

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2025**

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**NAIROBI, 18th February, 2025**

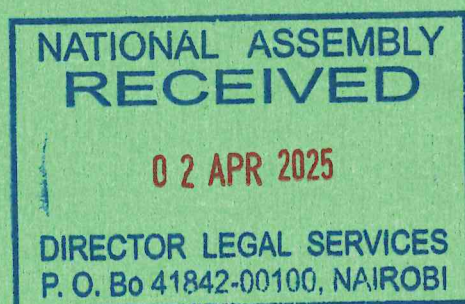
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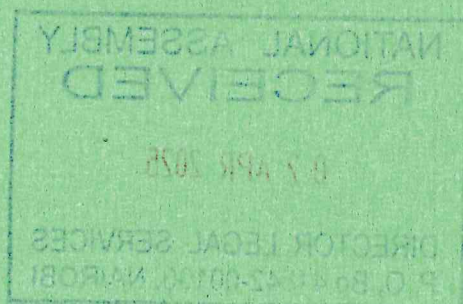
Bill for Introduction into the National Assembly—

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# THE BASIC EDUCATION (AMENDMENT) BILL 2025

## A Bill for

### AN ACT of Parliament to amend the Basic Education Act, 2013 and for connected purposes

ENACTED by the Parliament of Kenya as follows—

1. This Act may be cited as the Basic Education (Amendment) Act, 2025.

Short title.

2. Section 2 of the Basic Education Act, 2013, in this Act referred to as “the principal Act” is amended—

Amendment of section 2 of No. 14 of 2013.

(a) in the definition of “basic education” by inserting the words “and Alternative Provision for Basic Education and Training schools” immediately after the word “centres”.

(b) by inserting the following new definition in proper alphabetic sequence—

“middle level institution” means an institution offering pre-service and in-service teacher training courses that support provision of basic education.”

“Alternative Provision for Basic Education and Training schools” means institutions offering basic education curriculum in informal settlements.

3. Section 7 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)—

Amendment of section 7 of No. 14 of 2013.

(1A) One of the members of the Board appointed under subsection (1) shall be the National Chairperson of Alternative Provision of Basic Education and Training Schools in Kenya.

4. Section 18(1) of the principal Act is amended in paragraph (a) by inserting the words “and Alternative Provision of Basic Education and Training schools” immediately after the word “programmes”.

Amendment of section 18 of No. 14 of 2013.

5. Section 20 of the principal Act is amended

Amendment of section 20 of No. 14 of 2013.

(a) in subsection (1) by deleting the word “twelve” appearing immediately after the words



“Chairperson and” and substituting therefor the word “fourteen”.

- (b) by inserting the following new paragraph immediately after paragraph (k)—

“(l) two representatives of Alternative Provision of Basic Education and Training Schools.”

**6.** Section 26 of the principal Act is amended in subsection (1) by inserting the words “Alternative Provision of Basic Education and Training schools” immediately after the word “polytechnics”.

Amendment of  
section 26 of No.  
14 of 2013.

- 7.** Section 39 of the principal Act is amended—

Amendment of  
section 39 of No.  
14 of 2013.

- (a) by deleting paragraph (e) and substituting therefor the following new paragraph—

‘(e) provide infrastructure for all schools, including Alternative Provision of Basic Education and Training schools, learning and teaching equipment and appropriate financial resources;’

- (b) by inserting the following new paragraphs immediately after paragraph (j)—

(k) advise the national government on the financing of infrastructure development in Alternative Provision of Basic Education and Training schools; and

(l) advise the national government on the waiver of registration requirements, including documents of title, for Alternative Provision of Basic Education and Training schools as the circumstances may demand.

**8.** Section 41 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (d)—

Amendment of  
section 41 of No.  
14 of 2013.

- (e) Alternative Provision of Basic Education and Training Schools.

**9.** Section 43 (1) of the principal Act is amended in paragraph (a) by inserting the words “and Alternative Provision of Basic Education and Training schools” immediately after the word “sponsored schools”.

Amendment of  
section 43 of No.  
14 of 2013.



**10.** The principal Act is amended by inserting the following new Part immediately after Part VII —

Insertion of new Part VIIA in No. 14 of 2013.

