

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 11th October, 2016

The House met at 2.30 p.m.

*[The Temporary Deputy Speaker
(Hon. Cheboi) in the Chair]*

PRAYERS

COMMUNICATION FROM THE CHAIR

DELEGATION FROM SOUTH SUDAN

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, I wish to introduce to you a delegation of women parliamentarians of the Transitional, National and State Legislative Assembly of South Sudan who are seated in the Speaker's Gallery. The delegation comprises of the following:-

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| 1. The Hon. Betty Achan , MP | - | National Legislative Assembly and Leader of Delegation |
| 2. Amb. Michael Nyang, MP | - | Ministry of Foreign Affairs, South Sudan |
| 3. The Hon. Mary Puru, MP | - | National Legislative Assembly |
| 4. The Hon. Alma Abuoch Jervas, MP | - | National Legislative Assembly |
| 5. The Hon. Lith Aluong, MP | - | State Legislative Assembly |
| 6. The Hon. Nyanchiek Nhial, MP | - | National Legislative Assembly |
| 7. The Hon. Hannah Lona, MP | - | State Legislative Assembly |
| 8. The Hon. Athiak Rou Rachel | - | State Legislative Assembly |
| 9. The Hon. Suzan Paite, MP | - | State Legislative Assembly |
| 10. The Hon. Mary Elias, MP | - | State Legislative Assembly |
| 11. The Hon. Florence Abina, MP | - | State Legislative Assembly |
| 12. The Hon. Florence Nighty, MP | - | State Legislative Assembly |
| 13. The Hon. Flora Iliha, MP | - | State Legislative Assembly |
| 14. The Hon. Ajoh Gordon Kuol, MP | - | State Legislative Assembly |
| 15. The Hon. Adriana Ali, MP | - | State Legislative Assembly |
| 16. The Hon. Mary Hadia, MP | - | State Legislative Assembly |
| 17. The Hon. Joyce Hadia, MP | - | State Legislative Assembly |
| 18. Ms. Catherine Pita | - | Staff |
| 19. Ms. Florence | - | Staff |

Hon. Members, the delegation is in the country on an exposure visit to learn, share experiences and broaden its understanding and knowledge on the workings of our Parliament.

They have been here since Monday, 10th October, 2016 and will depart on Thursday, 13th October, 2016. I welcome them to the National Assembly and wish them fruitful engagements.

Thank you.

(Applause)

SPEAKER'S ROUNDTABLE MEETING IN MOMBASA

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, as you may be aware, the National Assembly has since 2009, annually engaged the Kenya Private Sector Alliance (KEPSA) through the Speaker's Roundtable. The topics of interest aimed at bolstering the roles of the two institutions are deliberated upon for prosperity and development of the nation's economic sector.

I, therefore, wish to notify you that the National Assembly, in conjunction with KEPSA, has organised the 2016 Speaker's Roundtable Meeting under the theme "Securing Kenya's competitiveness through an enabling legislative framework." The meeting will take place from 13th to 15th October 2016 in Mombasa. The participants who include the presidium of the House, party leaders and whips, chairpersons and vice-chairpersons of committees and staff of Parliament will depart Nairobi for Mombasa on Thursday, 13th October, 2016 in the afternoon and return on Saturday, 15th October, 2016.

Hon. Members, this roundtable meeting marks another great milestone in the endeavour to bring together the management of the private sector and political leadership of the National Assembly to candidly engage and interact on issues of interest that are cardinal to propelling the country's economic sector to a higher level.

It is worth noting that the inaugural Speaker's roundtable held between the National Assembly and the KEPSA in 2009 laid the ground for robust and more structured engagement between the sector and the National Assembly.

Additionally, there is no doubt that this year's roundtable retreat comes at the most opportune time when Kenya is on the pedestal of cutting a niche as the continent's dream destination for doing business in terms of efficiency and competitiveness.

This is, therefore, to notify the House about the event and remind all those invited, including the leadership of the House, chairpersons and vice-chairpersons of committees to find time to attend this important meeting.

I thank you.

PAPERS LAID

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to lay the following Papers on the Table of the House:-

The Report of the Auditor-General on the Financial Statements of the National Government Constituency Development Fund for Sotik and Mathioya constituencies for the financial year ended 30th June, 2015 and the certificates therein.

The Annual Report and the Financial Statements of the Geothermal Development Company for the 2014/2015 Financial Year.

BILL

First Reading

THE LAND VALUE INDEX LAWS (AMENDMENT) BILL

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

MOTIONSAPPROVAL OF SESSIONAL PAPER ON THE
NATIONAL CHILDREN POLICY

THAT, this House adopts Sessional Paper No.6 of 2014 on the National Children Policy, laid on the Table of the House on Tuesday, August 25, 2015.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, debate on this Motion was concluded on Thursday, 6th October, 2016. What remains is for the Question to be put.

(Question put and agreed to)

APPROVAL OF SESSIONAL PAPER ON THE NATIONAL
POLICY ON ELIMINATION OF CHILD LABOUR

THAT, this House adopts Sessional Paper No.1 of 2015 on the National Policy on Elimination of Child Labour, laid on the Table of the House on Wednesday, August 19th, 2015.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, debate on this Motion was concluded on Thursday, 6th October, 2016. What remains is for the Question to be put.

(Question put and agreed to)

BILLS*Second Readings*

THE WITNESS PROTECTION (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, debate on this Bill was concluded on Thursday, 6th October, 2016. What remains is for the Question to be put.

(Hon. A.B. Duale on 6.10.2016)

(Debate concluded on 6.10.2016)

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

THE COUNTY EARLY CHILDHOOD EDUCATION BILL

(Hon. (Ms.) S.W. Chege on 6.10.2016)

(Resumption of Debate interrupted on 6.10.2016)

The Temporary Deputy Speaker (Hon. Cheboi): No Member had spoken to this Bill. It was just moved and seconded. I will allow Members who are interested to contribute to the Bill. Top on my list is the Member for Igembe Central.

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Bill. I support it.

County governments have been tasked with the duty of laying the foundation of our children's education. They should also develop a proper framework for infrastructure development, teacher employment and provision of appropriate learning environment. This Bill will lay the foundation of education in our children to enable them cope with the subsequent stages of their education.

It is the duty of the county governments to ensure that our children have proper ECDE centres. They should construct classrooms in every school. They should also train early childhood education teachers properly. The classrooms that are being put up in schools across the country are being done in skewed ways and without using a proper formula to ensure that they can accommodate all the children. The classrooms are being constructed haphazardly.

Hon. Temporary Deputy Speaker, county governments are constructing expensive classrooms. They are using a lot of money without proper accountability. Supervisors should ensure that monies for constructing the classrooms are prudently used.

Children should have a development curriculum that enables them know that they are Kenyans as they grow.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, the consultations are a bit too loud. The Member from Meru, surely, you would like to listen to one of your voters as he contributes.

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker for the intervention. We should bring up our children without tribal affiliations. If we bring up our children in that manner, we will have a cohesive nation that has the same language, ideas and modules that will lead to its prosperity.

I support the Bill, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): I will now give this opportunity to the Narok County Women Representative, Hon. Tuya.

Hon. (Ms.) Tuya: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice in support of this important Bill.

Early childhood education is critical in our nation. This is where we mould our children who either become responsible or irresponsible citizens. During the early stages of a child, we do

character formation and inculcate good values that will in turn make them responsible citizens. We should look at this area very keenly.

We are aware that this is a function which is fully devolved to county governments. As we deal with the challenges facing our counties, we should highlight this area so that we can have an opportunity to correct some ills that are persisting in our society today. This is where we build our foundation as a nation. In this regard, we need to support this Bill as we look forward to building the nation positively.

I support the Bill.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Let us now have the Leader of the Minority Party.

Hon. Nyenze: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very important Bill. I offer my support because it is very important. First, it makes ECDE learning compulsory. Many parents leave their children who have attained that age at home as they go to work. This is because many Kenyan parents belong to the working class. Once ECDE is made compulsory, it will be very good and convenient for parents because they will take their children who have attained that age to the ECDE institutions. All children in this country will also get an opportunity to go to school.

We have a saying in Kikamba to the effect that “*ukonzawa wi mwiu.*” This means that a stick is bent when it is raw, but if you wait for it to dry, it will break. Therefore, at an early age of between three and six, you can mould a child by inculcating good behaviour and values. It is very important. Early childhood education is very necessary. This is the case and yet in some rural areas and poor neighbourhoods in cities there is very high population of children who do not go to school because the parents are not compelled to take them to school. Some are orphans while others do not go to school because there is no law. However, this Bill makes it compulsory. If you do not take your child to school, you will pay for it.

This Bill is very important because it crystallises and consolidates many proposals in Government Sessional Papers and international commitments by Kenya such as the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Declaration on Education for all by 2015.

The ECDE is crucial in the development of children, families and communities. The nation will see its benefits because it will have an impact. If you compare children who have not been through the ECDE and those who have been through to Standard One, you will see a very big difference. Therefore, early childhood education is very crucial and all of us should support it.

It makes a child enjoy learning by playing with other children. It also enables a child to develop, understand and appreciate his or her culture and the environment. It also fosters a child’s exploration skills. It further helps a child to be creative, express himself or herself and discover oneself. There is nothing as good as supporting this Bill because it enriches a child’s experiences to enable him or her cope with primary school life later. It also develops a child’s aesthetic and artistic skills.

This Bill solves many challenges facing ECDE. There are unregulated ECDE programmes in counties because ECDE is devolved. This Bill seeks to bring all those unregulated policies into one law. There has been the issue of low funding of ECDE centres. This Bill will solve that problem because counties will be forced to increase funding to ECDE

centres using devolved funds. This Bill will improve awareness on the importance of ECDE by using the Parents Teachers Association (PTA).

Clause 51 of the Bill addresses the issue of feeding in ECDE centres, which will improve children intake, especially in rural areas and urban slums. Many children in places that experience drought or from poor neighbourhoods drop out of school. This Bill seeks to encourage feeding programmes to increase enrolment in ECDE classes.

The challenge of inadequate physical facilities is addressed by Part III of the Bill, which specifies suitable premises. Each county government has to provide adequate physical features so that children can play as they learn.

Hon. Temporary Deputy Speaker, I urge the House to pass this Bill because it will add value to education in this country because ECDE will mould children when they are young. That is when you bring out the best in them so that when they grow, they will remember what they learnt when they were young.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Before I give the next Hon. Member a chance to contribute, I would like to recognise the presence of Vickmery Primary School pupils from Kasarani, Nairobi County in the Speaker's Gallery. In the Public Gallery, we have pupils from Mbau Primary School from Mwingi West Constituency, Kitui County; Faith Christian School from Ruaraka Constituency, Nairobi County and Makuyu Girls High School, Murang'a County. They should feel welcome in the National Assembly.

I will give this opportunity to the County Women Representative for Meru. I can see there is a lot of interest from Meru. I also see Hon. M'eruaki.

Let us proceed.

Hon. (Ms.) Kajuju: Thank you, Hon. Temporary Deputy Speaker, for one time's sake. Before I start, I would like to---

The Temporary Deputy Speaker (Hon. Cheboi): Order! What have you just said, the County Women Representative for Meru? I did not clearly get it but proceed.

Hon. (Ms.) Kajuju: Hon. Temporary Deputy Speaker, allow me to congratulate the delegation from South Sudan. As you know, I deal with regional integration and I believe that their presence here helps to widen and deepen the integration process.

As I go into the Bill before the House, I support it as it is. This is because several issues have been raised that are happening now without proper regulations as far as early childhood education is concerned.

Hon. Temporary Deputy Speaker, my interest in this Bill is that there are clauses that are very important to us as parents and leaders in the community. The Bill also provides for registration of centres within counties. It is clear that the centres must be registered so that county governments can have a database on early childhood development centres that are registered and operating with any given county.

Under Clause 13 of the Bill, registration is supposed to take care of the mushrooming of many centres. The Bill allows for the private and county government early childhood centres. Therefore, registration is going to regulate the number of centres that can be opened

The County Early Childhood Education Bill sets up a partnership between the county government and the national Government. It also gives a chance to other stakeholders who can partner with county governments or the national Government to ensure that early childhood education happens.

Hon. Temporary Deputy Speaker, I appreciate this Bill because under Article 53 of the Constitution, education is a basic right. Therefore, by devolving early childhood education to the county level, we will be providing early childhood education to more children. It matters a lot how a child is developed and brought up from the word go. This is because it helps us have a generation that is sensitive to many things and is responsive to the challenges of leadership in future.

This Bill recognizes the roles of sponsors. We are aware that religious institutions such as the Catholic and Methodist churches have taken it upon themselves to bring on board many academic centres. Since they also contribute financially and spiritually to the institutions, it is very important to involve them. Clause 28 is important because it allows sponsors to come in to offer spiritual and financial guidance.

Clause 38 of this Bill provides for a partnership between the Teachers Service Commission (TSC) and county governments. The TSC has the capacity to recruit teachers who are supposed to train and teach the young children. Therefore, county governments will have good teachers who will deliver the right material to these children.

The provision on accreditation of these institutions is good because some institutions, especially the private ones might remain unregulated. Accreditation will ensure that there is follow up. It will also ensure that the Early Childhood Board takes care of each and every step of our children as they grow in these institutions.

The appeal mechanism is also provided for under the Bill. If the Board does not approve an application and the applicant feels aggrieved, there is an Appeals Tribunal where the applicant can go, present his or her dissatisfaction and he or she will be listened to. So, this is a complete Bill that should have come before this House as soon as yesterday.

We have seen governors employ ECDE teachers. We also know that teachers continue to further their studies and most of them have had career progression. These are the teachers who should be in the counties taking care of our children who are very important.

I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. I notice that Hon. M'ruaki is top on the list but for purposes of balancing I will give this opportunity to Hon. Mwadime.

Hon. Mwadime: Thank you, Hon. Temporary Deputy Speaker for this opportunity. From the outset, I support this Bill. It is important to enact this law to ensure that ECDE is managed in a good manner. Childhood education is critical in a child's life because this is the time when we are shaping both the mental and physical behaviour of a child.

The prevailing notion in the country at the moment is that for one to become a leader of this country he must come from a populous tribe. Such a mentality can be dealt with from early childhood so that it is known that for one to be a leader one needs to have leadership skills and not necessarily coming from a populous tribe.

