

REPUBLIC OF KENYA**NYANDARUA COUNTY ASSEMBLY****1ST ASSEMBLY- 4TH SESSION****OFFICIAL REPORT**Thursday 13th October, 2016*The Assembly met at the Assembly Chamber (P.C.E.A Hall) at 2.30 P.M**The Deputy Speaker, Hon. Wambugu King'ori, in the Chair***PRAYER****QUORUM CALL AT THE COMMENCEMENT OF THE SITTING***(The clerk-at-the-table confirms that there is quorum)***Speaker:** First order.**COMMUNICATION FROM THE CHAIR****SUPPLEMENTARY ORDER PAPER**

Speaker: Hon. Members, I would like to communicate to you that we have the supplementary order paper that has been discussed by the House Business Committee, on which the business on the Nyandarua County Budget, 2016 has been slotted. I also wish to communicate that, as provided in the Standing Orders, after dispensing with order no. 7, the House will move on to transact the business in the supplementary order paper after which it will go back to the main order paper and tackle order no. 8.

Next order.

PAPER LAID**NYANDARUA COUNTY EARLY CHILDHOOD DEVELOPMENT EDUCATION BILL, 2015***(Hon. Kamau Ngotho rises on behalf of Hon. Josphat Kamau)*

Speaker: Yes, Chairperson of the Committee on Education Culture, Labour and Social Services, Hon. Josphat Kamau.

Hon. Kamau Ngotho: Thank you Mr. Speaker. My chair has requested me to table the report on his behalf. I wish to table The Third Report by The Committee on Education, Culture,

Labour and Social Services on the Nyandarua County Early Childhood Development Education Bill, 2015.

Speaker: Thank you Hon. Kamau Ngotho. The Third Report by The Committee on Education, Culture, Labour and Social Services on the Nyandarua County Early Childhood Development Education Bill, 2015 is duly tabled.

Next order.

NOTICE OF MOTION

NYANDARUA COUNTY EARLY CHILDHOOD DEVELOPMENT EDUCATION BILL, 2015.

(Hon. Kamau Ngotho rises on behalf of Hon. Josphat Kamau)

Speaker: Yes Vice Chairperson of the Committee on Education Culture and Social Services, Hon. Kamau Ngotho.

Hon. Kamau Ngotho: Thank you Mr. Speaker. On behalf of my chair, I beg to give notice of the following motion:

That the Nyandarua County Early Childhood Development Education Bill, 2015 be now read a second time.

Speaker: Thank you Hon. Ngotho, that notice is duly given.
Next Order.

STATEMENT(S)

STATUS OF SPECIFIC ROADS PROJECTS IN MIRANGINE WARD

Speaker: Yes, Member for Mirangine, Hon. David Ndirangu.

Hon. David Ndirangu (Mirangine): Mr. Speaker, I beg to request for the following statement:

Aware that the Public Finance Management Act requires that there's effective, efficient and prudent utilization of government resources and the County Assembly through its relevant committees is required to offer oversight in its various departments in the Executive;

Further aware that there was budget allocation for roads construction in Mirangine ward in the financial year 2015/16;

Concerned that the said projects have not been completed despite money being allocated and the lapse of time within which some of the projects were supposed to have been completed with works on some projects having even not started.

Further concerned that there is need for prudent utilisation of public resources for budgets to be fully implemented, Mr. Speaker, Sir, from the foregoing, I hereby request for a statement from the Chairperson of the Committee on Roads, Public Works and Transport stating the amount allocated, the degree of completion, quality and reasons thereof, of the following roads:

1. Mirangine-Chema Road
2. River side- Mirangine town Road
3. Culvert installations
4. Matunda Road
5. Kibendera Road
6. Kamuyu Road
7. Kamirita Road
8. Mboora-Njaga makurata Road
9. Murindati-Mbora Road
10. Starehe Road
- 11.169 Nyakiambi Road
12. Karabati –Munyamba Road
13. Githure –Tumaini Road
14. V.I.P toilets in Mirangine, which were supposed to be built, in the records these toilets were supposed to be done but nothing has actually happened.
15. Karungo Road

Thank you Mr. Speaker.

Speaker: Any member from the Committee on Roads, Public Works and Transport, who can state what time the committee will require to come up with a comprehensive statement in response? Yes, Hon. Suleiman Kimani.

Hon. Suleiman Kihika: Mr. Speaker, my opinion is not enough on this and since my colleagues are out on some duties I beg we be allowed to state when to table the statement response next week on Tuesday after consulting.

(Hon. Kieru Wambui rises on a point of order)

Speaker: What is it Hon. Kieru Wambui?

Hon. Kieru Wambui: Mr. Speaker, the Member for Kanjuiri was supposed to give the time on when the committee will table the report but he has said that the committee be allowed to state when to table the statement response next week on Tuesday after consulting.

(Hon. Silvester Kagiri rises on a point of order)

Speaker: What is it Hon. Silvester Kagiri.

Hon. Silvester Kagiri: Mr. Speaker I was wondering whether it is in order for the Chair to allow a Member who is improperly dressed to stand on the floor of this Hon. House.

Speaker: Actually the Speaker does not see, unless somebody stands on a point of order and points it out and then from there, the procedures of the House are applied. You did not even mention the Member who is not well dressed.

Hon. Silvester Kagiri: Mr. Speaker, I was referring to Hon. Kieru Wambui.

Speaker: The Member for Gatimu is supposed to do the necessary though that the concern has been recorded. Yes, Hon. Suleiman Kimani.

Hon Suleiman Kimani: Hon. Kieru Wambui has misled the House. I said that we are going to sit on Tuesday and come up with a date on which we are going to hand in the report.

Speaker: I am also a Member of that committee and we are going to consult. Yes, the Leader of the Majority party.

Hon. Kariuki Muchiri: Mr. Speaker, actually Hon. Suleiman Kimani, as a member of that committee, is in a position to stand on behalf of the committee and decide. This House should not wait until Tuesday for the committee to come up with a date. If it is one month, he should tell us and if that is not enough, the committee should request for extension of time. It is not in order for the Member not to state the time the committee needs to give back the report. The member for Mirangine has a serious issue in the statement. Thank you.

Hon. Daniel Kibebo: I rise to support Hon Suleiman Kimani. I am one of the committee members. There is a problem; there has been delays because the chair of the committee has not been active. So we beg to let the committee sit and deliberate on the time to table the statement request.

(Consultations)

Speaker: Order Hon Members! Order! Hon. Kibebo was on a point of order. Whether the chair of the Committee on Roads, Public Works and Transport is not active or not is a matter to be discussed in another forum. The Committee on Roads, Public Works and Transport should write a letter to the Liaison Committee about that. However, let's go by what the Speaker has ruled that

we allow the Committee on Roads, Public Works and Transport sit down and decide on the time and give us feedback on Tuesday next week.

Yes Hon. Kamau Ngotho.

Hon. Kamau Ngotho: Mr. Speaker, I am supporting your ruling because it is full of wisdom. Standing Order 179 gives power to the chairperson of a committee during report writing. In the absence of the chairperson, the vice chairperson takes over. When both of them are not there, the members of the committee nominate a member to stand in for the chairperson. Whatever Hon. Suleiman Kimani did was very wise. He said ‘they, as a committee, shall sit and consult’...

(Murmurs)

Speaker: Order Hon. Members! Proceed Hon. Kamau Ngotho.

Hon. Kamau Ngotho: Mr. Speaker, Hon. Suleiman Kimani stood on behalf of the committee chairperson, though he was not nominated by the committee. The committee chairperson is not present, neither is the vice chairperson. So whatever he said is right. I am through Mr. Speaker.

(Hon. Kinyanjui Gachari rises on a point of information)

Speaker: To whom are you giving information Hon. Kinyanjui Gachari?