**PART VIIA—ALTERNATIVE PROVISION OF  
BASIC EDUCATION, TRAINING AND  
CONTINUING ADULT EDUCATION**

Use of existing facilities.

**52A.** Institutions of Alternative Basic Education, Training and Continuing Adult Education may utilize facilities of existing institutions of basic education or other public and private institutions or premises upon request and concurrence of the institutions of basic education.

Access to public grants.

**52B.** Learners under the age of eighteen years in institutions to which this Part applies shall be eligible for capitation grants under the free and compulsory education programme.

Applicable curriculum.

**52C.** Institutions of Alternative Basic, Adult and Continuing Education shall offer programmes in accordance with the curriculum approved by the Kenya Institute of Curriculum Development.

Age of learners.

**52D.** A learner above the age of eighteen years shall only be admitted into the institutions of alternative basic, adult and continuing education.

Placement of learners.

**52E.** While admitting learners to institutions of alternative basic, adult and continuing education, the institution shall use the learner's prior ability, knowledge and competencies in determining his or her placement at an appropriate level of education.

Conduct of programmes.

**52F.** Institutions of alternative basic, adult and continuing education shall conduct their programs through accelerated and self-directed learning to cover the prescribed curriculum.

Levies.

**52G.** Public institutions of alternative basic, adult and continuing education may



charge such levies as may be prescribed by the Cabinet Secretary.

Infrastructure grants.

**52H.** The national government shall provide institutions of alternative basic adult and continuing education grants for infrastructure improvement.

Conversion of middle level institution.

**52I.** Except with the approval of the Cabinet Secretary, no institution registered as a public middle level institution shall be transferred or converted to any other use.

Curriculum in middle level institution.

**52J. (1)** A middle level institution shall only offer courses or programs whose curriculum is developed or approved by the Kenya Institute of Curriculum institution Development or an agency approved by the Cabinet Secretary.

(2) The Kenya National Examinations Council or a body prescribed by the Cabinet Secretary shall issue certifications for the courses offered under subsection (1).

**10.** Section 79 of the principal Act is amended in subsection (1) by inserting the following new paragraph immediately after paragraph (c)—

Amendment of section 79 of No. 14 of 2013.

“(d) registered, accredited, licensed Alternative Provision of Basic Education and Training schools in the county.”

**12.** Section 86 of the principal Act is amended in subsection (2) by inserting the words “including Alternative Provision of Basic Education and Training” immediately after the word “education”.

Amendment of section 86 of No. 14 of 2013.



## **MEMORANDUM ON OBJECTS AND REASONS**

### **Statement on objects and reasons of the Bill**

The Principal object of the Bill is to amend the Basic Education Act 2013 to ensure Alternative Provision for Basic Education and Training (APBET) schools fall under the definition of basic education and to provide for the mapping, recognition, registration and provision of equivalent benefits to alternative Provision of Basic Education Training (APBET) schools. The policy framework for Alternative Provision of Basic Education and Training (APBET) 2009 and the Basic Education Regulations 2015 recognizes different categories of APBET Institutions, including Adult and Continuing Education centres, Non Formal Education Learning Centres, Vocational Training Centres, Alternative Basic Education Programmes (Non-Formal Schools (NFS), Mobile Schools, Night Schools and Home Schools. However, presently there is no proper recognition of such schools in the Basic Education Act 2013.

This Bill therefore streamlines Basic Education Act 2013 in line with the APBET policy 2009 and the Basic Education Regulations 2015 in order to fully embrace and mainstream Alternative Provision for Basic Education and Training (APBET) schools into the formal education structures or system.

**Clause 2** of the Bill proposes to amend section 2 of the Basic Education Act 2013 to include Alternative Provision for Basic Education and Training (APBET) schools under Basic Education for recognition under the Act.

**Clause 3** of the Bill proposes to amend section 7(1) of the Act to ensure APBET schools are represented in the National Education Board by at least one person to cater for their needs.

**Clause 4** of the Bill proposes to amend section 18 of the Principal Act to give the County Education Board the mandate to oversee the operation and management of APBET Schools in the County.

**Clause 5** of the Bill proposes to amend section 20 of the Principal Act to increase the composition of the County Education Board by two members to add two representatives from the APBET Schools in Board.