This Bill is very important as it will standardise childhood education countrywide. As this function is devolved to our counties, it is important that all the institutions where these children will learn are built in a proper manner. I am sure that this Bill will be enhanced through amendments.

I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): We will have Hon. M'ruaki. Hon. Timothy Wanyonyi, I also notice that you are on the queue.

Hon. M'uthari: Thank you, Hon. Temporary Deputy Speaker. At the outset, I support this Bill because it is very helpful. This is because it considers issues of early childhood

education. It is during childhood when we should mould our children. It is also important that we are talking about developing a common curriculum for the ECDE in this country.

The question of tribalism and ethnicity is a challenge to this Republic. I believe if we develop the values as described in this Bill, and if we follow the spirit of the law with regard to values within our constitutional framework, we will develop a curriculum for early childhood education. The curriculum should be tailored to take into consideration national values. This will help us teach our children what is right. I believe many vices we encounter in our country emanate from poor formation of children. So, formation of children will bring cohesion.

We can develop strong nationhood by teaching our children the importance of being one as a country from an early age. At the moment, people can have an idea of who you are by hearing your second name. They even have an idea about what you will talk about in terms of your political orientation.

This Bill will go a long way in supporting the development of our country. It is at this level that we can inculcate patriotism and sense of belonging in our children. This is because it is easier to teach our children good values at that level. It should not be like now where children have acquired the attitude that what matters is material glorification and not values.

On the regulation of centres, centres should be opened and supported by county governments to develop efficient infrastructure for our young children. This will ensure that both public and private primary school centres are regulated.

The other issue is that partnership between county governments and the TSC is important. This will allow the TSC to have an opportunity to support or be involved in hiring teachers. That can avoid incidences of lack of transparency and regulation of teachers because TSC is the one given the mandate to manage teachers.

With this, Hon. Temporary Deputy Speaker, I support the County Early Childhood Education Bill. This is a good Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the Member for Westlands, Hon. Tim Wanyonyi.

Hon. Wetangula: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Bill.

From the outset, I support this Bill. The reason we have very many children roaming our streets is because we have not attached importance to education of children. If this Bill has to be realised, both the national Government and county governments must join hands to make sure children are taken to school as soon as they attain school-going age.

I would like to talk about children with special needs because they are many a time not given opportunity to go to school. Many parents will take children who are normal and able-bodied to school and keep away children with special needs. Sometimes, we do not blame them because there are times they are confounded with many issues like caring for the child. If the child is taken to school, the school demands that the parent pays for the upkeep of the child. It gives challenges to the parents and so they find it easy to keep the children away. As we provide this, the Government must set aside funds to support parents of children with special needs.

Hon. Temporary Deputy Speaker, it is important to note that if you visit schools that have established special classes for children with special needs, you will find that most teachers in those classes have trained themselves. The Government does not support those teachers to provide support to the children in those schools. As we provide the early childhood education, it must be holistic. It must also be all-inclusive that children with special needs are cared for. You cannot discriminate against them.

Hon. Temporary Deputy Speaker, the Bill also says that if a parent fails to take a child to school, he commits an offence. The other side of the story is that we must also look at infrastructure in schools. Sometimes schools are unable to admit all children because classes and teachers are few. I have seen this in my schools in Nairobi where you will find that a school with over 1,000 children has less than 20 teachers. We should increase teachers so that the ratio of teacher to pupil is brought to acceptable levels. It is very difficult for us to just pass a Bill or legislate on something without looking at the infrastructure.

We must improve our schools by building more classrooms---

(Loud consultations)

Hon. Temporary Deputy Speaker, there is too much consultation around me. I cannot even hear myself.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Members! Hon. Wanyonyi will be heard in silence.

Hon. Wetangula: Thank you, Hon. Temporary Deputy Speaker. I was saying that the TSC, county governments and the national Government must join hands to employ more teachers to raise the ratio of pupil to teacher to acceptable levels. This is because there is no need of taking children to school when they cannot even attend classes. Teachers are not enough to attend to these children.

There is a provision in this Bill which says that the duty of a principal when he notices that a child is missing in school is to investigate and consult village leaders on the whereabouts of that child. Some of these things look nice on paper but are very difficult to implement. We must find a way of taking children to school.

County governments must look at the issue of people setting up homes for children, taking street children there and soliciting money for the homes. Street children and homeless children must also be taken to school.

I support this Bill because it is very important. Early childhood education will give a good and stable foundation to children who will take over the country at a later stage.

Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): Very well.

(Several Members entered the Chamber)

Hon. Members, it should be very clear that Standing Orders do not allow any Member to stand between a Member contributing and the Speaker. I noticed that is what happened a few minutes ago. Members should note that.

I will now give the Floor to Hon. Mpuru Aburi. Members from the Meru region are today very active on this Bill. I do not know what it is with the Bill.

Hon. Aburi: Asante kwa kunipatia nafasi hii Mhe. Naibu Spika wa Muda. Ninaunga mkono Mswada huu. Zamani, Serikali ilikuwa inajiri wafanyakazi 5,000 wa kufunza watoto. Serikali kuu ilipea seriakli za kaunti pesa ili zijenge shule za nasari. Serikali za kaunti zinaajiri walimu kama kumi. Zikiajiri walimu kumi, zinatangaza Kenya nzima au eneo la uwakilishi Bunge kwamba zimejenga shule za nasari na kuajiri walimu wengi.

Mhe. Naibu Spika wa Muda, ukiangalia madarasa serikali za kaunti zinajengea hawa watoto wadogo, utakuta kwamba mengine hata hayana madirisha. Serikali hizi zinatumia

Kshs1.3 milioni kwa darasa moja ilhali kupitia Hazina ya Ustawi wa Maeneo Bunge, sisi tunajenga darasa moja tukitumia Kshs500,000.

Lazima tutafute njia ya kuwainua watoto wadogo kielimu katika shule. Baadhi ya serikali za kaunti hazielewi kazi zao. Ukiangalia pesa ambazo zinapelekwa mashinani, utakuta kwamba zote zinaingia mifuko yao na hazifanyi kazi yoyote. Hizo pesa hazisaidii Serikali wala mtoto mdogo ambaye haelewi mambo haya.

Ninaunga mkono Mswada huu ili rasilimali zote ziende mashinani, Bw. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Abdikadir Ore, the Member for Wajir West.

Hon. A.O. Ahmed: Thank you, Hon. Temporary Deputy Speaker. I support the Bill. At the outset, while citing a few examples from the clauses, this Bill gives a provision for mobile schools where access is a problem especially in pastoralist areas. It will be an opportunity for the pastoralist parents to take their children to school at an early age and thus give them the chance to enjoy their rights as Kenyans.

This Bill gives a provision for registration of schools and setting of standards. That is something that has been missing. Schools have been mushrooming without control. Quality assurance has been a problem in most of our schools. That is why schools have not been performing well and have issues in a number of counties. This Bill will, therefore, give a provision for quality assurance by setting up a quality assurance board that regulates and monitors the schools.

Hon. Temporary Deputy Speaker, this Bill gives a provision for deregistration in case a centre is not able to meet the standards or in case there are anomalies and malpractices in terms of teaching.

Hon. Temporary Deputy Speaker, the Bill also talks about sponsors. We have been having problems with sponsors to the extent that some schools go as far as not allowing students from other faiths to dress as dictated by their faith. It gives their roles so that they do not take the role that should be taken by the Government and the Ministry of Education, Science and Technology.

Finally, the Bill provides punishment for parents who do not take their children to such centres for education. The fine is only Kshs10,000 but that is the beginning. Any parent who does not take his child for education will be culpable of committing an offence and will be punished for that offence.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): We will now have Hon. Ferdinand Wanyonyi.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, thank you very much for the opportunity. I would like to take this opportunity to support this Bill. First and foremost, I am concerned that if you go to the rural areas, you will notice that early childhood education has been taken for granted. This is because the infrastructure is wanting. The passage of this Bill should be able to help and provide for whatever is required because these are the children we want to mould to become good citizens later on.

As I have said, the infrastructure is wanting and teachers have taken it for granted. There are no toilet facilities for these children. It is, therefore, important that we try as much as possible to mould these children into proper citizens. When it comes to funding for this sector, we should know that these are not adults but children who should be taken care of. If we do not do that

some of them will drop out of school. We should have proper infrastructure that appeals to children.

We have very many children who drop out of school because of bad infrastructure. They disappear on reaching the third grade. Some of them have been encouraged by their parents to get into child labour. In areas where we have big farms like Trans-Nzoia, children who are not interested in learning due to unconducive learning environment end up getting into child labour. These children who are encouraged by their parents willingly opt to take care of cattle or fetch firewood. We should have proper funding at that level so that children love going to school.

Hon. Temporary Deputy Speaker, on the issue of teachers, I get annoyed when I visit schools in rural areas and realise that teachers in such schools are maids. We do not have properly trained teachers that mould these children. Therefore, county governments should take up the matter because good citizenry starts at that level.

We should get properly trained teachers in our schools. There are some cases where ECDE teachers are not paid. What do you expect? Those teachers will handle those children poorly. The employer of a person who is not properly trained but is dealing with these children should be prosecuted. There are very many cases and I can give examples. It is alarming. The ECDE teachers should be properly trained and paid well so that they can take care of our children.

Hon. Temporary Deputy Speaker, we should tell county governments to ensure that early childhood education is made compulsory. We do not want cases where a child comes and tomorrow he or she is not in class. It should be compulsory that at a certain age a child must go to school.

Last but not least, there should be regulations. There are very many nursery schools that are not regulated. We should regulate and license them. If you go to the countryside, you will find that a nursery school is located next to a church. We must have proper regulations to cater for the mushrooming of these centres that are not properly planned and facilitated, and are therefore, the wrong place to take our children. Since most of these schools are in the neighbourhood, parents decide to take their children there because they are near. It is like a dumping place.

I do not call them nursery schools anymore but dumping places. Parents dump their children in those schools as they go about their business. Therefore, there is need for us to ask county governments to regulate those schools.

(Hon. Ng'ongo consulted loudly)

The Temporary Deputy Speaker (Hon. Cheboi): Order, the Member for Suba!

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I am being disturbed and yet I need peace. I am saying something very important. With all due respect, can I make my point without being disrupted?

The Temporary Deputy Speaker (Hon. Cheboi): I have actually noticed Hon. Mbadi, the Chair of ODM engaging in a lot of sign language.

Proceed, Hon. Wanyonyi.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, as I wind up, in order for us to develop our children who will grow into good citizenry in future, we should regulate those centres. We should also ensure that they have proper infrastructure and are located in good areas.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us now hear the Member for Tinderet.

Hon. Melly: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill.

The County Early Childhood Education Bill (Senate Bill No.23) is very important because it is trying to streamline the early childhood education sector. This sector has been disorderly due to lack of a legal framework to govern its operations. Our education system is still developing.

This Bill provides for registration of ECDE teachers with basic minimum qualifications. As we speak, most of the ECDE teachers have different levels of education. The Bill is categorical that an ECDE teacher must have certain basic educational qualifications, is able to handle children and understands the psychology of children.

The Bill is also trying to ensure that all ECDE teachers are registered by the TSC. The ECDE teachers employed in the various counties have not been registered or certified as teachers. The county governments have come up with their own laws and regulations. Some counties have employed Form Four leavers who have no ECDE training. The Bill is trying to fill the gaps that are within the system so that we can have teachers who are registered and recognised by the TSC – the only employer of teachers with the authority to ensure that every teacher is registered. A teacher who has a certificate of registration has authority to transact business in a classroom.

Therefore, this Bill is important, knowing that our education curriculum is under review. Previous curriculums did not recognise ECDE. In the new curriculum, ECDE is considered to take two years and it needs a qualified teacher.

This Bill also incriminates parents who do not take their children to school or ECDE centres. In fact, it outlines the penalties that such parents are supposed to suffer in case their children are not taken to ECDE centre to access education.

Hon. Temporary Deputy Speaker, the Bill also curbs the age limit of an ECDE child. Currently, a number of children who are overgrown are taken to ECDE centres. The older children do not give a good learning environment to children in the early childhood ages. Therefore, this Bill has capped the age for early childhood education at six. We have elderly people who have lately been enrolling in Standard One and Two with the aim of learning how to read and write. This Bill proposes that such mature people should go to adult classes where their needs will be catered for.

The Bill is very essential because it seeks to standardise the employment of ECDE teachers. Currently, various county governments have employed ECDE teachers with different terms of service while others underpay them. Some counties pay them a monthly salary of Kshs5,000, which is too little for any adult Kenyan to effectively facilitate the learning process in school.

This Bill proposes that the TSC links with the county governments with a view to ensuring that employment of teachers is done by one central body. Although the county governments have the money to pay the ECDE teachers, the responsibility of employing should be left to the TSC to ensure teachers are employed by one central body.

I urge Hon. Members to support this Bill because ECDE is the foundation of all education systems. We have passed basic education Bills in this Parliament, including the TVET Act and the Universities Act. All these are managing different sub-sectors of the larger education sector. For many years, ECDE has been neglected. I urge Members to support this Bill because if ECDE is not taken care of, the subsequent levels of education will suffer.

Hon. Temporary Deputy Speaker, this Bill is essential in the sense that the management of ECDE centres across the country has not been taken seriously. Even the structures in the ECDE centres have been relegated. Children at ECDE centres currently learn under trees and in dilapidated buildings.

This Bill seeks to address that issue by ensuring that any child who is in an ECDE centre should be in a building that is standard. For example, both primary school and high school children should live well, be taught well, get the relevant learning materials and be well taken care of in an ECDE centre. In fact, it spells out the minimum standard requirements.

Many children who are taken to ECDE centres are to be baby-seated. They only sing songs and are not taught meaningful curriculum. However, this Bill spells out clearly what is supposed to be taught at the ECDE centres. In fact, it urges every County Executive Committee Member for Education to ensure that the curriculum followed at the ECDE centres is the one that has been developed by the Ministry responsible for education or ECDE educators.

With those remarks, I beg to support this Bill. I urge Members to support this Bill so that it materialises.

The Temporary Deputy Speaker (Hon. Cheboi): Let us now have the Member for Matayos.

Hon. Odanga: Thank you, Hon. Temporary Deputy Speaker. I also want to add my voice to this Bill which has been brought here by the Senate. The ECDE has been neglected in this country for all these years, in terms of infrastructure, teachers and everything else. I am happy that this Bill makes ECDE to be given a place in the history and education of this country.

