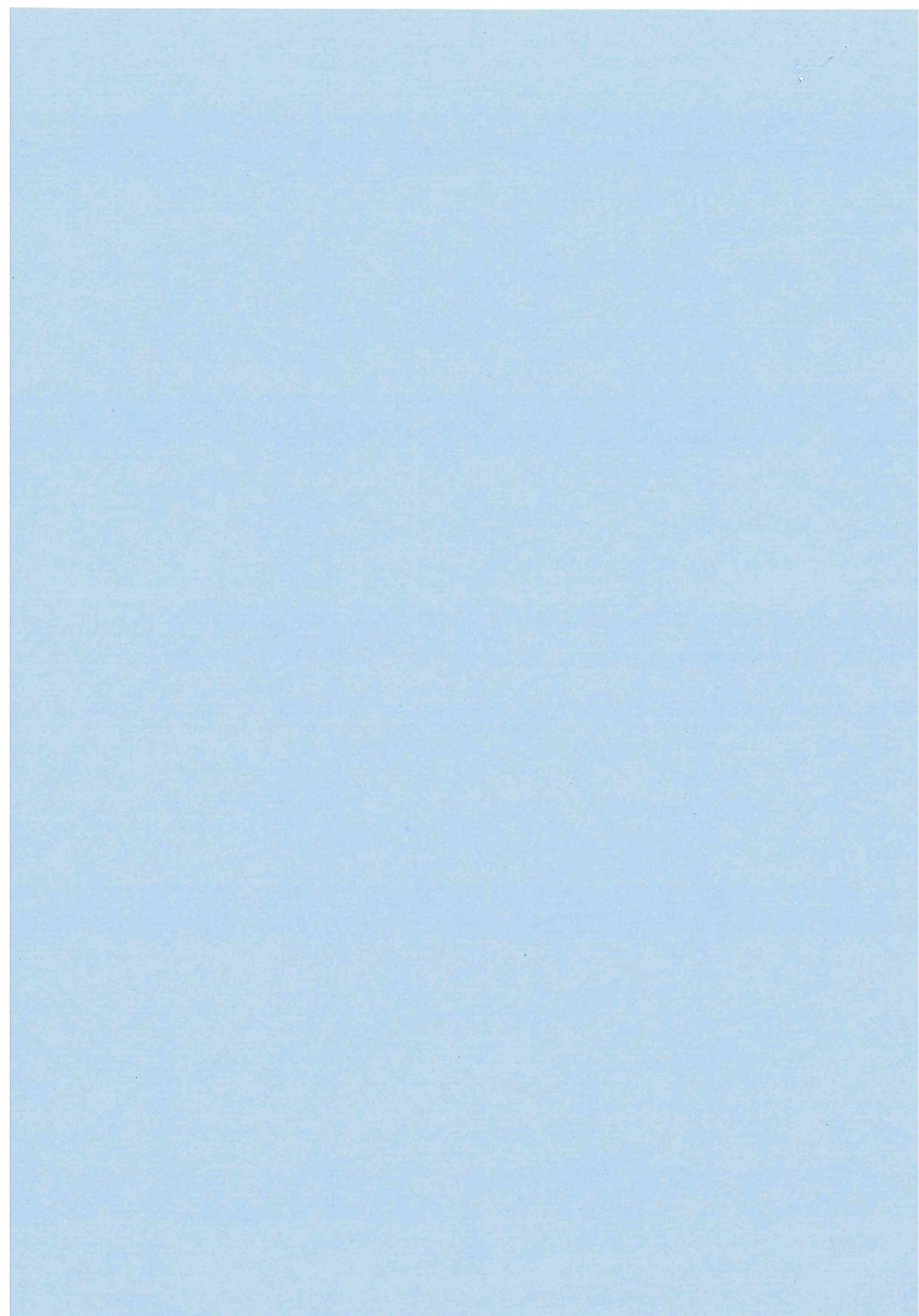
SUBJECT: COMMITTEE REPORT

Pursuant to the provisions of Standing Orders 150(2)(a) and 196, I beg to lay the following Paper on the Table of the Assembly, today Thursday, 5th December, 2024.

- THE REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING ON THE CONSIDERATION OF THE GOVERNOR'S MEMORANDUM ON THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2024.