**Clause 6** of the Bill proposes to amend section 26 of the Principal Act to provide that the County Government shall be responsible to provide funds to APBET schools among the other schools listed in that particular subsection.

**Clause 7** of the Bill proposes to amend section 39 of the Act to add additional responsibility to the Cabinet Secretary to advise the national



government on financing of infrastructure in APBET schools and also to provide for the waiver of the strict registration requirements for APBET schools if need be.

**Clause 8** of the Bill proposes to amend section 41 of the Act to require the promotion of education in APBET schools.

**Clause 9** of the Bill proposes to amend the Act by listing and recognizing APBET schools as one of the categories of schools in Kenya alongside public and private schools.

**Clause 10** of the Bill proposes to amend the Act to insert a new PART VIIA to incorporate part V of the Basic Education Regulations 2015 into the Basic Education Act as a substantive law to operationalize the regulations in order to fully embrace and mainstream Alternative Provision of Basic Education and Training (APBET) schools into the formal education structures or system. The new Part provides for institutions of alternative basic and continuing adult education; capitation grants to promote education in APBET schools; the applicable curriculum for Alternative Basic and continuing adult education institutions; mechanisms for admission of learners above the age of eighteen years into institutions of alternative basic, adult and continuing education; placement of learners at an appropriate level of education; conduct of education programmes in Institutions of alternative basic, adult and continuing education through accelerated and self-directed learning; the levies to be charged by public institutions of alternative basic, adult and continuing education; provision of infrastructure improvement. Grants; and registration of and the applicable curriculum for middle level institutions.

**Clause 11** of the Bill proposes to amend section 79 of the Act to ensure that the County Education Board maintains a Data bank of all registered Alternative Provision for Basic Education and Training (APBET) schools in the County.

**Clause 12** of the Bill proposes to amend section 86 of the Act to ensure the funds of the Department of Education are used to promote education in Alternative Provision of Basic Education and Training (APBET) schools.

### **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

This Bill delegates legislative powers to the responsible Cabinet Secretary to waive registration requirements for a particular category of schools. The Bill does not limit any fundamental right or freedom.



**Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill shall not occasion additional expenditure of public funds.

**Statement as to whether the Bill concerns county governments.**

This Bill is a Bill concerning county governments. It contains provisions affecting the functions and powers of county governments in relation to education as set out in the Fourth Schedule to the Constitution.

Dated the 18th February, 2025.

ANTHONY TOM OLUOCH,  
*Member of Parliament.*



*Section 2 of No. 14 of 2013 which it is proposed to amend—*

## **2. Interpretation**

In this Act, unless the context otherwise requires—

“accreditation” means the procedure by which the accreditation agency formally recognizes the status of an institution offering basic education and confirms in writing by way of a documentation issued under this Act;

“adult” means an individual who has attained the age of eighteen years;

“adult and continuing education” means the learning processes within the perspective of lifelong learning in which an adult or out-of-school youth is granted an opportunity in an institution of basic education for purposes of developing abilities, enriching knowledge and improving skills;

“adult basic education” means basic education offered as a full-time or part-time course to a person who is above the age of eighteen years and includes education by correspondence, the media of mass communication and the use of libraries, museums, exhibitions or other means of visual or auditory communication for educational purposes and “Adult learning” shall be construed accordingly;

“basic education” means the educational programmes offered and imparted to a person in an institution of basic education and includes Adult basic education and education offered in early childhood education centres;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to Basic education and training;

“child” means an individual who has not attained the age of eighteen years;

“community” means persons residing in the neighbourhood of a basic education institution;

“County Director of Education” means a Director appointed under section 52;

“County Education Board” means a Board established as an agency of the national Government to serve the relevant county under section 17;

“curriculum” means all the approved subjects taught or programmes offered and includes all the activities provided at any institution of basic education;



“Director-General” means a person appointed under the Public Service Commission Act and responsible to the Cabinet Secretary;

“Duksi” means Islamic elementary institution that offers Quranic education and other related subjects;

“Early childhood education” has the meaning assigned to it under the law relating to early childhood education;

“Education Appeals Tribunal” means the Appeals Tribunal established under section 92;

“EMIS” means Educational Management Information System;