This Bill proposes to have boards of management for each of the learning centres, whether they are attached to a primary school or stand alone, so that they are able to articulate the issues in those institutions.

The registration and employment of ECDE teachers should be under one body. The TSC is the body mandated to register and employ teachers in this country. Even if this is a county government function, registration and employment of teachers should still remain under the TSC which should vet and see that teachers are qualified and trained to offer services.

The Bill also tackles the issue of quality assurance and standards to make these institutions uniform. You will notice that some ECDE centres in this country have good facilities. This is the case with the ones that are privately run. However, if you go to the public ECDE centres in our counties and constituencies, you will wonder. In most cases, we assign the worst classrooms to children in ECDEs. They are mud-walled classrooms with no desks. Those that were well done, have poor ventilation. The windows and doors are not properly fitted and are not up to the standards.

For the first time, this Bill seeks to cure such problems so that ECDE becomes very important among us. This is the very basis of education in this country as it is a partnership between the national and county governments. The county governments will do much of the infrastructure. I would like to see each ECDE centre having a good classroom fitted with good facilities for the pupils to learn. The national Government should also employ teachers through the TSC. We should further have uniform curriculum, salaries and scheme of service for the teachers.

Hon. Temporary Deputy Speaker, we already have subsidised education in primary and secondary schools. I propose that we go the same way and have subsidised education in ECDE centres because this is where we have a real problem. There is no reason to give capitation to primary and secondary schools and neglect the ECDE centres. The county governments should

ensure they allocate enough money for the development of classrooms and other facilities in the learning centres that are very important.

I support the Bill, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): The Member for Kiminini, you have the Floor.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. I want to congratulate the Senate for bringing this Bill which was long overdue. As per the Fourth Schedule of the Constitution, ECDE is a function devolved to county governments.

The 17 Sustainable Development Goals (SDGs) were launched in New York. The SDG No.4 talks about access to quality education. Quality education starts with ECDE centres. They provide a framework for the foundation. If you are building a house and you want it to be of good quality, it is important that you lay a strong foundation. If you want your children to succeed, you must give them good nursery school education.

There are days some people never went to nursery school. I do not know whether you went to nursery school, but you know very well that nowadays nursery schools play a very critical role. There is a positive correlation between the success of a student and the quality of the ECDE school one goes to.

The Temporary Deputy Speaker (Hon. Cheboi): I am sure, therefore, Hon. Wamalwa, that answers your question. Depending on the quality you are looking at, you can be very sure.

Proceed.

Hon. Wakhungu: That was on a light touch, Hon. Temporary Deputy Speaker. We want to put emphasis on ECDE because it is very critical and the world has changed. With the changes we are seeing in technology, small children know too much. It is, indeed, important that this Bill be supported.

The good thing about this Bill is on the issue of the syllabus. Because ECDE has been devolved, you might realise that the quality in Mandera is different from the quality in Bungoma or Nairobi. Therefore, it becomes difficult to coordinate these pupils when they join primary school. This Bill harmonises the curriculum.

According to this Bill, the Kenya Institute of Curriculum Development (KICD) should produce books for ECDE. If the KICD will develop books which will be used, then it will add value as far as the quality of ECDE is concerned.

This Bill also provides some framework on the minimum threshold for the kind of classrooms that are supposed to be used. Many ECDE classrooms are muddy and with a lot of jiggers. With this Bill, those are going to be issues of the past. It is important that the county governments give priority when it comes to funding of the ECDE centres.

I remember last time when we amended the TSC Act, we said that TSC should also be involved in the recruitment of ECDE teachers. There have been many problems with employment as many governors have frustrated people who have gone through that training. When it comes to employment, it has been skewed, is done along tribal lines or in a nepotism manner. The TSC is a professional body that has stood the test of time. This Bill will ensure that we have the right teachers with the minimum qualification so that they can work together and be in charge of the management of ECDE.

As we move on, we have had the issue of salaries. In any working environment, there must be a union. The Kenya National Union of Teachers (KNUT) should be smiling all the way to the bank. When this provision comes into effect, KNUT can also take interest in ECDE

teachers so that in case we have misbehaviour in one area or another in the counties, it can be involved in advocating for improved welfare.

In a company, the way employees serve their customers has a correlation with how the employer treats the employee. In this case, the way the unions and TSC will handle ECDE teachers will cascade down on how the teachers will relate with those pupils at that tender age.

At that age, those children are very sensitive because they are still developing mentally and physically. You need a caring teacher at that level. That is why if you bring in the aspect of TSC in terms of remuneration, we will be assured that children will be given quality education which will provide a good foundation as far as their education is concerned.

Another aspect that I want to mention is capacity building particularly for our Members of County Assemblies (MCAs). This will go a long way in terms of the budget-making process. We have seen money being spent in many county governments, but when members of the county assemblies (MCAs) are asked, they say that they do not know how it was spent because the matter was not brought to the assembly. It is important for our respective county assemblies to have capacity building so that they can give priority to ECDE, which is critical for future success.

I request all the Members who are here today to support this Bill and thank the Senate because for once, I have seen it is working very well. This Bill has been long overdue. We have neglected the ECDE notwithstanding its importance.

I thank the Senator who brought this Bill and thank the Senators for the good work they are doing. We want to see them focussing more on the devolved functions. We do not want them to waste time looking at institutions like the Kenya Airways (KQ), which belong to functions which are not their core business. Let them focus particularly on the functions that are their core business as outlined in the Fourth Schedule of the Constitution. We have a lot of duplication. Last time, the Senate wasted a lot of time on the KQ Report yet the problems of KQ are known. They wasted resources because that is a function of the National Assembly and not a core function of the Senate. We congratulate them when they bring Bills like the County Early Childhood Education Bill. Let them continue focusing on the Fourth Schedule of the Constitution.

I request the Members to support this Bill for purposes of the foundation of our children.

The Temporary Deputy Speaker (Hon. Cheboi): Member for Bureti, please, slot in your card again. I am surprised your microphone is not working. You may have to move to another one because I have already given you the microphone. Press the intervention button.

Hon. Sang: Thank you, Hon. Temporary Deputy Speaker for this opportunity. I also want to add my voice to this debate and join my colleagues in supporting the Bill. The Bill is long overdue because there has been a big confusion in the Ministry of Education, Science and Technology about the management of the education sector. For a very long time, there has been a fight between the Kenya National Union of Teachers (KNUT) and the Council of Governors on issues of management of ECDE, but with the enactment of this Bill, children in ECDE centres will access quality education.

Part II of the Bill provides for the right of every child to have free and compulsory early childhood education in a public education centre. Within a very short time, most of our children will access early childhood education. This has been spelt out in a good number of clauses and as a result, children will have quality education.

County governments have been obligated to provide good facilities for children to access early childhood education. Counties, so far, have done very well in the construction of good classrooms and other infrastructure. This will enable our children to access quality education.

*[The Temporary Deputy Speaker
(Hon. Cheboi) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. Omulele) took the Chair]*

Duties of parents have been spelt out in the Bill. Every parent or guardian shall show cause for non-admission of their children. If they do not take their children to school, they will be penalised. As my colleague Hon. (Ms.) Alice said, Kshs.10,000 is a very small amount of money which can be raised within a very short time. A minimum sentence of one year is also a very short sentence.

The Ministry of Education, Science and Technology has put ECDE under primary schools, but with the enactment of this Bill, the office of the principal of an ECDE centre is provided, who will run it without a problem. With the specific duties provided for the principal, the centre will run properly.

We also have children with special needs who have not been considered for a long time. This Bill stipulates what county governments are supposed to do to take care of these children with special needs. Children with special needs, who have been locked at home for a very long time because of their disabilities, will have an opportunity to go to school and have a foundation which will help them to access education.

County governments have constructed a number of buildings in the villages. In Kericho County, they have constructed a good number of them. With that infrastructure, children will learn without any problem.

Let me say something on the issue of teachers. It has been said here that ECDE teachers are supposed to be diploma holders. For a long time, there were no rules on training of ECDE teachers. We have been having problems, but I know that these teachers are certificate holders. This Bill provides that ECDE teachers should be diploma holders. We are going to propose a few amendments so that the former ECDE teachers are not locked out.

The Bill has taken care of the recruitment of teachers so that they will be recruited by the TSC. It is unfortunate that there has been confusion for a long time. I have heard my brother Sossion, for some years, debating whether these teachers should be recruited by KNUT or not. When this Bill is enacted, TSC will have the responsibility to recruit, train and discipline ECDE teachers so that we can have standards in the sector.

To conclude, for a very long time, children in ECDE centres have been instructed without a curriculum. If the standards and curriculum issues are addressed, children from Kericho, Garissa and the whole country will use the same curriculum. Once we have this basic structure, our children will have the same level of education.

I support this Bill, which is long overdue. Once the Bill is enacted, it will regulate instruction in ECDE centres and improve the management of the teachers.

The Temporary Deputy Speaker (Hon. Omulele): We will now have the Member for Kakamega, Hon. Rachel Amolo.

Hon. (Ms.) Amolo: Thank you, Hon. Temporary Deputy Speaker. I support the Bill. I

want to congratulate the Senate for bringing up this very rich Bill that is long overdue.

I will start with the training for early childhood development teachers. It has come out clearly that the Kenya Institute of Curriculum Development (KICD) shall give proper training to the teachers. In most cases, untrained teachers are taking care of our children at this very important level. You then wonder what they are teaching our children because they are unable to effect any change for lack of proper training. I want to support this Bill because of what it is going to do. It will bring a new curriculum and syllabus so that the teachers countrywide can get proper training and, therefore, meet the standards that are required in the profession.

With regard to the infrastructure, it is necessary to support the provision of quality education. The classes our children attend need to be well equipped with proper tools. The other thing I want to talk about is the partnership between the national Government and the county government. When these two levels work together, it will help us to produce good citizens from the early childhood level.

The other thing that will make us, as mothers, feel great is the free and compulsory education. It is stated in Article 53 of our Constitution that every child has a right to free education. You will agree with me that for now, some schools are charging fees for the early childhood education and some parents cannot afford. However little the fees might seem to be, it is difficult for them to pay. Some parents are keeping their children at home. When you go further in this Bill, it says that the Ward Administrator will be involved in making sure that every child in a village goes for the ECDE and if not, the parent pays a penalty of Kshs10,000.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Omulele): The Member for Gatanga and your group, could you temper your discussions so that the Member for Kakamega could be heard?

Hon. (Ms.) Amolo: Thank you, Hon. Temporary Deputy Speaker for that. Every child has a right to go to school. There will be a penalty for parents who do not take their children for that free education.

The other thing is that every child has a right to free and compulsory early education in a public education centre. The child will not be discriminated against based on race, colour, religion, social or economic standards. Some parents do not take their children to school simply because they feel that those schools belong to people who have resources and yet education is free for all.

We also need to look at how we pay ECDE teachers. It is at this level that we prepare our children to be good citizens. It is actually the foundation stage. If we get it right at this level, when they go to primary school, they will be able to read and write proper English and do the right calculations in Mathematics. So, we need to look at how we pay these teachers. I want to agree with the Member who said that the ECDE teachers also need to have a union because it will help to control how they are paid. Since the teachers will have undergone proper training, they will need to be taken care of when it comes to salaries.

I would also like to talk about how to regulate the registration of ECDE centres. Let us have proper regulations for those who want to open these centres. They have to be screened. They should meet the requirements when it comes to matters of land and space. We have learnt that some schools squeeze our children in one room. It could be a room made of iron sheets and a mud floor yet the children are forced to sleep on such ground. Our children end up being infested with jiggers. They also get flu frequently because of the dusty classes and so they are coughing

throughout the term. They only get well when they close school. When doing registration, we will have to do a vetting exercise to make sure that those who want to open ECDE centres meet the requisite education standards.

I support this Bill because it has also taken care of special needs. Many parents keep their children with special needs in a confined environment. You may not even know that there is a child with special needs in that household who needs to get education. This Bill seeks to support such children. It opens doors for children with special needs to go to school. It is important for those running the ECDE centres that are meant to take care of these children to equip themselves with the necessary tools and skills to assist in identifying the special needs of the children they are taking care of. I also support the penalty that has been provided of a fine not exceeding Kshs10,000 to those who will not take their children to ECDE centres as articulated in Article 53 of our Constitution.

This Bill is long overdue. As parents, we will be out there to make sure that our children get this free and compulsory early childhood education. I support the Bill.

Hon. Bunyasi: Thank you, Hon. Temporary Deputy Speaker. First of all, I wish to make a specific request that my speech be considered a maiden speech because I am a new Member of Parliament on an ANC ticket. I ask that the time limit on my contribution be waived.

This Bill is timely. The Bill seeks to address issues in the important sector of education, but I am not entirely enthusiastic about the way it has been structured. There are many important clauses that my colleagues have spoken about that I will not get into for the sake of avoiding repetition. I start from Clause 5, which says that every child has the right to compulsory early childhood education in a public institution. That is a big and bold statement.

As you read through the Bill and you look at the way we manage our public funds, it will be a mandate without funding. It is an underfunded mandate. Right now, the Government has great difficulty in meeting the expenditure requirements in schools in terms of teachers, infrastructure and feeding where that is supposed to be the case. Parents are forced to chip in, in a huge way. We are now adding an additional requirement, but I do not see any proposals that would assure that the funding of this new mandate is available. I am concerned about yet another mandate that stays unfunded. Therefore, its fulfilment may fall far short of expectations that are going to be raised by virtue of this Bill.

As I said, there will be lack of facilities, teachers and materials. The public sector cannot afford to pay, as I speak, even primary school teachers. We are now going into early childhood, which increases the problem. So far, we cannot provide materials. The variations across regions are so blatant and glaring that I do not know how this is going to be implemented fully.

The Bill says that early childhood education refers to a child between the ages of three years and six years. It makes a difference whether the time a child must go to school is when the child is three years or six years. This is because primary schools admit children only at the age of seven years.

Hon. Temporary Deputy Speaker, if you start nursery school at six years and spend two years there, you will get too old for primary school. We should not behave the way we did during the colonial times. There are regional variations when a child starts school. In Nambale Constituency, Busia County, three years would probably work if we invested in facilities. In other regions, a 10 year old child might not even be old enough to go to school because of the distance he or she has to cover. Some areas lack physical facilities unless we have mobile institutions. Trying to legislate across the country that three to six year olds should attend school, is unrealistic.