(The Vice-Chairperson, Sectoral Committee on Children, Early Childhood Education & Vocational Training)

Copies to:
The Speaker
The Clerk
Hansard Editor
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The Press



THE NAIROBI CITY COUNTY GOVERNMENT



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – THIRD SESSION

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

ON

THE CONSIDERATION OF THE GOVERNOR'S MEMORANDUM TO THE NAIROBI
CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2024
(ASSEMBLY BILL NO. 1 OF 2024)

Clerk's Chambers,
CITY HALL,
NAIROBI.

Edition: December, 2024

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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. 209 (1). Its mandate pursuant to Standing Order 209 (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. Perpetua Mponjiwa, MCA – Chairperson
2. Hon. Kennedy Swaka, MCA – Vice-Chairperson
3. Hon. Geophrey Majiwa, MCA
4. Hon. Lily Akoth Kidenda, MCA
5. Hon. Abel Osumba Atito, MCA
6. Hon. Agnes Wambui Njeri, MCA
7. Hon. Naomi Kerubo Bosire, MCA
8. Hon. Evans Nyangicha, MCA
9. Hon. Absalom Odhiambo Onyango, MCA

10. Hon. Hellen Awuor Okello, MCA
11. Hon. Maurice Ochieng, Mca
12. Hon. Hannah Wanjiku Muriuki, MCA
13. Hon. Eric Kiogora Murigu, MCA
14. Hon. Rachel Wanjiru Maina, MCA
15. Hon. Fredrick Njogu Njoroge, MCA
16. Hon. Diana Katile Mwangangi, MCA
17. Hon. Sospeter Mumbi, MCA
18. Hon. Carrington Gichunji Heho, MCA
19. Hon. Eutychus Mukiri Muriuki, MCA
20. Hon. Gerald Irungu Mukuru, MCA
21. Hon. Tricer Jeptoo Ayabei, MCA
22. Hon. Waithera Chege, MCA
23. Hon. Robert Mbatia, 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 exercises its oversight role on the work and administration of the Education and Children Sub-Sectors.

Pursuant to the provisions of Standing Order 209 (6) (b), (d) and (e), the Sectoral Committee on Children, Early Childhood Education and Vocational Training is required to study the programmes of the Early Childhood Education and Vocational Training Sub-Sector; and Children Services Department and the effectiveness of the implementation; study, assess, and analyze the success of the Sub-Sector 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: - *“pre-primary education, village polytechnics, home craft centres and childcare facilities; children welfare”*.

2.0. EXECUTIVE SUMMARY

2.1. Introduction of the Bill and Committal of Governor's Memorandum

Hon. Speaker,

Pursuant to Section 23 of the County Governments Act, 2012, the Nairobi City County Early Childhood Development and Education Bill, 2023 was published in the special issue of the Kenya Gazette Supplement No. 12 on 25th October, 2023. The Bill was introduced in the County Assembly as First Reading on Tuesday, 7th November, 2023. The Bill 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 135.

The Committee held a total of six meetings to consider the Bill and all presentations received from stakeholders. All stakeholders while supporting the Bill in principle, proposed amendments on some of the provisions of the proposed law. The Bill was committed to the Committee of the Whole County Assembly and subsequently passed by the County Assembly on Tuesday 6th August, 2024. It was then forwarded to the Governor for Assent pursuant to Standing Order 149 (1).

Hon. Speaker,

Pursuant to Section 24 (2) (b) of the County Governments Act, 2012, the Governor, having reservations on some of the provisions, declined to assent to the Early Childhood Development and Education Bill, 2024 (the Bill) and referred the Bill for reconsideration by the County Assembly of Nairobi through a Memorandum dated 28th August, 2024. These reservations were communicated to the County Assembly through the Governor's message on the 10th day of September, 2024. Subsequently, the Bill was committed to the Sectoral Committee on Children, Early Childhood Education and Vocational Training for consideration of the Governor's reservations.

Hon. Speaker,

Upon committal of the said Memorandum, the Committee considered the proposed reservations with the guidance of the Office of the Clerk. The Committee held a total of two meetings to consider the proposed reservations where the committee agreed with some of the reservations and disagreed with others as contained in the matrix of the consideration of the reservations.

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.

2.2. 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, 2024 including granting an extension of time to consider these reservations. Whilst it was passed at Third reading the said offices have continued to support the Committee even as it sought extensive legal opinion in consideration of the reservations before us. Hon. Speaker, I thank you.

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

On behalf of the Committee and pursuant to Standing Order 150 (2) (b), I now have the honour and pleasure to present this Report on the consideration of the Governor's Memorandum to the Nairobi City County Early Childhood Development and Education Bill, 2024.