Hon. Kinyanjui Gachari: To the House Mr. Speaker.

Speaker: Proceed.

Hon. Kinyanjui Gachari: Mr. Speaker, I am sorry to hear that the chairperson of the Committee on Roads, Public Works and Transport is inactive. And if so he should be replaced. Graders have not been repaired. The House has the powers to discipline the Committee on Roads, Public Works and Transport if it is inactive. Thank you.

(Hon. Michael Kirumba rises on a point of order)

Speaker: Yes Hon. Michael Kirumba.

Hon. Michael Kirumba: The Majority Whip has come up with the formula of fixing the Committee on Roads, Public Works and Transport. This House has authority. We cannot bury our heads in the sand on the issues emerging in this House. It has emerged that the chairperson and the vice of the said committee are not serious.

One of them should have been present to put things clear on why the committee’s business was not put in the order paper yet it was uploaded to the Website. In Kikuyu it is said “*Ingithua Ndongoria Ndikinyagira Nyeki.*” The roads problem in Mirangine, for example may persist if it is not addressed. The Majority Whip therefore should do what he is mandated to do concerning committees chairmanship.

Mr. Speaker, considering that you are a member of the Committee on Roads, Public Works and Transport, you should use your wisdom and guide the House on this issue. Thank you.

(Hon. Margaret Wamuyu rises on a point of order)

Speaker: Yes, County Member from Ndaragwa, Hon. Margaret Wamuyu.

Hon. Margaret Wamuyu: Thank you Mr. Speaker. The Committee on Roads, Public Works and Transport is active and it is doing what it is supposed to do. Today the committee is at Njabini. But the members of the committee have some issues that are being addressed. The committee meets as usual.

Thank you Mr. Speaker.

(Hon. Josphat Kamau rises on a point of order)

Speaker: Yes Hon. Josphat Kamau.

Hon. Josphat Kamau: Mr. Speaker, it is not in order to discuss a member who is not in the House; it is good to discuss the matter when he is present so that he can defend himself.

Speaker: I will not allow discussion of the matter again. Matters of a committee should first be discussed at the committee level. If not so, they should be addressed to the Liaison Committee for deliberation. So chairpersons of the committees, apart from the Committee on Roads, Public Works and Transport should write a letter to the Liaison Committee to address the matter.

Next order.

PAPER LAID

NYANDARUA COUNTY REVIEW AND OUTLOOK PAPER, 2016

Speaker: Yes, the Leader of Majority, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Mr. Speaker, I beg to table the Nyandarua County Review and Outlook Paper, 2016. Thank you.

Speaker: The Nyandarua County Review and Outlook Paper, 2016 is duly tabled. Hon. James Gachomba should tell the House when his committee will bring back a report on the paper.

Hon. James Gachomba: Mr. Speaker, the Nyandarua County Review and Outlook Paper, 2016 will guide the implementation of projects. My committee will first go through the budget estimates for the financial year 2015/16. I remember, for example, that my committee invited the Chief Officer of the Department of Roads Public Works and Transport to give some information but he never responded. It will be very wrong if some projects proposed by Members will not be implemented following the adoption of the supplementary budget.

Although the Outlook Paper is not bound by timelines, my committee should be given one month to compile a report on the same. The sectoral committees will be required to make their submissions on whether their proposed projects have been considered for implementation.

Thank you Mr. Speaker.

Speaker: The Office of the Clerk should furnish the sectoral committees with copies of the County Review and Outlook Paper in order for them to peruse it and give their reports to the Budget and Appropriations Committee within two weeks, after which the Budget and Appropriations Committee should prepare the final report.

Yes Hon. Samuel Thuita.

Hon. Samuel Thuita: Mr. Speaker, as the Member for Mirangine said, money for many projects is released yet nothing is implemented on the ground. The sectoral committees should seriously investigate reason for pending bills at the end of a financial year. It is unfortunate that this county has debts running into hundreds of millions at the end of every financial year yet no money is borrowed at the beginning of the financial years. Where does the debts come from?

Thank you Mr. Speaker.

Speaker: Yes, Hon. Josphat Kamau.

Hon. Josphat Kamau: Mr. Speaker, the county government has a lot of pending bills. The contractors who were engaged to implement projects in the last financial year are now languishing in poverty; their properties have been auctioned. Most of them are not well established and they rely on bank loans. The contractors move from one office to the other in the Executive appealing for payments. Why should they not be paid? I know of a contractor whose car has been auctioned. The county government has not paid them about Kshs.10 million. It is so unfair.

Thank you Mr. Speaker.

Speaker: Yes, Hon. Kimani Njiraini.

Hon. Kimani Njiraini: Mr. Speaker, the county government has had pending bills since the year 2013. There is information that some contractors have been paid money yet they never worked for the county. The county government should clear the pending bills forthwith to stop creditors from suffering.

Thank you Mr. Speaker.

Speaker: Yes, Member for Mirangine, Hon. David Ndirangu.

Hon. David Ndirangu (Mirangine): Mr. Speaker, the county government should clear the pending bills. The contractors from Nyandarua County suffer at the expense of the contractors from outside the county. The latter have been paid. One wonders what is happening. We as the county representatives should help our own people and not those from outside. Thank you Mr. Speaker.

Speaker: Actually before anybody else contributes on this matter, it looks as if we have a problem in that department as regards the issue of implementation. Remember this is the County Review and Outlook Paper, 2016 that captures all the implementation projects that were supposed to be done by now. Therefore, I don't know whether it would be good to allow the Committee on Budget and Appropriations to follow up the implementation together with the Office of the Clerk after which all the Members of this House will sit somewhere within the Assembly or even somewhere within the county so that if someone has a query, the respondent can rush to the office and come back immediately. Therefore, the Office of the Clerk has two or three days to sit together with the Committee on Budget and Appropriations and summon all the departmental heads so that this issue of unpaid bills can be discussed.

Yes, Hon. Michael Kirumba.

Hon. Michael Kirumba: Thank you very much Mr. Speaker. I observe that we are in the wrong place discussing these pending issues. From where we are, we are supposed to be dealing with the supplementary budget so that we can unlock the issue of the pending bills. You can imagine that as we sit here, the supplementary budget has not yet found its way into the assembly. This further complicates this whole matter because even if we started doing that, we shall still be delaying the issue of these bills and we would be toiling in circles. I don't know whether your office could give a direction as pertains to this matter. There would be no problem even if they do not heed your command but it will be on record that this House raised a red flag on the issue. By now, we ought to have received the supplementary budget so that we can start paying the local contractors who are now languishing in poverty as Hon. David Ndirangu has observed. But again, however much we keep shouting and crying, nothing seems to be happening.

I think it would be good, Mr. Speaker, that you give directions so that it will be on record and history will never condemn us. Otherwise, I think the time given by the Chairman of the

Budget and Appropriations committee is enough to interrogate these things so that when we come back, we shall be knowing our stand. Thank you Mr. Speaker.

Speaker: Chairman of the Committee on Budget and Appropriations, Hon. James Gachomba.

Hon. James Gachomba: Mr. Speaker, it does not mean that taking a whole month to come up with a document will deny Members of this House the opportunity to go and interrogate the supplementary budget. As a budgetary requirement, there is no way we can fail to incorporate in the supplementary budget the priorities of our Members.

Thank you Mr. Speaker.

Speaker: Mr. Speaker, even if we convene a meeting of all departmental heads, the committee still has a mandate to scrutinize its work. The reason why I am saying this is for the sake of the Hon. Member for Mirangine. The said Member brought the information and did whatever was necessary. Similarly, in the case of these pending bills, if they could be discussed at the committee level, then it would be easy to respond to statements sought by the Member for Mirangine. The point I am trying to drive home is that if every committee could find proper ways of doing things, I think we could save this House. Many contractors have been crying all over. Their working equipment have even been grounded due to lack of money. Mr. Speaker, if the relevant committee can execute its mandate, we shall be able to save the image of this House. Thank you.