“Education Standards and Quality Assurance Commission (ESQAC)” means the Commission established under section 62;

“formal education” means the regular education provided in the system of schools, and other formal educational institutions;

“headteacher” has the meaning assigned to it under the Teachers Service Commission Act;

“ICT Integration and Education” means the seamless incorporation of information communication technologies to support and enhance the attainment of curriculum objectives, to enhance the appropriate competencies including skills, knowledge, attitudes and values and to manage education effectively and efficiently at all levels;

“institution of basic education and training” means a public or private institution or facility used wholly or partly, regularly or periodically for conducting basic education and training and includes a school, a tuition facility, an educational centre, an academy, a research institution, a school correctional facility or a borstal institution;

“Madrassa” means the structural Muslim educational institutions or schools that offer Islamic and other subjects and are laddered from primary to secondary;

“manager” means a person who has been appointed by the Cabinet Secretary in consultation with the proprietor through regulations to coordinate and oversee implementation of education policies and guidelines in non-public basic education institutions and performs delegated teacher management functions;

“mobile school” means a formal flexible institution that allows for mobility of pupils and teachers and is specifically designed to suit the needs of migrant communities;



“National Council for Marginalized and Nomadic Education” means the council provided for under section 92;

“National Education Board” means the National Board for Education and Training established under section 5 of this Act;

“non-formal education” means any organized educational activity taking place outside the framework of the formal education system and targets specific groups/categories of persons with life skills, values and attitudes for personal and community development;

“out-of-school youth” means all persons who have attained the age of eighteen years but have not attained thirty five years and who are not engaged in learning in the formal education system;

“parent” means a mother, father or guardian of a child and includes any person who is responsible under the law to maintain a child or is entitled to a child's custody;

“parent's association” means an association as prescribed in subsection 53(2);

“pastoral programmes” means the curriculum designed by different Christian churches;

“pre-primary education” deleted by Act No. 3 of 2021;

“primary education” means education imparted to a child who has completed early childhood education;

“Principal” has the meaning assigned to it under the Teachers Service Commission Act;

“private school” means a school established, owned or operated by private individuals, entrepreneurs and institutions;

“Salaries and Remuneration Commission” has the meaning assigned to it under the Salaries and Remuneration Act;

“school” means an institution registered under this Act that meets the basic prescribed standards and includes institutions offering alternative approaches of multi-grade, double-shift, mobile schooling, out of school programmes, adult and continuing education, distance or correspondence instruction, or accelerated learning and talent based institutions, but does not include—

- (a) any institution or assembly for which a Cabinet Secretary other than the Cabinet Secretary responsible for matters relating to basic education and training, is responsible;



(b) any institution or assembly in which the instruction is, in the opinion of the Cabinet Secretary, wholly or mainly of a religious character; or

(c) an institution mainly or wholly of a religious character;

“special education needs” means conditions physical, mental or intellectual conditions with substantial and long term adverse effects on the learning ability (other than exposure) or the needs of those who learn differently or have disabilities that prevent or hinder or make it harder for them to access education or educational facilities of a kind generally provided for learners of the same age in the formal education system;

“special needs education” includes education for gifted or talented learners as well as learners with disability and includes education which provides appropriate curriculum differentiation in terms of content, pedagogy, instructional materials, alternative media of communication or duration to address the special needs of learners and to eliminate social, mental, intellectual, physical or environmental barriers to learners;

“special school” means a school established for the benefit of a particular class of children who require some special form of education, treatment or care;

“sponsor” means a person or institution who makes a significant contribution and impact on the academic, financial, infrastructural and spiritual development of an institution of basic education;

“stakeholder” means a person, a public or private institution or organization involved in an education institution and with vested interests for the benefit of such an institution;

“statutory structural adjustment” means a systematic multi-disciplinary process of collecting information about learners for the purpose of identifying and confirming the substantial and long-term impact on the learning process, abilities or educational progress so as to provide educational support based on the assessment or findings;

“teacher” has the meaning assigned to it under the Teachers Service Commission Act;

“tuition fees” means fees charged to cater for instruction or instructional materials.

*Section 5 of No. 14 of 2013 which it is proposed to amend—*

## **5. Establishment and functions of the Board**

(1) There is established a Board to be known as the National Education Board.