Thank You.

SIGNED 

HON. KENNEDY SWAKA, MCA
(VICE- CHAIRPERSON)

DATE..... 

3.0. CONSIDERATION OF THE GOVERNOR'S MEMORANDUM TO THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2024

Pursuant to Section 24 (2) (b) of the County Governments Act, 2012, the Governor, having reservations on some of the provisions, declined to assent to the Early Childhood Development and Education Bill, 2024 (the Bill) and referred the Bill for reconsideration by the County Assembly of Nairobi through a Memorandum dated 28th August, 2024.

These reservations were communicated to the County Assembly through the Governor's message on the 10th day of September, 2024. Subsequently, the Bill was committed to the Sectoral Committee on Children, Early Childhood Education and Vocational Training for consideration of the Governor's reservations.

While examining the Governor's reservations, 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 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 offer curricular that is not approved and delivered by untrained teachers.

3.2. Part I: Preliminary

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 the title of the Bill, the Memorandum proposed the deletion of the word “development” and the Committee agreed to this.

On Clause 2, the Memorandum proposed the deletion of one of the definitions of the word “County Education Board” as the word had been defined twice. The Committee agreed to the deletion and defined the term as “means the Board established under Section 17 of the Basic Education Act, No. 14 of 2013”. The Memorandum further proposed definition of the following words “County” and “Committee” which the Committee agreed with. On clause 2, the Committee did not agree to add a clause on Objects as the Bill in the long title defines its objects and purpose.

3.3. Part II: Establishment, Powers and Functions of Nairobi City County Early Childhood Education Committee

Part II of the Bill contains the provisions relating to the establishment, powers and functions of a County Early Childhood Education Committee. Clause 5 provides for the functions of the Committee which shall include the establishment of a County based governance structure to manage pre-primary education programs, enforce effective implementation of National Pre-primary Education Policy and Standard guidelines, promote advocacy for access, equity, inclusion, quality and relevance of pre-primary education, monitor and evaluate the implementation of pre-primary education programmes in the County amongst other functions.

Clause 7 provides for the composition of the County Education Committee which shall consist of a Chairperson and eight other members. The Clause also provides for the qualifications to be appointed as a member of the Committee.

The Memorandum proposed the interchange of clause 5 and 7 on the composition and functions of the Nairobi City County Early Childhood Education Committee respectively which the Committee agreed to.

The Memorandum further proposed to insert “County Educational Assessment and Resource Centers (EARC) Coordinators” on the Composition of the Committee, as provided for under Clause 4.2.2.1 of the National Pre-Primary Education Policy Standard Guidelines 2018 and the Committee agreed to this.

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

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.

The Memorandum proposed the deletion of the entire part. The Committee disagreed with this proposal as training in the context of the Bill was interpreted to mean continuous training of teachers by the County and not the training offered by institutions of higher learning. The main training as acknowledged is overseen by the Ministry of Education.

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, duties of the 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.

The Memorandum proposed the deletion of the entire clause based on the Constitutional principle of inclusivity. The Governor justified this by the Sector Policy for learners and trainees with disability dated May 2018. The Committee disagreed with this proposal based on the fact that the proposals in the Bill do not in any way exclude learners with disabilities from joining the other public schools but instead, the provisions therein task the CEC Member to ensure that Nairobi City has special schools for those learners that may not be able to join the other schools.

3.6. Part VI: Private Education Institutions

Part VI of the Bill contains provisions for establishment and registration of private early childhood education institutions. The Part further provides for duties of private schools and eligibility of teachers to be recruited.

The Memorandum proposed the deletion of the all the four Clauses under the Part based on Part III of the Early Childhood Education Act of 2021, which provides for the establishment and registration of Early Childhood Education Centers. The Committee disagreed with this proposal as the Bill is not in contravention with the Early Childhood Education Act of 2021. The Bill proposes that private schools can only be established subject to the Constitution of Kenya, 2010, National Legislations and provisions of the Bill.

Clause 33 of the Bill builds on the provisions of Section 17 of the Early Childhood Education Act of 2021 on the criteria for registration of private schools without contradicting the said Law. Clause 34 of the Bill grants any child the right to attend a private school as an alternative to a public school. Clause 35 imposes extra duties to private schools which have not been provided for under the Early Childhood Education Act of 2021.