Speaker: Next order.

MOTION

REPORT ON EARLY CHILDDHOOD DEVELOPMENT BILL, 2015

(Hon. Kamau Ngotho rises on behalf of Hon. Joseph Kamau.)

Speaker: Member for Ol'kalou, Hon. Kamau Ngotho.

Hon. Kamau Ngotho: Mr. Speaker, I beg to move the following motion:

That the Nyandarua County Early Childhood Bill, 2015 be now read a second time, as per the requirement of article 46 5(b) of the standing orders which requires that the notice of motion be given at least one day before a motion appears on the order paper.

Mr. Speaker, the Committee on Education, Culture and Social Services has so far developed five Bills:

- I. The Alcoholic Drinks Control Bill,
- II. Amendment to the Alcoholic Drinks Control Bill
- III. The Bursary Bill, Amendment to the Bursary Bill and
- IV. The Early Childhood Development Bill.

So it is the Committee that has drafted the most of the Bill passed by this House. Having said that Mr. Speaker, let me recognise those who came up with this report as they are listed. They include:

1. Hon. Josphat Kamau -Chairperson
2. Hon. Nancy Ng'ang'a -V/chairperson
3. Hon. Kamau Ngotho -Member

4. Hon. Daniel Kibebo	-Member
5. Hon. Joyce Ng'ang'a	-Member
6. Hon. John Gachari	-Member
7. Hon. Jane Mwathe	-Member
8. Hon. Samuel Thuita	-Member
9. Hon. Rebecca Weru	-Member
Member of staff	
1) Irene Kang'au	-Committee Clerk
2) John Kahinga	-Legal Officer
3) Patricia Chege	-Clerk Assistant
4) Leah Njenga	-Commissionaire

ACKNOWLEDGEMENT

Mr. Speaker Sir, I wish to recognize and appreciate the immeasurable efforts of the Hon. Members of this committee for the commitment they showed during the writing of this report. Our gratitude also extends to your office and the office of the Clerk for making the entire report writing process successful. Finally, Mr. Speaker Sir, it is my pleasure, on behalf of the Committee on Education, Labour and Social Services to present this report to the House.

INTRODUCTION

LEGAL BACKGROUND

Mr. Speaker the Constitution of Kenya 2010 under article 53(1) (b) provides that every child has the right to free and compulsory basic education. To guarantee this constitutional right the National Assembly enacted the Basic Education Act of 2013. Under the Basic Education Act of 2013, basic education has been defined as “the educational programmes offered and imparted to a person in an institution of basic education and includes adult basic education and education offered in pre-primary educational institutions and centres”.

This brings forth the issue of what entails basic education which under the Basic Education Act includes education from pre-primary to secondary education. Under the fourth schedule of the Constitution the role of the County Government in relation to education has been outlined as “pre-primary education, village polytechnics, home craft centres and childcare facilities. This means the Nyandarua County Early Childhood Education Act jurisdiction is in relation to pre-primary education and childcare facilities. This ideally covers the children from the age of two to six years. The Basic Education Act has defined “pre-primary education” as education offered to a child of four or five years before joining level one in a primary school.

This implies that pre-primary education covers children below six years old which is inconsistent with the requirement that a child is supposed to join primary upon attaining the age of seven years. The definition of early childhood varies greatly among organizations, schools and governments. The National association for education of young children, the world largest advocacy organization devoted to early childhood learning, defines early childhood education as a high quality program geared towards educating children from birth to eight years old. Another definition states that early childhood education is a term that refers to educational programs and strategies geared towards educating children from birth to the age of eight.

This time period is widely considered the most vulnerable and crucial of a person's life. Early childhood education entails early childhood development which is generally divided into three broad categories which are; Physical, Cognitive and Socio-emotional development. Physical development addresses any change in the body, how children grow, move and how they perceive their environment. Cognitive development pertains to mental processes, language, memory and problem-solving. Emotional and Social development addresses how children handle relationships with others as well as understanding of their own feelings. *Bredenkamp and Copple 1997*, in their book *Developmentally Appropriate Practice in Early Childhood Program*, suggest that early childhood education is broadly divided into three categories.

The First category includes infants and toddlers between 0-3yrs. The most important factor for young infants of 0-8months is security from the caregiver. Mobile infants between 9-18 months are concerned with exploration while those between 18-36 months are concerned with identity formation.

The Second category includes pre-scholars who are 3-5 years old. This period is characterized by rapid gross motor development such as jumping, hopping and skipping, refined movement of small muscles for object manipulation and increased vocabulary.

The Third category includes children from 6-8yrs of age. In this category children are able to perform controlled movements and sequence motor skills, problem-solving, greater reasoning, rapid increase of language and written communication skills. Socially, the children are able to understand others' perspectives.

Libby Ethridge, president of the National Association of Early Childhood Teacher Education, states that a child who attends early learning program demonstrates high level of academic achievement, improved intelligence quotient (I.Q), reduced chances of delinquency and better social adjustment than those who have no formal early childhood education. Such a child is less likely to be forced to repeat a class or placed in special education since learning issues can be identified and mediated early.

High quality early childhood education is a combination of a healthy safe environment together with educational and social stimulation appropriate to the development and age of children being served. Features of a high quality early childhood education, according to *Worthman (2006)*, include; Structural elements relating to physical environment, staffing element, process element relating to curricular practices and parental involvement.

Structural elements refer to things such as child care space, amount and kind of outdoor space, requirements of furniture, toilet, windows, flooring material and kitchen facilities. For high quality early childhood education to be enhanced there is need to ensure that spacious, colourful classrooms, playgrounds, sandpits, outdoor facilities and clean toilets are available in an early childhood education center. It is important to emphasize that play is crucial for the child's development. Research indicates that children learn best in an environment which allows them to explore, discover and play. Play is an important part of developmentally appropriate child care program. It is also closely tied to the development of cognitive-socio, emotion and physical behavior.

According to *Fromberg and Gullo (1990)* in their article "Play Issues in Early Childhood Education" play enhances language development, social competence, creativity, imagination and thinking skills.

Frost J. L (1992), in "Play and Plays capes" concurred with Fromberg and Gullo citing that play is the chief vehicle for the development of imagination, intelligence, language, social skills and perceptual motor abilities.

Hymes (1981) in “Teaching the Child under six” posits that children have two classrooms, that is, outdoor and indoor. The outdoor play environment should be used as an extension of indoor classroom. It is, therefore, important to emphasize that while considering structural elements, aspects of outdoor environment too should be emphasized that is; playgrounds, sandpits, and outdoor play facilities.

Process elements: these refer to experiences children have in early childhood education centers. They include aspects of adult-child interaction, child exposure to and involvement with learning material and parent-caregiver relationship. All these affect children’s behavior and learning experience in the child care setting.

Teachers’ qualities element: Ideally, those who care for young children should have professional skills and educational background in early child hood development and curriculum. Teachers with these kind of skills ensure that there is satisfaction with their work, have greater sensitivity to the needs of the children and cultivate a positive teacher-parent relationship. Trained teachers are a requirement in ensuring that effective early childhood education is guaranteed. It is important to note that low wages paid to teachers in child-care settings have a very negative effect on the quality of teachers.

Curriculum and curriculum implementation materials: Curriculum refers to lessons and academic content taught in a school. An effective early childhood education should have a clear curriculum which is followed. For it to be implemented effectively, there is need to have curriculum implementation materials that include; teaching and learning materials which include (books, toys, building blocks and flashcards), skilled and semi-skilled workers.