In Nambale, we are developing primary schools, but we need nursery schools in all those institutions. We are going for a minimum of three-and-a-half kilometres. It is still around five kilometres. Our early childhood centres are located near primary schools. This means the guaranteed distance maybe about five kilometres. Five kilometres for a three year old child is not doable. Parents whose main source of income is labour will not be available to carry their children to school and pick them up. We may be imposing an undoable mandate on parents.

We must get a serious commitment in terms of investment in school infrastructure. If the Bill is going to apply across the country without variations, we should ensure that the maximum distance to be covered by a three year old or four year old child will be one or two kilometres. Perhaps, I will bring an amendment that will allow for variations across the country in respect of the minimum age and the maximum distances to be travelled by children as they go to school. People in the rural areas will then seek to get accommodation based on the distance of the school. This is not applicable to urban schools.

This Bill gives little weight to parents. We cannot take away the rights of parents by legislation. We are not even attempting to define it so that we can get a process where parents understand their rights and obligations. You cannot take away these responsibilities from parents through legislation. What about home schooling? There are parents who can provide an upbringing and formal education without a curriculum developed by a public institution, but one that develops the child's cognitive skills in preparation for pen primary school participation with other children. What is the role of the parent in this Bill? I have looked at the Bill very carefully, but I cannot see the role of the parent. The Bill must recognise the role of home schooling and other roles that parents play. It is very important to recognise home education as one of the institutions in the community.

What is education? I am not an educationist, but I am a parent and a grandparent. What do our children get at home that is beneficial to them when they go to school? By the time we went to school, we were advanced in our basic Biology. We had knowledge about plant and animal lives. We transferred all that knowledge to formal schooling. We will bring up children learning some words for the first time in foreign languages, but cannot reinforce the same at home unless they have educated parents. Home education should be clearly brought out in this Bill.

We are talking as if we have already provided this for every primary school and that we now want to expand it to other free standing facilities. In my constituency, we are still catching up with ECDE classes in primary schools, and that would have been the easiest thing to do. I have a feeling that this will not be easy. In Nambale, we have about 55 primary schools with only 20 of them offering ECDE education. How do we achieve that? We have a Bill that is providing a mandate that is going to be funded.

Registration should be facilitative. It should be aimed at making sure that parents are allowed to construct a school for as long as it is recognised officially through registration, so that it can enter the public planning and expenditure process. Registration of primary schools in my constituency has been controlled. One officer would claim that the Ministry reins in on establishment of new schools. In areas where we are struggling to improve access by ensuring that our little children get standards that are nearly universal, registration is a stumbling block. I cannot imagine the situation in areas where access to education is still a luxury. We should make access to education 100 per cent universal at the right age. Schools are being registered through some sort of administrative fiats communicated down from the Ministry of Education, Science and Technology. I talked to my colleague in the Departmental Committee on Education, Science

and Research, but it looks like they have also fallen in line with it. The major driver is the budget. They are saying that the Government does not have money to pay teachers. The Government has not even paid teachers in the already registered institutions. They are just paying about two teachers and parents pay the others through their Boards of Management (BOMs) and Parents' Teachers Associations (PTAs). Registration should not be a stumbling block.

I will bring an amendment to this Bill.

Thank you.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, Hon. Bunyasi ordinarily sits on this side. When I saw his name I presumed that he is sitting in his usual position. He is on my left today.

Let us have the Member for Sigor.

Hon. Rotino: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice to what my colleagues have said about this important Bill.

This Bill is long overdue. This sector has been neglected for a long time. We have concentrated on primary and secondary education. The ECDE sector is important too because it is the basic training for the children and we should regularise it.

The Bill provides that ECDE should be compulsory, which is very good. Some of us from the nomadic communities will tell you that the distance between one nursery school and the other is important. Penalising a parent for not sending his children to school when the distance between his homestead and the school is about 10 kilometres will be unfair. We should consider the distances between the ECDE centres and the homesteads so that we can constitute a penalty that is commensurate to that distance.

Counties are paying salaries to ECDE teachers in a very haphazard manner. There is no standard salary payment to staff. Some are paid a monthly salary of Kshs10,000 while others are paid Kshs15,000. They wonder why they are not being paid uniformly. We tell them that the management of ECDEs is a devolved function and they should refer to their respective counties. We should standardise their salaries.

I want to agree with my colleague that we must create a union for staff in this sector. They should have their own way of raising complaints. If we neglect this sector, then we will not unionise it.

On sponsorship, most ECDE centres are church-based. They are either established by Muslim organisations or other religious groups. As the children move from year one, two to three, we should ensure that their sponsorship is completely taken care of. We have problems in the sponsorship of these schools. If that is done, there will be no discrimination between different centres.

I also want to talk about the training of the teachers. Teachers in this sector have not been trained uniformly. There should be uniformity in training, so that we have a uniform system. When children are in Class One, you will definitely know the one who has gone to nursery school and the one who has not. This is very common especially to some of us who come from pastoral areas. We should make sure that chiefs and administrators ensure enforcement of the law in pastoral areas. Otherwise, if we leave it loose and children do not go to school, many of them will just loiter around because of lack of facilities.

County governments should concentrate on the ECDE centres rather than concentrating on primary schools. Many County Executive Committees (CEC) members always compete with the National Government Constituencies Development Fund (NG-CDF) about funding primary

schools instead of concentrating on what is their rightful mandate, which is to take care of ECDE centres. They concentrate on primary schools and spend a lot of money on them instead of spending money on nursery schools.

I urge county governments to concentrate on the ECDE centres and not primary schools.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Omulele): Let us have Hon. (Dr.) Nyikal, Member for Seme.

Hon. (Dr.) Nyikal: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Bill. I support the Bill, which is long overdue. It is important that the Senate has eventually brought it up.

The Bill addresses the most fundamental area of human development, in line with the constitutional right of the child. This afternoon, we passed the Sessional Paper on the National Children Policy and the Sessional Paper on the National Policy on Elimination of Child Labour. All these are related to early childhood education. Early childhood education is not simply education, but it also relates to the development of the child. The proper title of the Bill should be; “Early Childhood Education and Development Bill”. Between the ages of three and six years, there is still a lot more to do with the mental and physical development of a child and, in fact, even to the health of a child. Many health programmes for children still go on at this stage. Even immunisation is still part of child health at this stage. Therefore, it is important that we look at it in a broader sense.

It is also at this stage that the special needs of children are identified. Many times, some children do not perform well in school and it is not clear why they are not performing. Some may have visual difficulties, hearing difficulties or development difficulties like short attention span or autism. It is at this stage that we can identify such problems and stream the children in the right areas. That way, we will support their needs so that they get full development and take advantage of the education facilities available.

Even at the stage of three years, the nutrition of a child is extremely important. Perhaps, we may not be aware, but definitely, it is a national policy that the nutrition of children should be taken care of. From birth up to five years, if children are not properly nourished, definitely, their mental and brain development will be affected and they will be retarded. If nothing is done, they may never recover after the age of five years. Therefore, to have children in institutions at this time gives us the opportunity to also address the issue of nutrition and child development.

It is also at this stage that we can detect problems of child abuse. By the time children who have been exposed to child abuse go to primary schools, the damage is sometimes long-lasting. Even character development can be better managed at this stage. Therefore, it is important for us to have a Bill that addresses this area, which has had lack of policy, standards and structures to the extent that there has been mushrooming of tin shack structures. Anything is going by the name of early childhood educational centres. It is important that we have a Bill which also addresses the devolved nature of this function.

This Bill is extremely necessary. Under the Objects, particularly in Clause 3, I am happy it provides for partnership between the national Government and the county governments. That is extremely important because when you get to basic education, which is a function of the national Government, you will not get much if the early childhood education, which is under the county governments, was not properly addressed.

Clause 4 provides the guiding principles for early childhood education and development. It takes into consideration the right to education and the proper environment for education. It

recognises the role of parents. That is extremely important. It also recognises that the policies or programmes that we put in place must be evidence-based.

Clause 6 goes further to enforce the right to education by providing free and compulsory education. This means that county governments have to put aside an adequate amount of money to provide for infrastructure and other requirements. We cannot put punitive measures to parents while county governments are not able to provide what is needed. Therefore, we need more ECDE centres and if a child does not go to school, then the parents will be taken to task and punished. That is important and we will be forced by the law that we have put in place.

In Part III, the Bill has really been thought out. It sets out the registration criteria for the ECDE centres. It gives clear definition of the kind of structures we require. This is extremely important so that it is harmonised across the country. It gives classification whether you are dealing with public or private centres. It also gives provision for the role of sponsors who can support this.

I find it appropriate that it also gives clear guidelines on the management, creation of boards, composition and functions of these boards and the roles of parents and teachers. It forces institutions to give annual reports and keep records. Nothing could be more important if you are running a system of regular reporting.

The Bill gives processes for accreditation and registration and even deregistration where necessary. Having put this infrastructure in place, it further provides for administrative requirements like training of teachers. What has been happening is that anybody with “O” level education is picked upon to teach children at the age of three to six years. Incidentally, this is the age where you need most qualified people to look after the children and take care of their education. At this stage, it is not just about the academic education of the children, but also the health and mental development of the children. Teachers at this early childhood stage will pick early signs of improper development such as physical or mental illnesses that can occur. Therefore, these teachers need to be trained and I think that is provided for in this proposed law. The administration provides for the grouping of children. It is at this stage that you will find out if the children have special needs and, therefore, stream them accordingly or put them in a mixed curriculum. It provides for the development of curriculum and we cannot over-emphasise that. Where we have a devolved function, it is important that we have an overarching Bill like this one that will ensure that what is undertaken is similar across all the counties.

This Bill is important because it provides for a feeding programme. As I said earlier, this may be probably the most important aspect. If all children around the age of three years get proper nutrition in school, we are assured of better performance. The Bill also provides for quality assurance, which should be observed in all the counties. This provision is important because it will ensure that there is quality education and adherence to policy and standards. It provides for the safety of children, so that we do not have children in tin shacks, grass thatched houses or muddy buildings that could affect their health.

With those remarks, I support this Bill.

The Temporary Deputy Speaker (Hon. Omulele): Let us have Hon. Kimani Njuguna, the Member for Gatanga.

Hon. H.K. (Dr.) Njuguna: Thank you, Hon. Temporary Deputy Speaker. I support my colleagues because they are all in support of this Bill. I support the spirit of the Bill. I strongly support education as the Member for Gatanga. In the recent past, there has been a lot of support for our university and post primary education. There is now a lot of support in our primary schools. Like all Members in this House have acknowledged, we need to address the issue of

infrastructure. I have noted that schools' infrastructure in my constituency is in a very pathetic state. Since the schools were built up to today, very little has been done in terms of the infrastructure. Some of the schools are worn out. They lack proper sanitary facilities such as toilets.

(Hon. Ndiege consulted loudly)

The Temporary Deputy Speaker (Hon. Omulele): The Member for Suna and the Orange Democratic Movement (ODM) caucus seated at the back, could we, please, tamper our discussions?

Hon. H.K. (Dr.) Njuguna: Thank you, Hon. Temporary Deputy Speaker. This Bill focuses on the foundation of our education. I compare this with the architecture of a building. The foundation you set for a building will determine the kind of structure that will come up on it and even the lifespan of the entire structure. The ECDE is the foundation of education. Our concern is the emphasis we have given to this foundation. These are children of age three years to six years and they are at the formation stage. Like Hon. (Dr.) Nyikal has said, the issue of feeding is very important. It is important to consider nutritional requirements for these children because it is part and parcel of early childhood education.

I have noted that classes at the ECDE level are substandard. Most of them are made of mud and the children do not have playgrounds. In fact, quite a number of schools offering ECDE do not have toilets and the teachers are not trained. If, indeed, we are concerned with laying a firm foundation for our children, these issues must be addressed. I am happy that this Bill attempts to do that.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Simba Arati, you seem to be exciting the ladies quite a bit. What is going on back there? Order, Hon. Arati!

Hon. H.K. (Dr.) Njuguna: Thank you, Hon. Temporary Deputy Speaker. With regard to the spirit of this Bill, we want to see issues of early childhood addressed in such a manner that develops standards. Most ECDE teachers are not trained. As a country, we need to have standards for teachers. We also need to have the infrastructure and other requirements in place. This will ensure that our children get proper foundation.

The issue of distance is important. One Member has noted that there is no way a three year old child would be subjected to walking five or ten kilometres. Standards must be set in terms of the distances these young children are supposed to walk. My constituency has 86 public primary schools, but in terms of the ECDE, we could be having about half that number. We should consider the distance that children in primary schools have to cover. Children attending ECDE should not travel long distances because they are still young.

I support the Bill because it addresses an issue that already exists, which is an anomaly in terms of training and laying the foundation for our children. If we have a proper foundation in place, the education of our children will be good. Let us not forget that this is a very important formative stage for our children.

A journey of a thousand miles starts with a single step. This is a single step for the ECDE and we should support it now and during its implementation. We need to collaborate with the county governments, so that they can consider this an important educational matter at this particular time. We are concerned that our children are not getting what they ought to get at this point.

With those remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. Omulele): Very well, Member for Jomvu.

Hon. Bady: Asante sana, Mheshimiwa Naibu Spika wa Muda kwa kunipatia nafasi hii ili nami nichangie Mswada huu. Kwanza, ningependa kushukuru Mswada huu kutoka Bunge la Seneti. Ni Mswada mzuri kwa sababu watoto wengi hukosa elimu kwa sababu ya kukosa msingi bora. Niseme kwamba tumeanza kuona matunda ya Mswada huu. Kwa mfano, pale Jomvu, eneo Bunge langu, ipo shule ya msingi ya Jomvu ambayo inayo shule ya chekechea. Mheshimiwa Ali Hassan Joho, Gavana wa Mombasa, aliona umuhimu kuhakikisha kwamba shule za chekechea zina ufanisi na zinajengwa kwa muundo wa kileo. Ninayo imani kwamba haya anayofanya Gavana Joho atayafanya vile vile katika nchi nzima kwa maana tunamtarajia kuwa rais wetu katika siku zijazo.

Ni muhimu Serikali itoe pesa kwa wingi kugharamia shule hizi za chekechea ili wazazi wasitozwe ada kubwa.