3.7. Part VII & VIII: Recruitment of ECD Teachers & Assessment

These parts provide for the recruitment of Early Childhood Education Teachers and provisions for assessment of early childhood education teacher trainees. It provides for duration, sequence and report of assessment.

The Memorandum proposed the deletion of Clauses 36, 37 in part VII of the Bill with justification that 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. The Memorandum also proposed the deletion of Clauses 38 in part VIII of the Bill based with justification that assessment of trainee teachers is a function of the National Government. The Committee agreed to the deletion.

3.8. Part IX: Financial Provisions

Part IX of the Bill contains financial provisions of Early Childhood Development and Education in the County.

The Memorandum proposed the deletion of Clause 39 sub-clauses (e) and (f) with justification that it contravenes Section 140 of the Public Finance Management Act, 2012 on the authority to borrow by the County Government. The Committee agreed to amend sub-clause (e) by deleting the term “department” and substituting thereof with “the County Executive Committee Member responsible for matters Finance”. On Clause 42 the Memorandum proposes the marginal note to read “funding of public pre-primary education centres” the Committee agreed to this proposal.

On Clause 45 the Memorandum proposed the deletion of the entire clause. The Committee disagreed with the proposal and instead proposed that the clause be amended as follows “The County Executive Committee Member for Finance may, in consultation with the County Executive Committee Member for Education, invest....”

4.0. SUMMARY OF THE CONSIDERATION OF GOVERNOR'S MEMORANDUM TO THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2024

The Committee deliberated on the reservations and **agreed** to the following amendments:

Part I	Long Title
	Short Title
	Clause 2
Part II	Title
	Clauses 5 and 7
Part VII	Clauses 36 and 37
Part VIII	Clause 38
Part IX	Clauses 39 (f) and 42

The Committee deliberated on the reservations and **disagreed** to the following amendments:

Part IV	Clauses 22, 23, 24 and 25
Part V	Clauses 27, 28, 29 and 31
Part VI	Clauses 32, 33, 34 and 35
Part IX	Clauses 39 (e) and 45

5.0. ANNEXES

1. Amendments Matrix
2. Minutes of Adoption

(As attached to this Report)

MINUTES OF THE 40TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING HELD ON WEDNESDAY, 4TH DECEMBER, 2024 AT 11.30 AM IN COMMITTEE ROOM 2, ASSEMBLY WING, CITY HALL BUILDING.

PRESENT

1. Hon. Kennedy Swaka, MCA – Vice-Chairperson
2. Hon. Rachel Wanjiru Maina, MCA
3. Hon. Naomi Kerubo Bosire, MCA
4. Hon. Gerald Mukuru Irungu, MCA
5. Hon. Geophrey Majiwa, MCA
6. Hon. Sospeter Mumbi, MCA
7. Hon. Evans Nyangicha, MCA
8. Hon. Eric Kiogora Murigu, MCA
9. Hon. Hannah Wanjiku Muriuki, MCA
10. Hon. Absalom Odhiambo Onyango, MCA
11. Hon. Fredrick Njoroge Njogu, MCA
12. Hon. Diana Katile Mwangangi, MCA
13. Hon. Maurice Ochieng Onyango, MCA
14. Hon. Hellen Awuor Okello, MCA

ABSENT WITH APOLOGY

1. Hon. Papetua Mponjiwa, MCA – Chairperson
2. Hon. Waithera Chege, MCA
3. Hon. Lily Akoth Kidenda, MCA
4. Hon. Abel Osumba Atito, MCA
5. Hon. Robert Mbatia, MCA
6. Hon. Agnes Wambui Njeri, MCA
7. Hon. Eutyclus Mukiri Muriuki, MCA
8. Hon. Tricer Jeptoo Ayabei, MCA
9. Hon. Carrington Gichunji Heho, MCA

SECRETARIAT

1. Ms. Josephine Kamau – Senior Clerk Assistant

MIN.123/SC-CEV/DECEMBER/2024

PRELIMINARY

The Vice Chairperson called the meeting to order at Fourty Five minutes past Eleven O'clock and said the opening prayers. He then welcomed the Members to the meeting and read the agenda which was adopted for discussion as proposed by Hon. Hellen Okello, MCA and seconded by Hon. Naomi Bosire, MCA as follows: -

- a) Preliminaries (prayers & adoption of the Agenda)
- b) Consideration and Adoption of the Committee Report on consideration of the Governor's Memorandum to the Nairobi City County Early Childhood Development and Education Bill, 2024

- c) Any Other Business
- d) Adjournment

MIN.124/SC-CEV/DECEMBER/2024 CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT ON CONSIDERATION OF THE GOVERNOR'S MEMORANDUM TO THE NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2024

The Vice Chairperson welcomed the clerk to take the Committee through the final report for consideration and adoption.