Currently, the education system of the United States of America does not support universal pre-school thus placing a financial burden on parents. Likewise, in Kenya there are no clear guidelines on how early childhood education should be implemented. For the longest time, parents of children in early childhood centers have been catering for early childhood education, they are charged a fee that is used to pay the teachers, buy learning materials, and construct classrooms, toilets among other infrastructure. Despite early childhood education being devolved, parents have not been relieved of this burden. There is need, therefore, for the County Government to formulate a law that will ensure that early childhood development and education is well structured and managed. A law is needed to guide on the structural elements, process elements, teachers’ qualities, curriculum and curriculum implementation materials.

ISSUES RAISED FROM THE BILL DURING PUBLIC PARTICIPATION

Mr. Speaker, Sir, the Committee on, Education, Labour and Social Services conducted public participation forums in all the 5 sub-counties of Nyandarua County as per the attached schedule (Annex 1) and in accordance to Article 118 (1) b. of the Constitution of Kenya.

KINANGOP SUB-COUNTY.

On 11th May 2016 the Committee on Education, Labour and Social Services conducted a public participation forum in Kinangop sub county Engineer Catholic Church and Kwa-Haraka A.I.C church, the following were the issues raised;

ENGINEER CATHOLIC CHURCH

That the definition of a home based care center is not clear; the Bill defines it as one offering early childhood to five or more children not being the children of person providing education or care. A member of the public inquired on a scenario where the parents of the children have gone to carry out day to day activities such as farming and in the process leave more than five children to another person left at home to take care of them, and whether that constitutes a home-based care center that needs licensing.

That on definition of early childhood development, aesthetic development which is an important aspect of child development had been omitted. She explained that aesthetic development entails art and music.

That on definition of curriculum the Bill has not cited who is to approve the curriculum used by pre-schools.

That the Bill has not defined or covered matters relating to children with special needs who are in the pre-school years. A parent of a child living with disability was concerned that most ECDE centers do not accommodate children living with disabilities and those that do lack facilities to support such children. The parent insisted on the need to have children with disabilities included in the mainstream citing that segregating them in a special school meant for persons with disabilities is a form of discrimination.

That on clause 9 of the Bill a resident was concerned that the Bill did not address the issue of the furniture that the children in the preschool use positing that some are neither size nor age appropriate for the children.

A resident who is a pre-school teacher employed by a private school owned by a church wondered if the County Government intends to employ the ECDE teachers. Another resident lamented that the county Government should have a way of rewarding the ECDE teachers on the basis of their qualifications and number of years of experience in teaching children in pre-school, and not a blanket reward as it is currently.

On clause 30 (a) the issue of provision of funds needs to be clarified. Should this not be clarified, the Department on Early Childhood Education will find ways of misusing public funds, a resident lamented.

KWA-HARAKA A.I.C CHURCH.

A resident was concerned that the County Government has not considered initiating an early childhood education feeding program. He cited that Murang'a County has rolled out such a program for children in ECDE centers.

A parent was concerned that the Bill has not addressed the issues of furniture and books for children in pre-schools. He lamented that parents are forced to pay a lot of money as school fees, to cater for purchase of furniture, books, teachers' salaries and exams. This has led to children of pre-school going age failing to access education since some parents cannot raise the said amounts.

A resident was concerned that the Bill does not propose any measures to regulate transport for children in early childhood education. He cited that the buses ferrying children to pre-school are usually overloaded, especially for schools that are privately managed.

On clause 28 a pre-school education proprietor was concerned that the pre-primary management committee board established by the Bill is different from that which is proposed in the Senate Bill clause 29. He further noted that the Board established by the Bill does not have a Chairperson as the head-teacher is said to be the Secretary. The resident added that the Senate Bill proposes that

the function of the County Government should be as listed in the proposed Senate Bill clause 6. He further cited that the Senate Bill has provided expansive means of the County Government to provide education for children with disabilities as stated in the proposed Bill Clause 9 (2) (a-g).

NDARAGWA SUB-COUNTY & OL JOROROK SUB-COUNTY

On 12th May 2016 the Committee undertook public participation in Ndaragwa sub-county (Ndaragwa Catholic Church) and OlJoro-orok sub county (P.C.E.A OlJoro-orok).

NDARAGWA SUB-COUNTY

NDARAGWA CATHOLIC CHURCH

A resident was concerned that the County Government has not considered initiating an early childhood education feeding program. The resident informed the Committee that in Ndaragwa region, some children cannot even afford a single meal a day; these children cannot even afford fee. He was of the opinion that the County Government should consider starting a school feeding program which will serve as an incentive to the children to attend school. He also proposed that the government considers doing away with school fees so that all the children can access early childhood education.

OLJORO-OROK SUB-COUNTY

P.C.E.A OLJORO-OROK

On payment of school fees for children in pre-school, the area chief was concerned that most parents do not take their children to early childhood education centers because of the fee charged. They, therefore, wait till the child is of primary school age to enroll them there since there are no charges.

On clause 23, a resident was concerned that there is need to have a clear definition of what is habitable premises. He further indicated that the Bill should look into issues of a proprietor providing a title deed of the land where a school is situated or a lease agreement. This, he said would avoid confrontations and rows that have been witnessed in the past, especially those associated with land grabbing.

KIPIPIRI SUB-COUNTY & OLKALAO SUB-COUNTY

On 13th May 2016 the Committee on Education, Labour and Social Services undertook public participation in Kipipiri and Ol'kalou Sub counties at Manunga Catholic and Ol'kalou Anglican church.

KIPIPIRI SUB-COUNTY

MANUNGA CATHOLIC CHURCH

The committee members arrived at Manunga Catholic Church at 9:00am but no member of the public attended the said activity.

OL'KALOU SUB-COUNTY

OL'KALOU ANGLICAN CHURCH OF KENYA.

On payment of school fees for children in pre-schools, a resident was concerned that most parents do not take their children to early childhood education centers because of the high fee charged. Consequently they wait till the child is of primary school age and take them there since there is no fee charged.

A resident informed the Committee there is need for regulation of transportation for children, especially in the private schools, citing that some school buses overload the children with no regard for the safety and comfort of the pupils.

COMMITTEE FINDING AND OBSERVATION

1. The definition of curriculum has not stated who should approve the curriculum. The members felt that the definition of curriculum in the Bill lacks clarity in terms of who approves the curriculum. This they felt is necessary to avoid creating a vacuum and/or confusion. It was suggested that the interpretations should be deleted and substituted with the following meaning;
“Curriculum-means all approved subjects taught or programmes offered in an education centre which are approved by the Kenya Institute of Curriculum Development”
2. Children with special educational needs who are below six years; the concern was that the constitution gives the role of the pre-primary and childcare to the County Government but the Basic Education Act under section 44 stipulates that the role of special education schools belong to the national government via the Cabinet Secretary. This brings confusion and conflict as it seems to discriminate against children with special needs who are at the pre-primary stage. It is important that the interests of children with special needs are taken care of by the County Government as they are under the age bracket of below seven years. Although the Senate has tried to remedy the shortcomings of the BEA by proposing amendments to it on the issues of special education needs, the same is still a Bill and thus, it cannot be effected. The Bill has tried to cater for special education by stating that one of the functions of the directorate is to liaise with the national government in relation to children with special needs. The committee members were of the opinion that it is important that the meaning of children with special needs is included in the Bill as follows;
"children with special needs" means children whose mental characteristic, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are under developed and include children who suffer from long-term disabilities that affect the body or emotions to the extent that learning growth and development are affected”
3. Free and compulsory ECDE education under clause 4; the committee members observed that both the constitution and the Basic Education Act require that there is free and compulsory basic education, an element that was missing in the Bill. It was resolved that an amendment on clause 4 be made to add the word “free” to align the Bill with the constitution and BEA.