Ni muhimu kwa Serikali kutuma pesa kwa wingi ili wazazi wasilipe kwa sababu tunaona watu wengi hulipa pesa za *Parents Teachers Association (PTA)* kuwezesha malipo ya walimu hawa. Pia, ni muhimu kwa Serikali kuona kuwa tunafanya juhudu kutuma pesa hizi kwa kaunti ili walimu wa chekechea waandikwe kwa wingi ili kukimu mahitaji ya idadi ya watoto ambao wanaingia katika shule hizo za chekechea.

Mswada huu wa Elimu ya Chekechea kwa Kaunti ni mzuri kwa sababu zamani watoto wengi katika misingi yao ya kuanza kusoma, walisomea chini ya miti. Wengine wanasomea katika majumba ya matope. Kuja kwa Mswada huu kutaonyesha msingi bora kwa kuwa watoto wanatakikana kuwa na msingi dhabiti kwa safari yao katika elimu.

Kwa hivyo, tumeona mifano. Shule za chekechea katika Bara Ulaya zinachukuliwa kuwa muhimu sana kwa sababu ndizo msingi wa kumuweka mtoto aonekane kweli anaweza kuwa na taaluma fulani. Pia ni muhimu kuwa na mpango kabambe kwa sababu tunaona watoto wengi sana wanatoka katika hali ya maisha ya mabanda na wengi hawajiwezi katika sehemu nyingi tunazotoka. Kwa hivyo, kupitia mfumo wa elimu ya bure ambayo iko sasa, watoto wengi wanaenda shule. Ni bora kuangalia katika Serikali Kuu na katika serikali za kaunti kuona kuwa kutakuwa na lishe kwa shule zote za chekechea katika nchi nzima ya Kenya ili hao wanafunzi wanaoenda katika sehemu hizi wasome kwa njia nzuri.

Elimu ni chombo muhimu sana katika maisha. Ninasema hivyo kwa sababu watoto ambao hawakusoma hufanyiwa kejeli wanapocheza na watoto wenzao. Unaona mtoto anakaa pale na kwa vile mmoja alienda shule, humuuliza yule hajasoma maana ya “debe tupu”. Kwa Kiswahili sanifu tunasema “haliachi kelele”. Lakini, kwa yule hajasoma, akiulizwa “debe tupu” atasema “lijaze kitu ili lijae”. Kwa hivyo, hiyo ni njia moja inayomfanya asizungumze sawa na wenzake.

Nikiwa Mbunge wa Jomvu, nimeupongeza sana Mswada huu. Nimeupongeza kwa ajili ya kunifaidi katika eneo Bunge langu. Shule ya chekechea ambayo imejengwa, watoto wataendelea kusoma na wataonekana kwa fikra zao kuwa wanasomea mahali ambapo ni pazuri.

Mswada huu umezungumza kuhusu shahada ya diploma kwa wale watasomesha shule za chekechea. Tumeona kuwa watu wengi wamesoma kozi za elimu ya msingi ya watoto katika vyuo tofauti tofauti. Ni jukumu letu sasa kuangalia katika serikali za kaunti na Serikali Kuu tuone kuna mpango mzuri ili walimu waandikwe kwa wingi na watoto wetu wapate elimu hii.

Kwa hayo machache, Mswada huu umenifurahisha. Ninaona watoto wetu watakuwa na elimu bora na sio bora elimu. Asante na Mwenyezi Mungu atubariki.

The Temporary Deputy Speaker (Hon. Omulele): Asante sana. Nafasi hii ya sasa tutaikabidhi Mhe. Naomi Shaban.

Hon. (Dr.) Shaban: Asante sana, Mhe. Naibu Spika wa Muda. Nami pia nataka kupongeza Maseneta kwa kutuletea Mswada huu kuhusu shule za chekechea. Shule za chekechea zilikuwa zikichukuliwa kiholela holela hapa nchini. Mpaka mfumo wa ugatuzi ulivyokuja, shule za chekechea zikawa zikiangaliwa kama shule ambazo zina umuhimu.

Mswada huu wa kutengeneza sheria ya kuwezesha shule za chekechea kujenga msingi bora kwa elimu yetu hapa nchini ni mzuri. Tukipitisha sheria hii, itawawezesha watoto wetu kuwa na mwanzo kamili ulio na msingi mzuri ili waweze kuendelea mbele.

Isipokuwa watoto wetu walio shule za mjini waliokuwa wakipata elimu bora ya chekechea, Wakenya wengi kule mashinani hawakupata msingi huu. Yeyote yule aliyemaliza shule ya upili ama hata hakuendelea na kumalizia shule ya upili alijitolea kufunza hawa watoto. Kisa na maana ni kuwa Serikali haikutilia maanani elimu hii wakati ule.

Sasa hivi, kuna vyo vingi, hata vyo vikuu, ambavyo vinasomesha watu kuhusu masuala ya shahada za shule za chekechea. Hivyo basi, sheria hii ikiwa itapita, na nina imani itapita, watoto wetu watapatiwa elimu iliyo bora ili wawe wamepewa msingi unaofaa wakianza maisha ya kielimu.

Wakati NG-CDF ilianzishwa ndio wakati shule hizi za chekechea zilianza kujengwa na kupewa majengo yanayostahili kwa watoto wetu kosomea na vile vile, kupatiwa madawati ili waweze kusoma. Juu ya hapo na kwa sababu walimu walikuwa hawapatiwi mshahara unaofaa, ni wazazi walitoa hela zao kidogo kuwawezesha wale walimu kuja shuleni kila siku kuwafunza hawa watoto. Hivyo basi, ilikuwa shida sana kwa watoto hawa kufunzwa inavyostahili.

Hivi sasa, bila hata hii sheria kuanza kufanya kazi, tayari tumeona mabadiliko makuu. Hii ni kuanzia kuja kwa NG-CDF na ugatuzi. Hii ni pamoja na shule hizi za chekechea kuwekwa chini ya himaya ya Magavana nchini. Tumeona tofauti kubwa sana. Bila shaka, walimu hawa waliosomea shahada hii ya kusomesha watoto wetu wanaweza kupatia watoto msingi unaofaa sasa hivi.

Katika Kenya nzima tukisema kuwa tutatumia shahada ya stashahada ili kuwaandika walimu, haitawezekana kwa sababu kuna viwango tofauti vya kusomea mafunzo ya kusomesha watoto wa chekechea. Kuna shahada ya kwanza ambayo ni cheti, ya pili ni stashahada na ya tatu ni shahada kutoka chuo kikuu. Hapo, nafikiria Kamati ya Elimu, Utafiti na Teknolojia itawezesha Bunge hili kufahamu ya kwamba kuna umuhimu wa wale ambao wako na cheti kufunza kwenye shule za chekechea maanake pia wao wamepewa mafunzo yanayofaa kuwafunza watoto na tumeona tofauti kubwa sana.

Napongeza wenzangu kwa vile wamefahamu umuhimu wa kuwa na sheria ya kufanya mipangilio inayofaa kwenye elimu yetu ya chekechea. Si tu kuwa na madarasa peke yake. Kama tunavyosema, watoto wale ni wadogo na wanahitaji kuwa na uwanja wa kuchezea na wa kuwekewa vifaa vya kuwachezesha ili, katika hali ya michezo, wawe kama watoto wengine. Wasiwe ni darasa peke yake bila kuwa na vifaa vya kufanya michezo.

Mhe. Naibu Spika wa Muda, tunavyosema, unamuwahi mtoto awali ili aweze kujenga kimaisha, haswa kwenye elimu, ili apate elimu inayofaa ndio aweze kuendelea mbele.

Nami pia, naunga mkono.

The Temporary Deputy Speaker (Hon. Omulele): Member for Kathiani.

Hon. Mbui: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I am of the opinion that our Constitution made a grave mistake in devolving education, particularly early childhood education and polytechnics. I have heard many Members make their contributions and they have clearly said how beneficial it has been and how helpful county governments have been to institutions of early childhood whereas, where I come from we are

facing major challenges on the same issue. Different standards of education are being provided in this country as a result of devolution. In my county, we are failing in the ECDE centres and youth polytechnics. There are very few trainers and no sufficient payment is there for those who are already employed. There is no sufficient support from the county government.

The importance of education cannot be overemphasised. It is extremely important for us to understand the value of education and also to know that education begins at a very early age. That is why ECDE is of importance. The purpose of this Bill is to provide an orderly manner in which ECDE is managed and this is extremely important. For that reason, I support the Bill with all my heart.

However, I have noted some issues in the Bill, the first one being the orderly registration of these institutions. One of the problems we have as a country is that many institutions of learning are set up and some of them do not follow the right procedures. This Bill proposes certain minimum expectations for anyone who wants to start an ECDE centre, whether public or private. We should look at those details and see whether the problems that we face, as a nation, within the setup of educational institutions are handled. I have heard Members say that there are schools without playing fields. I ask myself how one would train small children without giving them an opportunity to express themselves through play. When registering these ECDE centres, we need to look at how much space they have, what facilities are in existence, what is required and what we need to put into place.

I also support the idea of involving the TSC in the recruitment of ECDE teachers. When we involve the TSC, we will be able to set up salary scales for these teachers. I have looked at advertisements in the media for some counties seeking for ECDE teachers, which talk about a starting salary of Kshs8,000 a month. This is even below the statutory minimum wage bill. It is important for us to support the TSC's involvement to ensure that we get quality teachers and pay them appropriately.

We need to think of a possibility of amending some areas in this Bill. The cost of ECDE is expensive than that of education in primary school. Parents pay a lot more when their children are in ECDE centres than when they go to primary school. There are certain things that are paid for at primary level. This Bill proposes free education. This is one of the challenges that we have as a nation. We talk of free education, but parents are paying for examinations, school activities and half of their teachers' pay. It is a challenge that we need to look at. We need to address this before it goes out of control.

The law talks of free tuition, but leaves a loophole. We need to look at ways of sealing the loophole. The loophole says that unless otherwise specified, there should be no other charges. We need to address the issue of other charges in all our schools including ECDE centres. It is that loophole that is being taken advantage of. People are fleecing parents who are paying dearly for education while the Government says it is free. I will propose an amendment to ensure that, that loophole is removed. If education is free, it should be free. If there are extra charges, we should specify what they are so that we do not put our children at risk.

Recently, I visited a school in my constituency before the students attended the Nairobi International Show. Parents were supposed to pay about Kshs2,500. I thought about the cost of transport to and from Nairobi, lunch and entrance fee, which cannot add up to Kshs1,000. They paid Kshs2,500 because the law allows teachers to levy charges. We need to be very careful not to give a law that allows people an opportunity to take advantage. When I met the Cabinet Secretary (CS) in the Ministry of Education, Science and Technology, he said that no levies

should be charged on the children without his express authority. We need to amend this provision, so that our children stay in school.

The latest report of the world's best countries in terms of ECDE provision gave reasons why they were performing very well. One of the things that I noted was the number of hours children remain within the tuition centres or in class. It is important to look at that because we create laws and regulations and we need to ensure that we provide quality education, not quantity.

Lastly, I have seen a proposal on the design of ECDE centres in this Bill. I have looked at some of the ECDE centres that are put up by county governments and I think it is important that we insist on having a standard design for all of them. We should have something that is learner friendly, accessible to small children and sizeable so that children can have space to play. I have seen standard size classrooms in all the primary schools in my county and that is the size they are using to build ECDE centres. They require something a lot bigger because they need space within classrooms for activities. These children do not sit at their desks to write. They play and do other activities within their classrooms. The ECDE classes are of the same size as those of primary schools because of the cost implication. In my county, a classroom for ECDE costs about Kshs1.8 million to build. The exact classroom built under the NG-CDF costs about Kshs600,000. We need to be careful. I do not know what we are going to do in the Constitution to have education under the national Government, so that we can take control, use little funds and develop our children.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Omulele): Very well. We need to address the dichotomy between the TSC being in charge of employment of the teachers and what is happening in ECDE centres. Hon. Kang'ta, you will have to talk to this issue when you have an opportunity. Now, we shall have Hon. Wanjiku Muhia, Member for Nyandarua.

Hon. (Ms.) Muhia: Thank you very much, Hon. Temporary Deputy Speaker. I support this Bill and commend the Senate for finally doing what they are supposed to do. Most of the time they have been doing what is not meant for them. Research has shown that emotional, social and physical development of a child translates to what one becomes when he or she becomes an adult. Therefore, it is very important to invest in our children since we will be investing in our future. In this regard, I find this Bill timely in terms of screening. The Bill has pointed out that anyone who wants to do business in this area, whether in public or private, has to be screened. This will limit service providers who are money minded and just want to put up a business for the sake of making money.

You find some ECDE centres placed in tiny plots without title deeds and after some time, they are relocated by landlords. Sometimes they do not have playgrounds for the children. I hope the people who will do the screening will identify that. The Board of Management is welcome because it will deal with many things that go haywire without notice.

The idea of involving the PTA is most welcome. Most primary and secondary schools do well because PTAs get involved in the schools' affairs. In nursery schools, parents are not involved at all.

The Bill indicates the age limit, which I welcome with a rider. When we put in the Bill the age limit at three and six years, we forget that there are some children who are slow learners because of medical issues. When it comes to the Third Reading, I may be opting for an amendment. If the child has to be beyond six years, he or she can still be admitted with approval

of the BoM because there could be reasons why that child was not admitted in an ECDE at the right age. If we pass this Bill as it is, we may lock out some children.

The idea of making ECDE compulsory is very much welcome. However, in Nyandarua County, a nursery school is five kilometres away. That has been the case since time immemorial until recently, when I put up a nursery school between the five kilometres. For that reason, most parents have opted to keep their children at home until they are able to walk. The crime rate is high in Kenya today. Children are raped along the road. Allowing children to walk long distances on their own exposes them to criminals. A colleague raised the issue of distance. This should be captured in this Bill. What is the ideal distance between one ECDE centre and the other? If we reduce the distance, it can then be made compulsory for children to go to ECDE centres. It makes no sense to make it compulsory for children to go to school if there is no school nearby.

I am also concerned about the training of ECDE teachers. The idea of diploma is welcome. However, we are aware that several colleges offer certificate courses. We have nursery school teachers who have a lot of experience. I still see my nursery school teacher teaching. Therefore, we cannot lay them off because they do not have diploma qualifications. During the Committee stage, the House should consider that. Facilities at ECDE centres in this country are wanting. Since we are now more open, we are able to interact more. The ECDE has been devolved to the counties. The structures in which children learn can shape their perception of what is good or bad. A nursery school with very nice structures encourages children to attend school without absconding. However, a pathetic facility may not encourage children to go to school. We should have standardised ECDE facilities across the country.