The clerk informed Members that **Part VI** of the Bill contains provisions for establishment and registration of private early childhood education institutions; and further provides for duties of private schools and eligibility of teachers to be recruited.

She then clarified to Members that the Governor's Memorandum proposed the deletion of the all the four Clauses under the Part based on Part III of the Early Childhood Education Act of 2021, which provides for the establishment and registration of Early Childhood Education Centers. The Committee disagreed with this proposal as the Bill is not in contravention with the Early Childhood Education Act of 2021. The Bill proposes that private schools can only be established subject to the Constitution of Kenya, 2010, National Legislations and provisions of the Bill.

The Committee was further informed that Clause 33 of the Bill builds on the provisions of Section 17 of the Early Childhood Education Act of 2021 on the criteria for registration of private schools without contradicting the said Law. Clause 34 of the Bill grants any child the right to attend a private school as an alternative to a public school. Clause 35 imposes extra duties to private schools which have not been provided for under the Early Childhood Education Act of 2021.

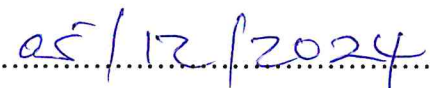
The Committee, having considered the amendments and their justification, unanimously adopted the report as proposed by Hon. Gerald Mukuru, MCA and seconded by Hon. Absalom Odhiambo, MCA.

MIN.125/SC-CEV/MARCH/2024 – ADJOURNMENT

There being no other business and the time being Twenty Two minutes past noon, the Vice Chairperson adjourned the meeting. The next meeting was scheduled to be held on Thursday, 5th December, 2024 at 12.00 noon.

CONFIRMED AS TRUE RECORD OF THE PROCEEDINGS

SIGNATURE 
(Vice Chairperson)

DATE..... 

Clerks' Chambers,
City hall Buildings,
P.O. Box 45844-00100,
Nairobi.

NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY – THIRD SESSION
CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING
Consideration of the Governor's Memorandum to the Nairobi City County
Early Childhood Development and Education Bill, 2024

SIGNATURES FOR ADOPTION

S/N	NAME	SIGNATURE
1.	Kennedy Swaka	S.K
2.	Hellen ANUOR OKELLO	HAO
3.	Evans Ntangicha	Evans
4.	Rachel maina	Rachel
5.	Gerald Irungu	Gerald
6.	Abelton Otumbo	AD
7.	NADIM BOJIRE	NKB
8.	Joseph C. Mumbi	Joseph C. Mumbi
9.	ERIC KIOGORA M	ERIC
10.	Maurice Ombiya Onyango	Maurice
11.	FREDRICK OJOSI	FREDRICK
12.	NAOMI BOJIRE	NAOMI
13.	HANNAH WANJIRU	H.W.
14.	Diana Katile	DKM
15.	Geophrey Majimwa	GM
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		

Sign: NAOMI BOJIRE

Date: 04/12/2024

MATRIX OF THE GOVERNOR'S RESERVATION TO THE PROPOSED EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2024 AND THEIR JUSTIFICATION

In exercise of the powers conferred upon the Governor under Section 24 (2) (b) of the County Government Act 2012 and having reservations on some provisions of the Bill, **the Governor declined to assent** to the Early Childhood Development and Education Bill, 2024, and referred the Bill for **reconsideration** by the County Assembly for the following reasons: -

CLAUSE	RECOMMENDATION	JUSTIFICATION	LEGAL COUNSEL COMMENTS	COMMITTEE COMMENTS
PART I				
Title (Long Title and Short Title)	Delete the word 'Development' in both the long and short titles.	The word Development has been used in the Title whereas the same has not been outlined in the Bill 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.	Agreed to delete the word "development" in the title. However the aspects of detection of children with special needs is provided for under the Bill among other developmental issues of children	AGREED TO DELETION OF THE WORD DEVELOPMENT