4. The definition of pre-primary education: the Bill has defined pre-primary as education offered to a child of five or six years before joining level one in primary school. This was found to be incomplete and it was agreed that it should be changed to state as follows; “pre-primary education” means education offered to a child between the age of four and six years.
5. Accessibility of furniture and learning and teaching materials:
On this concern the Committee members felt that it was important that the furniture was appropriate for the age of the child. The same should apply for other learning materials that are in tandem with best practices that give regard to the age and development stage of the child. The committee members agreed that the Bill should include a schedule with the specifications.
6. Measures to regulate transport method for children in early childhood education:
The Committee members felt that there was need to ensure that there are measures to regulate transportation of children in pre-primary schools. This was due to the fact that there has been cases where children are ferried in total disregard to the traffic regulations thus putting their lives at risk. It was resolved that a new clause on transportation be added as follows;
“a person or institution shall not designate or use a motor vehicle for transporting children to and from school or non-school related activity unless the motor vehicle is licensed under the Traffic Act (cap 403) for that purpose and meets the requirements of the Traffic Act and any prescribed standards.”
7. Composition of pre-primary management committees.
Members were concerned that the management Committees had not stated who would be the chairperson or how they would be appointed. At the same time there was a discussion on whether the representative should have any qualifications in regard to being a member of the Committee or the Chairperson. The members agreed that clause 28 should be amended by including the words “one of whom shall be the chairperson”
8. Members of the public wanted to know the functions of the County Government in relation to ECDE. Under the fourth schedule (part two) of the constitution, pre-primary education, village polytechnics, home craft centres and childcare facilities are a function of County Government. This means that the function covers pre-primary education and childcare facilities. Under the Basic Education Act this should cover the children from two years to six years. It was felt that section 26(1) of the Basic Education Act is limiting in terms of the role of County Government as it stipulates as follows; “*The roles of the county government shall include the provision of funds required for the development of the necessary infrastructure for institutions of basic education and training used for conducting pre-primary education, childcare facilities, home craft centres and village polytechnics.*” This means that the County Government is supposed to only provide funds for infrastructure in ECDE institutions. It was the opinion of the members that the ECDE should be fully devolved so that the counties can be in control of all the aspects including recruitment of teachers and quality assurance. The senate has recognized that there is a problem with the Basic Education Act and recommended that it should be amended accordingly.
9. Role of County Government in provision of ECDE to children with disabilities: The members deliberated on this matter and agreed that, ideally the County Government

- should be responsible for the children with disabilities who are at the ECDE level. However, the Basic Education Act has stated that the role of children with special needs belongs to the national Government¹. This is a misnomer which should be corrected with an amendment to the Basic Education Act so that the county is given the role of taking care of children with special needs. The members noted that the Bill had tried to take care of children by requiring the County Government to liaise with national government agencies to ensure that such children are catered for. This, however, the Committee noted was not enough and should be addressed.
10. Provision of free E.C.D.E in the County as it is the case in primary schools. The members of public were concerned that pre-primary education was not absolutely free which was affecting attendance as some had opted to wait to join primary school. The members noted that there was an oversight in the Bill as pre-primary education should be free and compulsory as outlined in the Basic Education Act. It was agreed that the Bill should be amended on clause 6 such that the directorate's function should be to ensure that there is free and compulsory pre-primary education in the County.
 11. There is need for clarification on what constitutes habitable premises. The members were of the opinion that this issue has been covered under clause 9 of the Bill as it covers ventilation, sleeping, toileting, lighting amongst others. However, it was agreed that, for the purpose of clarity a schedule will be introduced highlighting criteria for determining the suitability of premises for the conduct of early childhood education.
 12. That an aspect of development of a child; aesthetic development, which entails art and music has been omitted. The members agreed that an amendment should be made on the definition of "early childhood development" by inserting the word "aesthetic" after the word physical.
 13. That clause 30(a), on provision of funds, is not clear and should be clarified further to avoid misuse of funds. The members agreed that the clause was good in its current form as it would be used to support all the activities in the pre-primary schools.
 14. On Clause 31 (1), a resident questioned whether it was the role of the Directorate or Quality Assurance agency of the national government to assess the performance of all early childhood education teachers and pre-primary assistants. It was noted that under the Basic Education Act, the role of quality assurance belonged to the national government and the DICECE has been performing that function.
 15. Establishment of a feeding programme in ECDE schools in the County. The issue of feeding programme was discussed at length, bearing in mind that the county has limited resources and that the children should be taken care of, especially those in arid and semi-arid areas. The members agreed that if the funds provided for under clause 30 of the Bill were channelled directly to schools then they would cater for that purpose.
 16. The members further noted that there was need for an amendment on the memorandum of objects and reasons so that it could be compliant with article 114 of the Standing Orders in relation to delegated legislative authority, limitation to fundamental rights and financial implication. The members agreed that although the Bill was not a money Bill as per section 21 of the County Government Act it occasioned use of public funds.
 17. They further agreed that the memorandum of objects and reasons should be amended by deleting the words "Peter Macharia and replacing them with the words "Hon. Josphat Kamau".

¹ Section 45 of the Basic Education Act.

RECOMMENDATIONS

Mr. Speaker Sir, the Committee came up with the following recommendations;

1. That clause 2 of the Bill on interpretation be amended as follows;
 - i) Entirely deleting the following words “authorized officer” means an officer designated by the executive Member to carry out quality assurance and assessment of Early Childhood education and care centres.”
 - ii) That the meaning of “curriculum” be amended by inserting the following words “which are approved by the Kenya Institute of Curriculum Development;” immediately after words “education institution”
 - iii) That the meaning of “ early childhood development” be amended by inserting the word “aesthetic” after the word “ physical” and immediately before the word “social”
 - iv) That the definition of “pre-primary education” be amended by deleting the following words “ of five or six” and replacing them thereof with the following words “aged between four and six years”
 - v) That a new definition be added immediately after the definition of word “child” as follows; “children with special needs" means children whose mental characteristic, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are underdeveloped and include children who suffer from long-term disabilities that affect the body or emotions to the extent that learning growth and development are affected;
 - vi) That a new definition of school be added as follows; ““school” means an early development centre or a pre-primary school”
2. That clause 4(a) of the Bill be amended by inserting the word “free” immediately after the word “accessible and immediately before the word “compulsory”
3. That clause 6(b) of the Bill be amended by inserting the following words “free and compulsory” immediately after the word “to” and immediately before the word “pre-primary”
4. That a new clause 10 on transportation be added as follows “a person or institution shall not designate or use a motor vehicle for transporting children to and from school or school or non-school related activity unless the motor vehicle is licensed under the Traffic Act (cap 403) for that purpose and meets the requirements of the Traffic Act and any prescribed standards.”
5. That clause 10 on licensing is renumbered as clause 11.
6. That clause 11(1-3) be wholly deleted and 11(4) be re-numbered as 12 and titled as “open door policy” and further that the serialization a-d be deleted and replaced with (1-4).
7. That clause 12 is renumbered as clause 13 and that sub-clause (4) be amended by inserting the words “tuition and” immediately after the word collect and immediately before the word admission.
8. That clause 13(2) be amended by renumbering it as clause 14(2) and deleting the words “one hundred” and inserting thereof the word “fifty” immediately the word “shillings” and further deleting the word six and inserting thereof the word “three”