As I conclude, I would like to speak on the issue of children with special needs. I support persons with special needs on many avenues, be it in terms of policy formulation or in a personal way. This Bill does not say that ECDE teachers should be trained on how to handle children with special needs. These children should be categorised and those with special needs put in one class. However, it beats logic because children with special needs will always require a trainer with special skills. One of the great persons in this country, the wife of the late Kimathi, who is a good friend of mine living in Njabini, always tells me a story about ECDE. While working with the Government in Ol Kalou, Mukami Kimathi realised during her inspection tours that nursery schools were being headed by men. She asked why nursery school children were being taken care of by men. She says that from that time, which was in the 1970s long before I was born, nursery school teachers were changed. Up to now, majority of nursery school teachers are women. It will also be good if training will come on board. This is very sentimental to me for the old woman having made such remarks which possibly changed the country.

With those few remarks, I support this Bill.

The Temporary Deputy Speaker (Hon. Omulele): Very well. Member for Bondo, you may have the Floor.

Hon. Ogolla: Thank you, Hon. Temporary Deputy Speaker. In as much as you are trying to give a bit of assignment to Hon. Kang'ata, this is an area I wanted to bring in a few things. The kind of--

The Temporary Deputy Speaker (Hon. Omulele): Thank you. If you can assist us in that, we will be glad to hear you.

Hon. Ogolla: Thank you, Hon. Temporary Deputy Speaker. One thing that is very clear is that we are now talking about a function that is domiciled in more than one level of government and institution. The Constitution is clear on some of these things. Talking about

ECDE, you realise that some ECDE centres are privately run in private schools. More than 95 per cent of public ECDE centres are found within the premises of public primary schools. The TSC Act clearly defines who is a teacher. In the definition under the TSC Act, all teachers belong to the TSC. However, a teacher who is qualified to teach at ECDE centre is qualified to do so up to Standard Three. In real sense, we are saying a teacher who is trained and acknowledged by the TSC is able to teach ECDE classes, whether they are starters or finishers, through to Standard Three. The more they are placed in a primary school the better. In real sense, we are saying that ECDE centres in this country, in terms of physical structures, are countable. The trainee teachers in ECDE colleges are from the TSC.

The issue of standards, curriculum and quality assurance are national Government function. If you look at all these things, you will realise that this is exactly where this Bill ought to have made these issues practical. In my view, this Bill is failing. A lot has been done in terms of the timing, but there are certain details that this Bill ought to have looked at very seriously, if we are to move forward as a country. There is a big problem between the TSC and governors in terms of exactly where ECDE teachers belong in this country. By definition, teachers are trained. They are supposed to be under the TSC. Once they are posted to ECDE centres, they perform a county government function. They need to be posted with a package done by the TSC. That is why I wanted to bring out these three areas as captured by the Constitution. In this area, in terms of the provisions of Article 6 of the Constitution, we need to appreciate that the governments are distinct and hence the issue of interdependence.

In terms of Article 187, again this applies. Clearly, that is what this Bill needed to have picked. Article 189(2) provides that governments at each level and different governments at the county level shall cooperate in performance of functions and exercise of powers and for that purpose may set up joint committees.

This Bill ought to have brought out the issue of joint committees so that we address some of the challenges that we have. The spirit of the Constitution anticipates that there are certain functions, as much as they are clearly in the national Government docket that could well be done by the county governments. There are certain functions that belong to county governments, but if the counties are not ready to do them, they need to be done by the national Government or a commission. If this Bill was to do justice to this country, it would have brought elements where those things are supposed to be balanced out. We would have ended up with a situation where things would make sense.

As it is, we are in a situation where the ECDE centres are going to be primary schools as I have indicated. If this does not happen elsewhere, it happens in my constituency where over 95 per cent of ECDE centres are part of primary schools. They are within the precincts of the primary schools. That is exactly where there is another problem.

The Bill is talking about a principal of an ECDE centre. A principal, in the understanding of all, should be a principal that is known by TSC, like we have principals in secondary schools and headteachers in primary schools. If you were to have ECDE centres in a primary school and the head of the three teachers is called a principal--That is because, generally, there are only three ECDE teachers based on the staffing levels. The maximum could be four. Therefore, a set of three teachers within a primary school have a principal; another set of averagely eight teachers have a headteacher, I think we are bringing in a situation which will even be more confusing than any other time. In my view, there is a lot that this Bill needs to address.

The ECDE teachers, like I have mentioned, are TSC-registered. They are qualified teachers. But the county governments look at them as unqualified. For example, in my county

one time, they were referred to as babysitters. When we talk about babysitters, then we are not talking about an ECDE centre. We are talking about baby care units and we are mistaking them for ECDE centres. There is a big problem that needs to be corrected. This Bill was in the best place to help us sort out this matter.

There is the whole issue of standards and buildings. What is happening in my constituency - and which is almost shameful - is that a budget is placed for an ECDE centre and, all of a sudden, it is done on a private land. Right now, there are three or more in my constituency. They are going to be lost. They are constructed regardless of the cost, and Members have been discussing that. The cost is fairly high if you compare with what NG-CDF is doing. They are built on private land because there are no guidelines. Somebody just proposes an ECDE centre and they go ahead and construct units in a place that is very far from a primary school.

For practical purposes, ECDE centres that are constructed outside primary schools will definitely miss the kind of teachers one would require. Those that are within primary schools will get the teachers that will teach up to Standard Three. The Bill ought to have addressed that confusion.

Those are the areas that I wanted to bring out. I want to believe Hon. Kang'ata will not be very far from them given that, that was a clear assignment.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Thank you. You have addressed some of my concerns. I would like to give this opportunity to the Member for Othaya.

Hon. (Ms.) Munene: I know nursery schools are the foundation of young children. When children go to nursery schools, they need to pray and have all the facilities. These days, it is very hard for mothers and fathers to be with their children at home. My worry is that so many nursery schools are being taken over by private people.

The reason why parents take their children to nursery schools next to primary schools is because they are secure. When a child in primary school goes to school, he or she will go with his or her brother or sister. Children are faced with problems such as rape. Even if we involve the county governments, we need to think about the child. The county governments are supposed to pay the nursery school teachers. In my place, there are ECDE training schools but, sometimes, only two people go there to be trained. The reason why there is no money is because those teachers are treated like people who do not know what they doing. Some go there because they do not have any other job. When a child is three or four years old, that child needs to know how to play, talk and write his or her name.

The Senate has done a very good job to bring this Bill here. We need to think of how we are going to help those teachers so that, when they teach our children, they feel they are wanted like the other teachers. It is good for TSC to employ those teachers and give them skills so that when they teach our children, they feel proud.

In the villages where we come from, a nursery school teacher is paid Kshs2,000 or Kshs3,000. Is that the teacher you think will take care of your children?

Some people are poor and they cannot take their children to private nursery schools. When such children go to Standard One, the child who came from a private nursery school and the one who came from a public primary school have a lot of differences. That is where there is a challenge. We need to support this Bill and also ask our county governments to pay the teachers well and to give them all the facilities that are needed to teach the children. They lack the facilities. That is the reason why you can see when children become big, they have problems.

They go back to doing what they did not do when they were young. They did not play, they did not mix with other children, so they feel now is the time to do all sorts of things.

It is good to think about nursery school teachers and give them support. They need to be paid well as human beings. You pay somebody Kshs3,000, whether they are in the village or not, and you think they are going to take care of your child. There is no pension for those teachers. There are no facilities and equipment for the children to play. It is not good. Some schools do not have playgrounds.

So many people have nursery schools in their homes while in towns, you will find so many nursery schools in people's homes. The children mix with other children and older people and you do not know what will happen to your child. We ask our Government to support the ECDE teachers and let them be employed by TSC. They should also have their union so that when they have problems, they can sit down and discuss.

I support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. Omulele): Let us hear Hon. Dorcas Kedogo.

Hon. (Ms.) Kedogo: Thank you, Hon. Temporary Deputy Speaker for giving me this chance. I support this Senate Bill on County Early Childhood Education. I support it because of the management board that will be put in place. Usually, each ECDE centre has been on its own without a board. They have been running their programmes without a board. That board will put all the programmes in place.

Hon. Temporary Deputy Speaker, on the recruitment of ECDE teachers, county governments have been doing it in a funny way. Now that the Teachers Service Commission will come in, it will recruit the trained teachers, be in charge of their discipline and maintain the register of ECDE teachers. With time, remuneration will also be done by TSC. At the moment, each county decides what to pay the teachers. In fact, it is not a salary. I do not know what we can call it because it is peanuts and yet, they do a lot of work.

I support the free admission into public ECDE centres. If we do that, most children will attend classes. They will go to those centres. Because of poverty, most parents do not take their children to ECDE centres. They skip it and when they take the children to Standard One, teachers in primary school have it rough because they have to start from scratch. I am sure most children will now attend school. Free tuition will boost children to go for ECDE.

The curriculum will be developed by the Kenya Institute of Curriculum Development (KICD). I am sure that with that in place, everyone will now be at par. The curriculum will cover the whole nation, rather than a school following its own programme and another using another one. With this in place, everyone will use the syllabus from KICD.

There will be feeding programmes in ECDE centres which will make most children active. Some families send their children to school without having a meal. But the feeding programmes will motivate most children to be in school and, at the same time, be active and alert to learn.

As we look at that, we also need to put in place other incentives to ensure children remain in school. For instance, we can put up ECDE buildings. The rate at which the county governments are moving is a bit worrying because it is taking too long to put up classrooms. They need to move very fast to ensure that the children have a place to learn.

With those few remarks, I support this Bill. I now give my friend Hon. (Ms.) Mishi the remaining minutes. Thank you.

The Temporary Deputy Speaker (Hon. Omulele): That is not for you, Hon. Kedogo. We shall have Hon. Samuel Moroto, Member for Kapenguria.

Hon. Chumel: Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to join my colleagues, first and foremost, in congratulating the Hon. Senator who introduced this Bill in the Senate, and now it is here with us. We are dealing with a sophisticated thing. The ECDE is the foundation for children to grow socially and be directed spiritually and academically.

I am a teacher by profession and my worry is that, as we discuss Bills sometimes, it becomes like a talking show where we discuss and leave them without implementation. I hope whatever will come out of this debate is going to be followed and implemented so that children can benefit. As a result, we will have more educated people in the future than the ones that we have now.

When they were preparing this Bill, they did not cover areas that have been marginalised for a long time like West Pokot where I come from, which was a closed district. Most of those ECDEs were run by pastors of a church with knowledge in Kiswahili. Sometimes, they would bring those children together and make them sing from morning until the time they returned to their homes. We have to change that. I am grateful that the devolution set-up in this country has helped those areas. I also thank the county governments of West Pokot and those of Turkana and Trans Nzoia - who are our neighbours - because I know how they were and what they are now. They are now beginning to put up good ECDE classes for the first time. They have gone further to provide chairs where children sit comfortably because they are of the right size. I am proud of this and thank my Governor and his team for what they have done. We should also pay more attention to ECDE than other sectors such as roads and water. Most of the time, the money given by the national Government to the counties is mostly for roads and health - ECDE is ignored. But I am happy we now have this Bill which will be implemented. I am in the Committee on Implementation and we will ensure that this Bill is implemented on the ground.

Another problem is that we usually take our children to private ECDE centres where we pay more. I do not believe that there is an MP here who has a child in a public ECDE school. We always carry our children in a vehicle all the way to school. Some others airlift their children to school where they learn in comfort and come back in the evening to the village where they do not interact with the others.

If we could just come down and ensure that, as leaders of this country, we put more attention to this area of education, I know we will have good people. As we say, when a child is brought up well, we are very likely to get good people in the society. Even now, as we are seated here, and this is something that is mixing us up--- I know at one time, it might come up clearly. With regard to power connection in our schools, the Government, most times, goes round saying that it has connected, say, 90 per cent of our schools with electricity. However, there are some areas in this country where there are no electricity lines. We need to be sincere about what we do, so that we can walk the talk.

On recruitment, I want to encourage that we let the Teachers Service Commission (TSC) to take over. That way, it will be a smooth affair right from the ECDE level all the way to the university. If we segregate and say that this is a lower level and so we should not care, there is nothing we will be doing. As one of my colleagues has said here, you will find that there is a school where you pay an ECDE teacher Kshs500 only, and the one in primary school is paid about Kshs20,000 and given other goodies. Let us resolve that the TSC should take care of the recruitment of teachers. The community should also be encouraged to support the education of those children.

I support.

The Temporary Deputy Speaker (Hon. Omulele): Very well, Hon. Moroto. We shall now have Hon. Mishi Juma, Member for Mombasa County.

Hon. (Ms.) Khamisi: Ahsante sana, Mhe. Naibu Spika wa Muda, kwa kunipa nafasi kuzungumzia Mswada huu ambao unazungumzia taratibu za shule za chekechea. Masomo ya shule za chekechea ndiyo nguzo ya masomo katika zile ngazi zote mpaka chuo kikuu. Kwa muda mrefu sana, nchi yetu ilikuwa imepuuza masomo hayo ya chekechea. Hivyo basi, watoto wengi wamekosa kupata masomo ya chekechea.

Ni muhimu sana na nimefurahi kwamba Mswada huu unazungumzia miundo misingi ya kuwezesha kuwepo, katika hii Jamuhuri yetu ya Kenya, shule za chekechea. Ingekuwa vizuri zaidi iwapo tunajenga shule mpya, tujenge hapo hapo shule ya chekechea, shule ya msingi na shule ya upili. Tukifanya hivyo, tunawapatia fikra watoto wetu kwamba masomo ni mtiririko wa ngazi fulani mpaka kufikia ngazi fulani. Hivyo basi, tutaweza kuzuia watoto wengi kuacha shule katika chekechea ama katika shule ya msingi bila kuendelea hadi chuo kikuu.

Nashukuru kuletwa kwa Mswada huu kwa sababu unazungumzia elimu bora. Utatuwezesha kuhakikisha kwamba elimu inayopeanwa katika shule za chekechea inaambatana na ratiba ya kitaifa. Kuna shule nyingi za chekechea ambazo zimefunguliwa na watu binafsi. Ukipitia katika shule zile, unapata kwamba yale masomo yanayosomeshwa hapo ni tofauti sana na masomo katika shule za chekechea za umma. Tatizo hapa ni kwamba watoto wetu wanakuwa na mbinu tofauti za kielimu. Kunatokea mtafaruku katika mitaala ama “*syllabus*” katika lugha ya Kiingereza.