Clause 2 (Interpretation)	Delete the first definition of “ <i>County Education Board</i> ”	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.	Agreed to delete. The County Education Board is defined twice. The following definition stands “ <i>means the Board established under Section 17 of the Basic Education Act, No. 14 of 2013.</i> ”	AGREED TO DELETE ONE DEFINITION
	Insert the interpretation of the word “County” to mean Nairobi City County	For ease of reference	Agreed. There is need to define the term county as used for ease of reference.	AGREED TO DEFINE THE TERM
	Insert the interpretation of the word “Committee” to mean County Early Childhood Education Committee	Committee has been established under Clause 4 of the Bill	Agreed as the Committee is established but not defined in the interpretations	AGREED TO DEFINE COMMITTEE TO MEAN THE COMMITTEE ESTABLISHED IN THE BILL

-	Insert a Clause on Objects and purpose	Objects and Purpose outlines the intent for enacting the bill.	Disagreed. The Governor could have proposed any Objects if at all there was any noted otherwise the Act in the long title provides for its objects.	DISAGREED THE BILL IN THE LONG TITLE CLEAR DEFINES ITS OBJECTS
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.	Agreed. Replace Development with Education	AGREED TO DELETE THE TERM “DEVELOPMENT” IN THE TITLE OF PART II
Clause 5 and 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	Agreed. As there is no major difference in content.	AGREED TO REARRANGE

		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.	Agreed. We had reduced the number due to the MWONGOZO guidelines but the policy states as such.	AGREED TO ADD EARC COORDINATORS AS PART OF THE COMMITTEE
PART IV				
Clause(s) 22, 23,24 and 25	Delete all these Clauses in their entirety	<p>The Clauses offend the provisions of schedule 4 of the Constitution of Kenya, 2010 as follows: -</p> <p>a) Teacher training is a function of the National Government;</p> <p>b) Curriculum development is also a function of the National Government; and</p> <p>c) Daycare facilities are provided for under the</p>	Disagreed. Training in the context of the Bill was interpreted to mean continuous training of teachers by the County and not the training offered by institutions of higher learning . The main training as acknowledged is oversee by the Ministry.	DISAGREED TO DELETE THE CLAUSES

		Nairobi City County Childcare Facilities Act, 2017.	Curriculum development is indeed to be developed in consultation with KICD	
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.	Disagreed. There is no provision prohibiting children with special needs from attending the ECD schools already established. This provisions mandate the Executive to ensure we have different category of schools just for children with special needs.	DISAGREED. THE SPECIAL SCHOOLS TO BE ESTABLISHED ARE NOT DISCRIMINATORY BUT ANOTHER AVENUE TO CATER FOR CHILDREN WITH SPECIAL NEEDS
PART VI				
Clause 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	Disagreed. The Bill is not in contravention with the Early Childhood Education Act of 2021. The Bill	DISAGREED THE CLAUSES AS THE BILL DOES NOT CONTRAVENTE THE EARLY

		<p>childhood education centers.</p>	<p>proposes that private schools can only be established subject to the Constitution of Kenya, 2010, National Legislations and provisions of the Bill Education Act of 2021. Clause 33 of the Bill builds on the provisions of Section 17 of the Early Childhood Education Act of 2021 on the criteria for registration of private schools without contradicting the said Law. Clause 34 of the Bill grants any child the right to attend a private school as an alternative to a public school. Clause 35 imposes extra duties to private schools which have not been provided for under</p>	<p>CHILDHOOD EDUCATION ACT OF 2021</p>
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			the Early Childhood Education Act of 2021.	
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.	AGREED	
PART VIII				
Clause 38	Delete the Clause in entirety	Assessment of Trainee teachers is a function of the National Government.	AGREED	

PART IX			
Clause 39 (e) and (f)	Delete these sub clauses	<p>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.</p> <p>Sub clause (f) is vague</p>	<p>DISAGREED. RESOLVED THAT TO MAKE THE CLAUSE PROPER, THE BILL SHOULD AMEND SUB-CLAUSE (E) FROM DEPARTMENT TO READ CECM FOR FINANCE</p> <p>(F) AGREED TO DELETE</p>
Clause 42	<p>Delete the title of the clause which is <i>"Funding of certain early childhood education services"</i> and replace with <i>"Funding of Public Pre-primary Education Centres"</i> and harmonize the contents of the clause to ensure that they address public preprimary education Centres.</p>	<p>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.</p>	<p>AGREED</p>

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	DISAGREED AMEND TO READ THE CECM FOR FINANCE IN CONSULTATION WITH THE CECM FOR TALENT, SKILLS DEVELOPMENT AND CARE