- Further that sub-clause (3) be amended by deleting the word “his” and inserting thereof the word “the ‘immediately before the word “child”
9. That clause 14 be renumbered as clause 15 and be amended by inserting a sub-clause (2) as follows “No child shall be denied admission in a school or basic education institution for lack of proof of age.”
 10. That clause 15 be amended by re-numbering it as clause 16.
 11. That clause 16 be amended by re-numbering it as clause 17 and sub-clause (2) be amended by deleting the words “one hundred” and inserting thereof the word “twenty” and deleting the words “one year” and inserting thereof the words “three months”.
 12. That clause 17 be amended by re-numbering it as clause 18 and sub-clause (2) be amended by deleting the word “fifty” and inserting thereof the word “twenty” and deleting the words” six months” and inserting thereof the words “three months”.
 13. That clause 18 be amended by re-numbering it as clause 19 and a new sub-clause be inserted as follows;
“(k) Appoint head teachers of public pre-primary schools in the County.”
 14. That clause 19 be amended by re-numbering it as clause 20.
 15. That clause 20 be amended by re-numbering it as clause 21
 16. That clause 21 be amended by re-numbering it as clause 22
 17. That a new clause 23 be inserted as follows;
 - (1) There is established, in the county, an early childhood education recruitment committee which shall consist of -
 - (a) the county executive committee member or a person designated by him or her in writing;
 - (b) the chairperson of the county public service board or a person designated by him or her in writing;
 - (c) one representative of the Teachers Service Commission nominated by the Commission; and
 - (d) a person nominated to the committee by the County Education Board.
 - (2) The early childhood education recruitment committee shall be responsible for the recruitment of early childhood education teachers within the county.
 - (3) Every person who intends to teach or administer early childhood education shall be registered as a teacher by the Teachers Service Commission.
 - (4) Upon the registration of a person as an early childhood education teacher under subsection (3), such person shall apply to be recruited as an early childhood education teacher by the early childhood education recruitment committee.
 - (5) The Teachers Service Commission shall exercise disciplinary and professional control over the early childhood education teachers.
 - (6) Notwithstanding subsection (5), the County Government may -
 - (a) impose such teaching standards and conditions of performance on the teachers, in addition to those imposed by the Teachers Service Commission, as it may consider necessary; and
 - (b) dismiss a teacher for breach of any condition of employment.
 18. That clause 22 be amended by re-numbering it as clause 24
 19. That clause 23 be amended by re-numbering it as clause 25 and that sub-clause 2(a) be wholly deleted, and further that sub-clause (5) be amended by deleting the words “one hundred”

and inserting thereof the word “twenty” and deleting the word ‘six” and replacing thereof with the word “three”

20. That clause 24 be amended by re-numbering it as clause 26
21. That clause 25 be amended by re-numbering it as clause 27
22. That clause 26 be amended by re-numbering it as clause 28
23. That clause 27 be amended by re-numbering it as clause 29
24. That clause 28 be amended by re-numbering it as clause 30 and that the serialization of the sub-clauses is amended by deleting the serialization (i),(ii),(iii) and inserting thereof the serialization (1),(2),(3) and further amending sub-clause (1) by inserting the words “one of whom shall be the chairperson” immediately after the word “institution”
25. That clause 29 is amended by re-numbering it as clause 31.
26. That clause 30 is amended by re-numbering it as clause 32 and
 - (i) That sub-clause (1)(a) be amended by inserting the following words “ for the effective running of pre-primary schools .
 - (ii) That sub-clause (1) (b) be amended by wholly deleting it.
 - (iii) That sub-clause (3) be amended by inserting the words “not be” immediately after the word “shall” and before the word “recruited”
27. That clause 31 is amended by re-numbering it as clause 33 and further be wholly deleted.
28. That the memorandum of objects and reasons should be amended as follows;
 - i) Inserting the Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms. The Bill confers on the Executive Member the powers to make regulations under the Act for the purposes of operationalizing the Act in order to implement the objectives set out in clause 3 of the Bill. The Bill does not limit any fundamental rights or freedoms
 - ii) Statement that the bill is not a money bill
This Bill is not a money Bill within the meaning of section 21 of the County Government Act.
Though it will occasion expenditure of public funds for defraying expenses of operationalization of the Act but the allocation will done in another law through the Appropriation Acts.
 - iii) That the memorandum of objects and reasons should be amended by deleting the words “Peter Macharia and inserting thereof the words “Hon. Josphat Kamau”.
29. That a first schedule on criteria for determining the suitability of premises for the conduct of early childhood education is introduced.
 - a. The number of children admitted into the education centre
 - b. The size of the classrooms which shall not be less than 8m x 6m and which shall hold not more than fifteen children
 - c. Condition of the premises
 - d. Adequate ventilation
 - e. Lockable doors and windows and the existence of emergency exits
 - f. Ablution blocks suitable for use by children
 - g. Adequate furniture suitable for use by children
 - h. Existence of play or psychomotor materials and teaching materials

CONCLUSION

Nelson Mandela once said “Education is the most powerful weapon which you can use to change the world”. Wise words spoken, but more specifically early childhood is a crucial stage of life in-terms of a child’s physical, intellectual, emotional and social development. Growth of mental and physical abilities progress at an astounding rate and a very high proportion of learning takes place from birth to age six.

It is a time when children particularly need high quality personal care and learning experiences. It is in view of the above that Nyandarua County Assembly should enact a law governing this crucial stage of education.

Mr. Speaker, I finally wish to state that coming up with five Bills is no mean feat and therefore I commend the Chairperson of the Committee on Education, Culture and Social Services and the Member thereof. With that I now call upon the Chair of the Committee on Education Culture and Social Services, Hon. Josphat Kamau, to second the motion. Thank you Mr. Speaker.

Speaker: Yes Hon. Josphat Kamau.

Hon. Josphat Kamau: Thank you Mr. Speaker. I thank the Hon. Kamau Ngotho for moving the motion: Tat the Nyandarua Early Childhood Development Bill, 2015 be read a second time. There was a lot of conflict between the county and the national government concerning the recruitment of ECDE teachers. The condition that the national government gave were above the bar for the county governments. The Bill defines who will be mandated to recruit the ECDE teachers.

The CPSBs should source a resource person from TSC to help in the recruitment of ECDE teachers. Remember the said conflict left some counties without ECDE teachers. Most counties consider early childhood education critical. Murang’a County governor announced that ECDE in the county is free and compulsory. This calls for availability of teachers and infrastructure.

Once the Bill is assented to by the governor it will guide on what ought to be done, how it ought to be done and who ought to do it. There are ECDE teachers who are paid peanuts from the money contributed by parents. Making ECDE compulsory requires that all teachers be paid their salaries by the county government.

One of the recommendations of the committee is that a feeding programme should be introduced in early childhood schools. If the kids are well fed they will concentrate in learning. Kids in the urban areas are more exposed than those in the rural areas. They even have higher chances of accessing learning material with ease.

Mr. Speaker, I do not see the reasons why we should not pass this Bill and compel the governor to assent it. Another thing is that the county government is interested in the kids who have not joined primary school; that is, those who are in pre-primary schooling. Kids who have not been able to access education should now have a chance to access the same. I now wish to second the motion.

Thank you Mr Speaker.

(Question that the bill be read a second time proposed)

(Question that the bill be read a second time put and agreed to)

Speaker: Next order.

COMMITTEE OF THE WHOLE HOUSE

(The Deputy Speaker, Hon. Wambugu King'ori, leaves the Chair)

IN THE COMMITTEE

(The Chairperson, Hon. Dorcas Kihara, takes the Chair)

NYANDARUA COUNTY EARLY CHILDHOOD DEVELOPMENT BILL, 2015

Chairperson: Order, Members. We are now in the Committee of the Whole House and we are on The Nyandarua County Early Childhood Development and Education Bill, 2015.

CLAUSES WITHOUT AMMENDMENTS

Let us move to the clauses without amendments globally.

(Question on considering the clauses without amendments globally proposed)

(Question on considering the clauses without amendments globally put and agreed to- Clause 3, Clause 5, Clause 7, Clause 8, Clause 9, Clause 19, Clause 20, Clause 21, Clause 22, Clause 24, Clause 25, Clause 26, Clause 27, Clause 29.)