Tunapozungumzia hili suala la shule za chekechea, tunatafikana tufikirie zile sehemu kame - yaani sehemu za wafugaji ambazo zina umaskini sana. Sharti tuweke mipango ya chakula hata kama ni kuwapa watoto vitafunio. Wakati wanapopumzika shuleni, wapatiwe angalau chakula kidogo ili waweze kuhimili hali ngumu.

Tunatafikana kuwa na takwimu ili tujue shule za chekechea ni ngapi. Utapata katika eneo Bunge fulani, kuna zaidi ya shule za msingi 20, lakini shule za chekechea labda ni tano ama sita. Sijui ni hesabu gani ambayo itawezesha wale watoto wa chekechea waweze kupanda hadi daraja la pili la elimu. Kwa hivyo, tunapojenga shule za msingi, basi tujenge shule za chekechea sambamba ili hesabu iwe sawa.

Vile vile, nimefurahi kwamba kutakuwa na ushirikiano wa Serikali kuu, serikali ya kaunti na watu binafsi ambao wanajenga shule za chekechea. Ninayo furaha kwa sababu Mswada huu unapendekeza kushirikishwa kwa washikadau wengine. Hili ni suala ambalo lazima litiliwe uzito. Waswahili wanasema: “Samaki mkunje angali mbichi.” Lazima watoto wetu tuwafunze maadili mema katika shule za chekechea ndiposa waweze kuwa na maadili mema. Kwa sababu sasa tuna ugatuzi, lazima Serikali za ugatuzi katika kaunti zetu ziweze kuongeza bajeti ili shule nyingi za chekechea zijengwe na hata kuboresha zile ambazo ziko. Zile ziliopo zinatupatia masikitiko sana. Nyingine watoto wanasoma kwenye uwanja. Wanapata maradhi na hata funza.

Tumezungumzia katika Mswada huu kuwa elimu hii ya chekechea iwe lazima na bure. Pindi tunapopitisha mambo kama haya, lazima tuhakikishe kwamba hata yule aliye chini kabisa kwa mfano katika sehemu ya North Horr--- Hayo maeneo yana ukame na shida nyingi. Kwa hivyo, sharti tuweke miundo misingi ambayo itahakikisha kwamba walimu watapatikana na vifaa vinavyohusika vitapatikana ili watoto hao waweze kupata masomo mazuri.

Mafunzo ya walimu wetu wa shule za chekechea lazima tuyapige darubini. Kuna taasisi nyingi ambazo zinafundisha watu elimu ya chekechea lakini utakuta zina tofauti. Nyingine ziko pale kwa kujibinafsisha ama kwa sababu ya kujipatia pesa. Unapata wengine wanaambiwa watahitimu baada ya miezi mitatu ama miezi sita ama mwaka moja. Inakuwa hakuna kanuni ya

kitaifa inayoshikilia kwamba ili mtu afuzu kutoka taasisi ya kuwafunza walimu wa shule za chekechea, sharti awe amesoma kwa muda fulani ndiposa apate shahada. Kwa hivyo, mikakati hii lazima tuiangalie ndiyo tujue kwamba watoto wetu watapata mafunzo yaliyosawia na kanuni zetu. Tukifanya hivyo, tutaboresha elimu ya watoto wetu.

Vilevile, lazima tuwaangalie watoto ambao wana ulemavu. Ama kwa kweli, sisi kama Wakenya hapa tumeanguka mtihani. Hii ni kwa sababu hata katika shule zetu za msingi, bado hatuna miundo misingi ya kuwawezesha watoto walemavu kupata elimu bora kama wale watoto wasio na ulemavu wowote. Kwa hivyo, ni lazima serikali za kaunti - kwa sababu tumeambiwa tumefanyiwa ugatuzi - zishirikiane na Serikali kuu katika kushughulikia watoto walemavu. Hao ni watoto wetu pia na lazima wapatiwe haki zao. Zile shughuli ambazo tunaona ni za kimsingi kwa mfano kuhamasisha, kueneza na kutoa habari kuhusu masuala ya shule za chekechea, lazima tuzifanye. Nakubaliana na Mswada huu kwa sababu umezungumzia mambo haya yote.

Mswada huu pia umezungumzia suala la ukaguzi wa kijamii katika kuangalia matakwa ya shule za chekechea. Hili litatuwezesha kujua takwimu kuhusu asilimia ya watoto ambao wanapaswa kuhudhuria masomo katika shule za chekechea.

Tukiangalia, watoto wengi wanakaa nyumbani na kwenda tu kuanza darasa la kwanza. Inakuwa vigumu kwa mtoto kama huyo kufanya vizuri darasani kwa sababu atakuwa amekosa nguzo ambayo ingemwezesha kuwasiliana na mwalimu kwa njia rahisi akiwa kidato cha kwanza.

Vile vile, ili shule hizi ziendeshwe vizuri na kuwe na utekelezaji kulingana na kanuni na sheria, ni lazima kuwe na bodi ya utekelezaji. Tusichukulie kuwa hii ni elimu ndogo kwa sababu tunasema kuwa kila kitu ni lazima kiwe na nguzo. Ni lazima tuwe na bodi ambayo itaangalia shughuli zote husika na kuboresha elimu hiyo.

Serikali za kaunti sharti zichukue hatamu na kubidiika kuonyesha kwamba hili ni jambo muhimu. Ni sharti waweke mikakati zaidi ya kuboresha elimu ya chekechea.

Tukiangalia usalama wa watoto wetu, ni masikitiko makubwa kuwa kuna pahali ambapo shule za chekechea zimejengwa karibu au pembezoni za barabara na hakuna vigezo vyovyote vya kuwasaidia watoto wale kupita huko. Hayo ni matatizo makubwa.

Kiafya, chekechea nyingi hazina sehemu za kujisaidia ama kupumzika wala watoto kujivinjari kimichezo. Katika elimu, vitu hivi ni msingi na tusiache kwa kusema kuwa ni vitu vidogo. Majanga hutokea na ni muhimu tujue vigezo ambavyo vitasaidia kukitokea moto, na kuhakikisha kwamba watoto watakuwa salama.

Mhe. Spika, najua wenzangu wangependa kuzungumzia suala hili lakini ni vizuri tujue jinsi tutashirikiana kuimarisha shule za chekechea. Ni lazima pia tuwaboresha walimu kwa kuwapa mishahara.

The Temporary Deputy Speaker (Hon. Omulele): Hon. James Murgor.

Hon. Murgor: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to add my voice to this Bill. Early Childhood Development is the foundation of education. It has been noted that a child who goes through primary education by skipping nursery school takes a lot of time to catch up with the other kids. It is very encouraging what this Bill brings to the education sector, by making nursery school education free and compulsory. This will compel parents to send their children to school. Right now, many children between the ages of three and eight are loitering in homes. The parents are not concerned that those children are supposed to be in school. This Bill makes it compulsory for all public institutions to have ECDE centres.

In my constituency, the ratio of ECDE centres *vis-a-vis* primary schools is one to four. The distance between primary schools is an average of about five kilometres. Those are very

young children who cannot walk for five kilometres. If we can start from the existing primary schools, then I think we will be moving in the right direction. We should reduce the distance that our children walk to school. We can even have a nursery school between two primary schools.

The issue of competence and qualification has also been addressed by this Bill. As it is now, villagers just select somebody who knows how to read the ABC chart and can speak Kiswahili to teach the children. Our young children do not get much from such people.

On curriculum – and I hope they will not only teach children the ABC chart, how to read and write and play - they will bring in the dos and don'ts, particularly on behaviour. If we teach our children what to do and what not to do, we will bring up good citizens in this country. Spiritual guidance is important. Our children should get spiritual nourishment.

There are so many accidents on our roads these days but, if we teach our children about the Highway Code from nursery school, the accidents will reduce.

On registration, basic requirements must be adhered to in the regulations. It is sad to note that in many areas, there is only one class. Nursery school children are categorised as baby, middle and top classes, but they are all in the same class. I do not understand how they are taught. Classes and infrastructure should be there. Those children need space to play. There is no need of putting up few classes and crowding children.

Equipment and materials should be provided. Those children are quite young and their metabolism is very high. For instance, if you have a three year old child who goes to class at 8.00 a.m., by 9.30 a.m., that child is already hungry. A feeding programme should be put in place before the registration of those institutions.

The coming in of the Teachers Service Commission is most welcome. They will maintain the required standards, particularly on qualifications of teachers as well as salaries.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Omulele): I will now give this opportunity to Hon. (Ms.) Alice Chae.

Hon. (Ms.) Chae: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to add my voice to this Bill. It is a very timely Bill because devolution has been in place for four years. We should ensure that early childhood education is instituted in all our regions because this is the foundation for our children. We have talked about quality and well facilitated institutions within the counties. In my county, most schools are in the urban areas. Schools are not in the rural areas. In urban areas, children come from ECDE institutions and join other schools through an interview. However, in the rural areas, parents take their children to private ECDE centres and on joining the public schools, it becomes tricky because the standards are not the same. You may find that they will be forced to take their children to boarding schools, which are expensive and some parents may not be able to meet the fees there.

The Bill has come at the right time because it will bring sanity that has been lacking for a long time. The ECDE teachers are all over. Most of them have done certificate courses while others have done diploma and degree courses. But the salary they are given is wanting. I do not know the criteria we will use to ensure that the nursery school teachers get well paid because they need to be motivated. If we talk of the children being given incentives to go to school, then the people who are taking care of them are also supposed to be taken care of.

There is also another issue that has been going on for a long time. We have been seeing the NG-CDF building schools. There has been a tug of war or a blame game on who is supposed to build the ECDE centres. It will come out very clearly that this is a function of the county governments. They have to ensure that there are enough ECDE institutions within the counties

and make sure that teachers are well paid to ensure that the quality of education for the youngsters is high.

I will also talk about special need cases in our counties. In Nyamira County, there are very few centres for children with special needs and, therefore they travel very far. The physically challenged students have to go to Joyland in Kisumu because such institutions are not in Nyamira County. We have a few which deal with those with mental conditions, but they are not well equipped. This is where we need to ensure that there are teachers who will take care of those students.

People who go for special training are very few. The Ministry has to do something to ensure that special needs kids are catered for. They should ensure that they train enough personnel to take care of them. It ranges from mental, visual and physically disabled students.

Another thing is on payment which I have talked about. When it comes to free primary education, which we have said is compulsory, where do we place somebody who takes children to a private institution? He must pay. They will pay for quality and, therefore, they have to weigh. However, we need to look for a criterion for those people who will register those institutions. When do I go for the registration of an institution? Is it before or after I have built the structure or premise or is it before the construction with the intention of wanting to have that institution? It should be clear where I will place it. Is it me as the proprietor to decide where I am going to put the institution? You may find others wanting to go where the population is or where the infrastructure, like roads, are.

Another thing that we need to think about is the transportation of young kids to schools. The vehicles they use are old. They are not supposed to carry such kids to school. Those standards should be felt and if all that is done, we will have somewhere to start from and we will raise children of high quality who can defend our country in future.

Thank you. I support the Bill.

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Member for Vihiga, Hon. Yusuf Chanzu.

Hon. Chanzu: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to support this important Bill by the Senate. The Bill deals with the foundation of education. That is the initial formative stage of the youngsters who eventually have to grow up and get to where we are or even beyond.

This is an important Bill. The only problem is the controversy it brings when it comes to the issues that have been said. I have been here and I have listened to what my colleagues have been raising, like the issue of the boards that are supposed to manage established institutions.

In my constituency, those childhood centres are in church premises. That is what needs to be looked into. Otherwise, the fact that the Bill is here with us is important because it will bring order. Any law we put in place is supposed to bring order. We have failed in terms of enforcement and implementation. If you look at the number of laws we have passed here, there is no follow up. I have been in this House for a long time. There are many laws we have passed and some are similar, but the main problem is enforcement.

The biggest problem we have had in some areas is the demand for those early childhood centres, which the Government should ordinarily have provided. Since 1963, education or illiteracy has been in all manifestoes. Therefore, the Government should have taken steps or measures to ensure that any learning institution we have has ECDE centres. There are youngsters who come out of ECDE centres and end up in primary schools. It should be an integral part of

the education system from the very beginning. However, they have not been provided in primary schools as it is supposed to be.

People in private business have set up those centres and because of the demand and the requirement that children must pass through early childhood centres, particularly in towns like Nairobi, they have made them very expensive. I am sure if we start talking about it now the way we are talking about it and put it into law, it will create awareness so that people can start knowing that there are certain standards and requirements to be followed. This will help to reduce exploitation that has been there for a long time.

The other aspect of interest is the fact that the Fourth Schedule of the new Constitution of Kenya, 2010 gave specific roles to the national Government and county governments. However, from what I have been listening to here, the way those things are being handled in counties varies from county to county. I have heard some of my colleagues here praising their governors for what they have done. However, the Chair and I know what we have gone through in our county. The Chair's constituency and mine are almost the same. We are neighbours. What has happened in my place is the same as in his place. The county government has not built any early childhood centre in my constituency.

They have taken over the primary schools which we built through *Harambee* or the NG-CDF. They, for instance, paint one classroom only. I heard one of my colleagues say that it costs the NG-CDF Kshs500,000 and the county government, Kshs1.9 million. I think ours has cost us Kshs2.5 million. They paint an existing classroom and put some *mabatis*, say, Galsheet Resincoat on top. They then write their names on the classroom. I have been telling myself: "If I was to write my name on all the projects that I have done in Vihiga Constituency for these many years, I do not know how it would look like." So, it is a big shame on the part of some of the governors at the county governments. Either they do not know what they were supposed to do or they know but they have only gone there for their own stomachs. It is very sad.

What happens in my county borders on crimes against humanity because if, for example, you are given food to feed people and you deny them that food, you are actually starving them to death. That is similar to what I see in many counties. Those are the aspects that the Senate should have stressed. The problem we have had with the Senate is that their roles are specified in the Constitution. The roles of the National Assembly are also spelt out but, at the initial stages, the Senate spent most of its time on supremacy wars with the National Assembly. It is my view that some of these laws should have been in place from the very beginning. The idea of protecting the counties and ensuring that they function should have been put in law a long time ago. However, it is never too late. So, I would like us to pay a lot of interest and look at what various Members have said because it seems to vary from place to place and, at the end of the day, it is the ordinary Kenyans who are being denied their rights.