(Question on CLAUSE 3, CLAUSE 5, CLAUSE 7, CLAUSE 8, CLAUSE 9, CLAUSE 19, CLAUSE 20, CLAUSE 21, CLAUSE 22, CLAUSE 24, CLAUSE 25, CLAUSE 26, CLAUSE 27, CLAUSE 29 proposed)

(Question on CLAUSE 3, CLAUSE 5, CLAUSE 7, CLAUSE 8, CLAUSE 9, CLAUSE 19, CLAUSE 20, CLAUSE 21, CLAUSE 22, CLAUSE 24, CLAUSE 25, CLAUSE 26, CLAUSE 27, CLAUSE 29 put and agreed to)

CLAUSES WITH AMMENDMENTS

Clause 4

(Question on Clause 4 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that sub clause 4 (a) of the bill be amended by inserting the word “free” immediately after the word “accessible and immediately before the word “compulsory”. I call upon Hon. Kimani Njiraini to second the amendment.

Chairperson: Yes Member for Kaimbaga.

Hon. Kimani Njiraini: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 4 as amended put and agreed to)

Chairperson: Next.

Clause 6

(Question on Clause 6 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that sub clause 6(b) of the Bill be amended by inserting the following words “**free and compulsory**” immediately after the word “to” and immediately before the word “pre-primary”. I call upon Hon. Kibebo to second the amendment.

Chairperson: Yes Member for Gathaara.

Hon. Daniel Kibebo: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 6 as amended put and agreed to)

Chairperson: Next.

Clause 10

(Question on Clause 10 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that clause **10** of the Bill be amended by deleting the number, “10” and inserting thereof the number “**11**” and henceforth re-serialize the subsequent clauses chronologically. I call upon Hon. Kinyanjui Gachari to second the amendment.

Chairperson: Yes Member for Shamata.

Hon. Kinyanjui Gachari: I second.

(Question on amendment propose)

(Question on amendment put and agreed to)

(Question on Clause 10 as amended put and agreed to)

Chairperson: Next.

Clause 11

(Question on Clause 11 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that clause 11(1-3) be wholly deleted and 11(4) be re-numbered as 12 and titled as “open door policy”. I call upon Hon. Jane Mwathe to second the amendment.

Chairperson: Yes, County Member from Wanjohi.

Hon. Jane Mwathe: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 11 as amended put and agreed to)

Chairperson: Next.

Clause 12

(Question on Clause 12 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that sub-clause 12 (4) be amended by inserting the words “tuition and” immediately after the word “collect” and immediately before the word “admission”. I call upon Hon. Kinyanjui Gachari to second the amendment.

Chairperson: Yes, Member for Shamata.

Hon. Kinyanjui Gachari: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 12 as amended put and agreed to)

Chairperson: Next.

Clause 13

(Question on Clause 13 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that sub clause 13(2) of the bill be amended by deleting the words “one hundred” and inserting thereof the word “fifty” immediately the word” shillings” and further deleting the word “six” and inserting thereof the word “three”. Further that sub-clause 13(3) be amended by deleting the word “his” and inserting thereof the word “the ‘immediately before the word “child”. I call upon Hon. Kamau Ngotho to second the amendment.

Chairperson: Yes Member for Karau.

Hon. Kamau Ngotho: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 13 as amended put and agreed to)

Chairperson: Next.

Clause 14

(Question on Clause 14 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that clause 14 of the bill be amended by inserting the following; “14 (2). No child shall be denied admission in a school or basic education institution for lack of proof of age.” I call upon Hon. Kimani Njiraini to second the amendment.

Chairperson: Yes Member for Kaimbaga.

Hon. Kimani Njiraini: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 14as amended put and agreed to)

Chairperson: Next.

Clause 16

(Question on Clause 16 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that sub clause 16(2) of the bill be amended by deleting the words “one hundred” and inserting thereof the word “twenty” and deleting the words “one year” and inserting thereof the words “three months”. I call upon Hon. Kinyanjui Gachari to second the amendment. I call upon Hon. Gachari to second.

Chairperson: Yes Member for Shamata.

Hon. Kinyanjui Gachari: I second.

(Question on amendment proposed)

Question on amendment put and agreed to)

(Question on Clause 16 as amended put and agreed to)

Chairperson: Next.

Clause 17

(Question on Clause 17 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that clause 17 (2) of the bill be amended by deleting the word “fifty” and inserting thereof the word “twenty” and deleting the

words” six months” and inserting thereof the words “three months”. I call upon Hon. Daniel Kibebo to second the amendment.

Chairperson: Yes Member for Gathaara.

Hon. Daniel Kibebo: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 17 as amended put and agreed to)

Chairperson: Next.

Clause 18

(Question on Clause 18 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that clause 18 of the bill be amended by inserting the following; “18. (k) appoint head teachers of public pre-primary schools in the County.” I call upon Hon. Jane Mwathe to second the amendment.

Chairperson: Yes County Member from Wanjohi

Hon. Jane Mwathe: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 18 as amended put and agreed to)

Chairperson: Next.

Clause 23

(Question on Clause 23 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that sub-clause 23(2) (a) be wholly deleted, and further that sub-clause 23(5) be amended by deleting the words “one hundred” and inserting thereof the word “twenty” and deleting the word ‘six” and replacing thereof with the word “three”. I call upon Hon. Kamau Ngotho to second the amendment.

Chairperson: Yes, Member for Karau.

Hon. Kamau Ngotho: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 23 as amended put and agreed to)

Chairperson: Next.

Clause 28

(Question on Clause 28 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose that clause 28 (4) (a) of the bill be amended by deleting the serialization (i),(ii),(iii) and inserting thereof the serialization (1),(2),(3) and further amending sub-clause (1) by inserting the words “one of whom shall be the chairperson” immediately after the word “institution” I call upon Hon. Gachari to second.

Chairperson: Yes Member for Shamata.

Hon. Kinyanjui Gachari: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 28 as amended put and agreed to)

Chairperson: Next.

Clause 30

(Question on Clause 30 proposed)

Chairperson: Yes, mover.

Hon. Josphat Kamau: Thank you Madam Chair. I propose the following;

- (i). That sub-clause 30(1)(a) be amended by inserting the following words “ for the effective running of pre-primary schools .
- (ii). That sub-clause 30(1) (b) be amended by wholly deleting it.
- (iii). That sub-clause 30(3) be amended by inserting the words “not be” immediately after the word “shall” and before the word “recruited”

I call upon Hon. Jane Mwathe to second the amendment.

Chairperson: Yes County Member from Wanjohi

Hon. Jane Mwathe: I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 30 as amended put and agreed to)

Chairperson: Next.

Clause 31

(Question on clause 31 on proposed)

Hon. Josphat Kamau: I propose that clause 31 of the bill be amended by wholly deleting it. I call upon Hon. Kamau Ngotho to second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

(Question on Clause 3 as amended put and agreed to)

NEW CLAUSES1. *Clause 10**(New clause 10 read a first time)**(Question, that new clause 10 be read a second time, proposed)**(Question, that new clause 10 be read a second time, put and agreed to)***Hon. Josphat Kamau:** I propose that a new clause be included as follows;

“10. A person or institution shall not designate or use a motor vehicle for transporting children to and from school or school or non-school related activity unless the motor vehicle is licensed under the Traffic Act (cap 403) for that purpose and meets the requirements of the Traffic Act and any prescribed standards.”

I call upon Hon. Gachari to second.

Hon. Kinyanjui Gachari: I second.*(New clause read a second time)**(Question that the new clause 23 be added to the bill put and agreed to)*2. *Clause 23**(New clause 23 read a first time)**(Question, that new clause 23 be read a second time, proposed)**(Question, that new clause 23 be read a second time, put and agreed to)***Hon. Josphat Kamau:** I propose that a new clause be included as follows;

“23. (1) There is established, in the county, an early childhood education recruitment committee which shall consist of -

(a) The county executive committee member or a person designated by him or her in writing;

(b) The chairperson of the county public service board or a person designated by him or her in writing;

(c) One representative of the Teachers Service Commission nominated by the Commission; and

(d) A person nominated to the committee by the County Education Board.

(2) The early childhood education recruitment committee shall be responsible for the recruitment of early childhood education teachers within the county.

(3) Every person who intends to teach or administer early childhood education shall be registered as a teacher by the Teachers Service Commission.

(4) Upon the registration of a person as an early childhood education teacher under subsection (3), such person shall apply to be recruited as an early childhood education teacher by the early childhood education recruitment committee.

(5) The Teachers Service Commission shall exercise disciplinary and professional control over the early childhood education teachers.

- (6) Notwithstanding subsection (5), the County Government may -
- (a) impose such teaching standards and conditions of performance on the teachers, in addition to those imposed by the Teachers Service Commission, as it may consider necessary; and
 - (b) Dismiss a teacher for breach of any condition of employment.”

I call upon Hon. Mwathe to second

Hon. Jane Mwathe: Madam, Chair I second.

(New clause read a second time)

(Question that the new clause 23 be added to the bill put and agreed to)

SCHEDULES WITH AMENDMENTS

SCHEDULE –MEMORANDUM OF OBJECTS AND REASONS

(Question on the schedule proposed)

Hon. Josphat Kamau: I propose that the memorandum of objects and reasons should be amended by inserting the following;

- (i) Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms.

The Bill confers on the Executive Member the powers to make regulations under the Act for the purposes of operationalizing the Act in order to implement the objectives set out in clause 3 of the Bill. The Bill does not limit any fundamental rights or freedoms.

- (ii) Statement that the bill is not a money bill

This Bill is not a money Bill within the meaning of section 21 of the County Government Act.

Though it will occasion expenditure of public funds for defraying expenses of operationalization of the Act but the allocation will done in another law through the Appropriation Acts.

Further, that the memorandum of objects and reasons should be amended by deleting the words “Peter Macharia” and inserting thereof the words “Hon. Josphat Kamau”.

I call upon Hon. Ngotho to second

Hon. Kamau Ngotho: Madam Chair, I second.

(Question on the amendment of the schedule proposed)

(Question on the amendment of the schedule put and agreed to)

(Question on the amended schedule put and agreed to)

INTERPRETATION

1. Clause 2

(Question on clause 2 proposed)

Hon. Josphat Kamau: I propose that that clause 2 of the Bill on interpretation be amended as follows;

- vii) Entirely deleting the following words ““authorized officer” means an officer designated by the executive Member to carry out quality assurance and assessment of Early Childhood education and care centres.”
- viii) That the meaning of “curriculum” be amended by inserting the following words “which are approved by the Kenya Institute of Curriculum Development;” immediately after words “education institution”
- ix) That the meaning of “ early childhood development” be amended by inserting the word “aesthetic” after the word “ physical” and immediately before the word “social”
- x) That the definition of “pre-primary education” be amended by deleting the following words “ of five or six” and replacing them thereof with the following words “aged between four and six years”
- xi) That a new definition be added immediately after the definition of word “child” as follows; “children with special needs" means children whose mental characteristic, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are underdeveloped and include children who suffer from long-term disabilities that affect the body or emotions to the extent that learning growth and development are affected;
- xii) That a new definition of school be added as follows; ““school” means an early development centre or a pre-primary school”

(Question on the amendment of the schedule proposed)

(Question on the amendment of the schedule put and agreed to)

(Question on the amended clause 2 put and agreed to)

TITLE

(Title agreed to)

1. Clause 1

(Clause 1 agreed to)

Chairman: Yes, Chairperson Committee.

Hon. Josphat Kamau: Thank you Mr. Chair. I beg to move that the Committee do report to the house its consideration of the Nyandarua County Early Childhood Development and Education Bill, 2015.

(Question proposed)

(Question put and agreed to)

(The House resumes)

(The Deputy Speaker, Hon. Wambugu King'ori, in the Chair)

(The mace is raised)

REPORT AND THIRD READING

NYANDARUA COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2015

Hon. Dorcas Kihara: Thank you Mr. Speaker. Hon. Speaker, I beg to report that the Committee of the Whole House has considered Nyandarua County Early Childhood Development and Education Bill, 2015 and approved the same with amendments.

Speaker: Yes, Hon. Josphat Kamau.

Hon. Josphat Kamau: Thank you Mr. Speaker. Hon. Speaker, I beg to move that the House do agree with the Committee in the said Report.

(Question proposed)

(Question put and agreed to)

Speaker: The report of the committee of the whole House is adopted. Hon. Josphat Kamau chairperson committee on Education, Labour and Social Services

Hon. Josphat Kamau: Thank you Mr. Speaker. Hon. Speaker, I beg to move that Early Childhood Education Bill, 2016 be now read a Third time.

(Question proposed)

Speaker: Yes member for Kaimbaga Hon. Kimani Njiraini.

Hon. Kimani Njiraini: Thank you Mr. Speaker, I appreciate the committee for the work done on the bill. This has been a disturbing issue especially to the poor families. The researchers in this county assembly along with the committee should work together to assess the needs of those children especially in Kaimbaga. A regulation in feeding program will be so important.

Speaker: Yes, Hon. Gachari.

Hon. Kinyanjui Gachari: Thank you Mr. Speaker, this is a very important bill because now we shall be able to recruit teachers. The last group we recruited did not have supervisors because the primary school head teachers would not control them. The children will learn properly and those teachers who do not perform will be disciplined. This bill will make work easier in Nyandarua County. It will be remembered that the first assembly passed this bill on early children. This committee has worked so hard and it is good that the rest of the committees should emulate it.

(Question put and agreed to)

(The Bill is accordingly read the third time and passed)

Speaker: Having been read a third time this bill has now become an act and it will be taken to the governor for assenting.

Next order.

Yes Hon. Kirumba

Hon. Michael Kirumba: Thank you Mr. Speaker, pursuant to Standing Order No. 38, I rise to read to the Members the notice paper for next week.
Tuesday 18th October 2016 2.30 p.m.

BILL

1. Nyandarua County Public Appointments (Approvals) Bill 2015 (second Reading)
2. Nyandarua County Public Appointments (Approvals) Bill 2015 (Committee of the Whole House)
3. Nyandarua County Public Appointments (Approvals) Bill 2015 (Third Reading)

All that will be moved by Hon. Peter Maina Mwangi
Wednesday 19th October 2016 9.00 a.m.

PAPERS

1. Reservations to sign the Co-operatives Society Bill into Law by His Excellency the Governor
2. Letter from the Nyandarua County Public Service Board
3. Submissions of recurrent and development expenditure returns
4. Submissions of monthly returns
These will be moved by Hon. Kariuki Muchiri
5. First Report by Committee on Youth Affairs, Sports, Tourism and Wildlife on KICOSCA/CASA games (4th Edition)
This will be moved by Hon. Kamau Ngotho
Wednesday 19th October 2016 2.30 p.m.

PAPERS

1. Report of the Implementation Committee on review of the resolutions concerning the office of the County Secretary by Hon. Paul Maina Nderitu.

NOTICES OF MOTION

1. Notice of motion on adoption of the first Report by Committee on Youth Affairs, Sports, Tourism and Wildlife on KICOSCA/CASA games (4th Edition) by Sammy D Kamau Ngotho.

MOTIONS AND BILLS.

MOTION

1. Motion of adjournment by Hon. Kariuki Muchiri.
Mr. Speaker this will also appear in the assembly's website.

Speaker: Thank you Deputy Leader of Majority.
Next order.

ADJOURNMENT

The business of the sitting having been exhausted, this House stands adjourned to Tuesday, 18th October, 2016 at 2.30p.m.

(The House rose at 4.50p.m.)