This country is only surviving on taxation because the little money we get from outside, if we get it at all, is meager. We survive on Income Tax, which is paid by all the employed people and then the VAT, which is a very big component of our taxation, and also Customs Duty. So, we are basically surviving on taxation. VAT is paid by every Kenyan. You know when you buy items for use, you are taxed. So, everybody is entitled to these services. It does not make sense to say that if the money remains in Nairobi, people will not access it and yet, when it is devolved to Kakamega or Vihiga, it is retained there at the headquarters. So, should we come up with another law to devolve the money from the headquarters of the county governments to the villages? It sounds awkward. Most of the people who are manning the functions that should be devolved to the ground are just sitting in offices. At our place in Mbale, you will find the

agricultural officers just seated in offices and yet, there are *shambas* there which they should use to show people how to farm.

On the whole, this is a good law even though it may not be perfect. I foresee those boards bringing about controversy and other problems in various places. You know our people are struggling to own something. So, there is lot of competition from nursery schools to primary schools. The other problem facing ECDE is remuneration. You find that somebody who has been trained very well and is in possession of a certificate is promised to be paid, say, Kshs3,000 by the county government. The degree holders are promised to be paid, say, Kshs10,000 and the diploma holders, Kshs5,000. This is money they never get. These are some of the things that this law should address. The Teachers Service Commission (TSC) should come in and harmonize this.

The Temporary Deputy Speaker (Hon. Omulele): Very well. We shall now have the Member for Sirisia.

Hon. Koyi: Thank you very much, Hon. Temporary Deputy Speaker, for giving me this chance to also speak.

Let me start by thanking the Senate, although they have taken long to bring this Bill. Having taken long, we expected no amendments but there are some. This is a very important Bill for small children because it can make them succeed in their future.

There are people to blame in this Bill. Like where I come from, it is almost the same as what the Member of Parliament for Vihiga has just said. I can count Early Childhood Development Education buildings in my constituency. They are six and yet, I have 192 primary schools. Six of the ECDE centres are in premises of primary schools where the county government has completely failed. In the county government, we can either blame officers from the county government, the Senate or the Members of the County Assembly (MCAs) just like we are to be blamed when we fail on the NG-CDF. That is their role. The county government has not taken proper care of childhood education. We do not know the reason because the money has always been spent. If I spend Kshs500,000 or Kshs600,000 to build a standard secondary school classroom and that is from the National Government Constituencies Development Fund Board, they will take Kshs1.92 million to build a very small classroom that cannot even fit 30 children. Those classrooms are also not equipped. There are no chairs. The kids just sit on the floor. Most of the classrooms we are using in our schools are the old nursery schools that were put up many years ago. So, the county government must be accountable and serious with their role. They have failed to play their role properly.

I have followed what my colleagues have said here. Those teachers went to school. You have heard that some of them - I do not want to repeat what my colleagues have said - went to school like any other teacher, although they are meant to teach in ECDE. What they are paid is peanuts. What we pay house girls is even more than what those ECDE teachers are paid. The county government has a lot of money, billions of money, but they have failed to direct it to where it is supposed to go.

They need to equip classrooms. They need to equip those six classrooms they put up in my constituency. They need to provide those children with lunch. That is lacking. There are no books in the classrooms they put up. As the National Assembly, we need to put in more effort through our laws that will push the county governments to play their roles effectively.

With those few remarks and due to time constraint, I support.

The Temporary Deputy Speaker (Hon. Omulele): Very well, Hon. Waluke. Let us have Hon. Paulata Korere.

Hon. (Ms.) Korere: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. At the outset, I want to congratulate the Senate for bringing this Bill which is very important to the lives of hundreds of thousands of our young children. This Bill is very important. I say that because the inequalities in the education sector in this country cannot be underrated. If you look at most of our rural areas, particularly the pastoralist areas, most children in the 21st Century do not access that very important facility of early childhood education. During our time, we could only proceed to Class One after you could raise your hand and touch your ear on the other side. This is still happening in some places. This is not because children or parents do not want to go through early childhood education, but because those facilities are lacking. Hon. Temporary Deputy Speaker, you can imagine a child of three to six years having to trek for six to eight kilometres to access a nursery school. Much as we appreciate education, and we know it is the foundation of everything, we must also mind about the distance those children cover.

The Bill talks of county governments having to collaborate with the Teachers Service Commission (TSC) and the County Education Board (CEB). This is very important. Noting that presently, the TSC employs P1 teachers who are basically certificate trained teachers to teach Class One to Class Eight, it is good to take one step at a time. An amendment should be brought later on as we discuss the Bill, so that we can start by having the certificate teachers teaching in early childhood education centres as they progress to diploma. We also need to upgrade teachers who teach at our primary levels.

Devolution was meant to be a good thing. It was meant to bring services closer to the people. Early childhood education is important for the county governments. It is not just enough to say that we will have a free and compulsory early childhood education but how, we should enforce the law. Today in this country, we know that primary education is free and compulsory. It is very sad because we still have children who are roaming in the villages. Child labour is very high in some places because the implementation of the free primary education is missing. It is also important to note that we cannot enforce a law to make the people to compulsorily go to schools that do not exist. Going by what we are hearing and what I read in the newspapers today, county governments are investing too much in refreshments such as tea and entertainment.

In my own county, they were talking of Kshs56 million. It is very sad because in Laikipia North, there are still children who are learning under trees in the name of ECDE centre. This is something that needs more commitment from all of us, including the county governments and the national Government, considering that we use taxpayers' money. The taxpayer does not care whether the money goes to the county governments or the national Government. What is important is for resources to be put for the intended use.

Regarding the enrolment age limit, I want to give some information to a colleague who spoke on this Bill earlier on. In some cases, it is not a must that a child is three to six years because there are dynamics of growth in children. There are children who have special needs and others who are slow learners. However, that does not mean they do not learn. Also, there is a very important group of children who have always been forgotten by the society. They are the group under special needs. Those are children who need a lot of attention right from the foundational years.

The lives of most of the children with special needs are sometimes curtailed by negligence of their parents and their handlers in institutions of learning. When children with special needs are put in the same class with other children, they are often withdrawn and it becomes very difficult for them to learn. For lack of awareness, some parents tend to keep those

children away from the public. As we discuss this important Bill dealing with the foundation of our children's education, it is also important to discuss it alongside the needs of special children. Children with special needs should be considered right from the early times of their lives.

Much has been said about this Bill. It is a good Bill. We support it. It should be given the necessary attention that it requires.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Omulele): Very well. We should have Hon. Abdulswamad. You will have about seven minutes so that Hon. Serut can also speak to the Bill.

Hon. Nassir: Ahsante sana, Naibu Spika wa Muda. Leo, nimekuwa kitinda-mimba katika wazungumzaji. Nimekuwa wa mwisho kabisa.

Kwanza, ningependa kutoa kongole kwa Seneti kwa kuuleta Mswada huu katika Bunge. Kwa sababu nimeusoma huu Mswada, ningepomba Kamati ya Elimu katika Bunge hili ipewe nafasi ya kuangalia sheria ya elimu iliyoko ili tuweze kuizingatia kikamilifu, haswa Ibara ya 35, ambayo inasema ni lazima kila shule iweke orodha itakayoonyesha ni watoto wangapi wameweza kupata elimu katika shule hiyo, na kuonyesha tarehe ya kuzaliwa ya kila mtoto. Vile vile, shule zinatakiwa kuonyesha jinsi watoto wanavyoweza kusoma, iwapo kuna watoto ambao wamelipishwa pesa zozote, jinsi masomo ya watoto yanavyoendelea, na chanjo walizopewa watoto na kadhalika. Hili ni jambo muhimu sana kule ninakotoka. Kutakuwa na ushahidi kwamba mzazi ameweza kujihusisha na maswala ya mtoto wake.

Tukiendelea mbele, Ibara ya 39 inasema kwamba iwapo kutakuwa na kulipa karo, jambo hilo litekelezwe kwa watoto ambao si Wakenya. Watoto Wakenya hawapaswi kuzuiliwa kupata elimu kwa sababu ya kushindwa kulipa karo ya shule.

Tukiendelea mbele, Ibara ya 41 inadhibitisha waziwazi, lakini baada ya kusoma Ibara ya 41(2), inasema kwamba mtoto ataweza kuingia katika shule ya chekechea kuanzia miaka mitatu mpaka sita. Lakini nimesoma katika Ibara ya 41(2) kwamba wamepeana ruhusa mwalimu mkuu anaweza kukubalia mtoto ikiwa amepitisha umri wa miaka sita. Hususan kule tunakotoka, kuna watoto wa umri mchanga wanaoanzishwa shule ya madrassa kisha wanaenda katika shule hizo.

Ibara ya 46 inazungumzia yale masomo yatakayofunzwa katika shule za chekechea. Sasa hivi, kila mmoja anamsomesha moto wake anavyotaka, lakini Mswada huu unatupa mwelekeo.

Ibara ya 51 inazungumzia kuhusu watoto wa shule za chekechea. Serikali za kaunti zitahakikisha kwamba watoto walioko katika shule za chekechea watapatiwa lishe bora ili watoto wetu wanawiri.

Nikimalizia, Ibara ya 69 inazungumzia kuhusu watoto wetu wachanga. Kutandika watoto wachanga si vizuri. Sheria hii inaweka wazi ikiwa utaamua kuchukua sheria mikononi mwako na utandike ama umtese mtoto akawa na bughudha ndani ya kichwa chake, basi utafungwa kifungo kisichozidi miaka minne. Ama utalipa dhamana isiopungua Kshs500,000, ama vile jaji atakavyokuhukumu pia unaweza kuhukumiwa yote hayo mawili kwa pamoja.

Huu ni Mswada mzuri. Ningepomba Kamati yetu ya Elimu iaangalie vipengele kama hivi viingizwe katika sheria yetu ya elimu.

Kwa hayo machache, nasema ahsante sana.

The Temporary Deputy Speaker (Hon. Omulele): Hon. John Serut.

Hon. Serut: Thank you, Hon. Temporary Deputy Speaker, for affording me this chance to add my voice to this Bill.

At the outset, I support this Bill because it attempts to cure the confusion which has been there in ECDE. As you know, starting with the training of teachers in the kindergartens in this country, there has been a lot of confusion and institutions mushrooming all over the country

without proper accreditation from the Ministry of Education, Science and Technology. Every institution has been offering courses which might not be of any use to that young child. That young child needs a foundation. If that child is to grow into a good citizen and learn, he or she must have good education. That is the basis of ECDE.

Besides training of teachers and the institutions themselves, there has also been the issue of leadership of those ECDE institutions. They have either been led by primary school head-teachers or teachers who teach in those schools. To me, it was everybody's job to lead those schools. Everybody's job is nobody's job. This Bill attempts to bring sanity and defines who should be in charge of those ECDE institutions.

Another thing is the standards. The quality of education that is offered at the ECDE centres has not been the same. There has been a lot of violence here and there depending on the institution, who is teaching there and the kind of materials being used.

Hon. Temporary Deputy Speaker, another issue that this Bill attempts to cure is coordination between the Early Childhood Development Education centres, primary schools, institutions of higher learning, teachers and any other ---

The Temporary Deputy Speaker (Hon. Omulele): Hon. Serut, remember that I had indicated that you will have about five minutes. So, you have about two to go.

Hon. Serut: Much obliged, Hon. Temporary Deputy Speaker. This has been coordinated by the Teachers Service Commission and the Ministry of Education, Science and Technology. Where was ECDE? It was under the Ministry of Education, Science and Technology, but after devolution, it was devolved to the counties. How have the counties performed? Counties have performed very poorly.

Construction of classrooms, which I have heard my colleagues call learning space, has been another nightmare. The cost of construction alone has been very high. In my constituency, it has been to the tune of Kshs2 or Kshs2.5 million to construct one classroom. Communities have not been involved in any way. Therefore, who has been overseeing that construction? This is public money that has been left in the hands of counties. I hope this Bill will go a long way to ensure that, that is done.

I hope it will be made clear in the regulations that free and compulsory ECDE will be dealt with by ward administrators. We have ward administrators who are idle. To me, they have no defined roles at the county level. They should be made busy - because this is a devolved function - to ensure that any child from three years onwards, depending on the environment, should be made to go to school because there is no need of talking about free and compulsory ECDE when we cannot ensure that those children have gone to school.

With those few remarks, I support this Bill. Let us move with speed, pass it, have it assented to and see that there are changes at the counties. Thank you.

The Temporary Deputy Speaker (Hon. Omulele): We will now have Hon. Gumbo, Member for Rarieda.

Hon. (Eng.) Gumbo: Thank you, Hon. Temporary Deputy Speaker for the giving me the opportunity to speak to this Bill. It is important in the sense that ECDE is the foundation of education. Like my colleagues who have spoken to it before me, I also think the dichotomy of putting ECDE under the Ministry and the county governments while the other levels of education are with the national Government needs to be addressed.

We are talking about free and compulsory ECDE. Free and compulsory can only happen if those children are able to go to school. In addition to providing classrooms and teachers, we also must look at the welfare of those children, particularly on matters of health and simple

things like uniforms. There are children who cannot even go to school because parents cannot even afford uniforms. We have to look at issues of nutrition. A hungry child cannot go to school.

Most important, some of us come from rural constituencies and one of the problems that we have seen that besets the provision of free basic and compulsory primary education is the fact that it is difficult to identify where those pupils are. There are some parents all over Kenya who, to date; have not appreciated the importance of education. If we are to provide free and compulsory basic ECDE throughout Kenya, then we have to involve the people who live in villages. It is high time this country recognised that village elders provide vital services in our country. If you go today to your constituency, a good village elder has a statistic of almost everything that happens in the village, including the number of children who do not go to school in that village. It is a contradiction that, as those people offer those useful services, up to now, no one remunerates them.

I also appreciate the fact that this Bill provides for the teacher to child ratio. It is a given fact that the lower the education level, the more the contact hours the pupil needs. I want to believe that at this level, when the regulations are finally made, the teacher to child ratio should not be more than one to twenty five.

The Temporary Deputy Speaker (Hon. Omulele): Hon. (Eng.) Gumbo, you will have a balance of seven minutes.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, the time being 6.30 p.m. this House stands adjourned until tomorrow, Wednesday, 12th October 2016 at 9.30 a.m.

The House rose at 6.30 p.m.