(2) The functions of the Board shall be to advise the Cabinet Secretary, the department of education and related departments on policy matters in respect to—

- (a) collaboration with the Quality Assurance and Standards Council, Teachers Service Commission and with other stakeholders to promote standards in basic education and training;
- (b) working with all relevant authorities and agencies to ensure that all the barriers to the right to quality education are removed and that the National and County governments facilitate the realization of the right to education by all Kenyans;
- (c) the initiation of guidelines for approval by the Cabinet Secretary on the establishment of basic education institutions;
- (d) putting measures in place to ensure all children attend and remain in school to complete basic education requirements;
- (e) putting measures to ensure, where applicable, transition to the next level of education, especially for the vulnerable and marginalized children;
- (f) any other matter as shall be from time to time be referred to the Board by the Cabinet Secretary.

(3) The National Education Board shall generate and cause to be published an annual report on the state of education and service delivery in the country.

*Section 7 of No. 14 of 2013 which it is proposed to amend—*

## **7. Composition of the Board**

(1) The Board shall consist of a chairperson and eight other members appointed by the Cabinet Secretary in accordance with the provisions of this Act.

(2) The chairperson shall serve for a term of four years and shall be eligible for reappointment for one further term of four years.

(3) The members shall serve for a term of three years and shall be eligible for re-appointment for one further term of three years.

*Section 18 of No. 14 of 2013 which it is proposed to amend—*

## **18. Functions of the County Education Boards**

(1) The functions of the County Education Board shall be to—

- (a) oversee in consultation with the county government, the operation and management of youth polytechnics, early childhood



education including early childhood care and education programmes in the county;

- (b) coordinate and monitor education and training in the County on behalf of the national government and the county government;
- (c) interpret national policies in education based on the county's needs;
- (d) initiate proposals for policy reforms;
- (e) plan, promote, develop, and coordinate education, training and research in the county in accordance with the provisions of this Act, the national education policy and the laws and policies of the county government;
- (f) collaborate with the Board of Management, the Principal, the Head Teacher, and other appropriate authorities in the management of basic schools;
- (g) register and maintain a data bank of all education and training institutions within the county;
- (h) monitor curriculum implementation in basic education in the county;
- (i) monitor the conduct of examinations and assessments at the basic education and training levels in the county in collaboration with all the relevant national bodies;
- (j) collaborate with the Teachers Service Commission on teacher management within the county;
- (k) prepare and submit a comprehensive school termly annual report including Educational Management Information System data to the Cabinet Secretary on all areas of its mandate including education and training services, curriculum, policy implementation and school based audit report within the County;
- (l) coordinate with all relevant agencies to ensure that all the barriers to the right to quality education are removed and with National Government to facilitate realization of the right to education within the county;
- (m) put measures in place to ensure all children and youth of school going age within the county attend and stay in to complete basic education.



- (n) perform such other functions as may be necessary for the better carrying out of the functions of the county education board under this Act or any other written law.

(2) The County Education Board may in consultation with the National Education Board and relevant stakeholders appoint a sub county education office with clear functions and powers.

*Section 20 of No. 14 of 2013 which it is proposed to amend—*

## **20. Composition of the County Education Boards**

(1) Every County Education Board shall consist of a Chairperson, and twelve other members appointed by the Cabinet Secretary through an open and competitive process and shall include —

- (a) an educationist of at least five years standing, based in the county;
- (b) the County Director of Education or his or her representative who shall be the Secretary to the County Education Board;
- (c) a representative of the county executive in charge of education;
- (d) a representative of the Teachers Service Commission
- (e) where applicable, one person each representing —
  - (i) jointly, the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;
  - (ii) the Kenya Episcopal Conference; and
  - (iii) the Muslims Education Council;
- (f) a representative of the association of private schools;
- (g) two representatives of a trade union representing the interest of teachers;
- (h) two representatives of parents teachers association; and
- (i) a representative of persons with disability;
- (j) two members nominated by the following bodies —
  - (i) the Primary School Head Teachers' Association; and
  - (ii) the Secondary School Principals Association.
- (k) a representative of a child rights organization.

(2) In appointing persons as Chairperson and members of the County Education Board, the Cabinet Secretary shall observe the principle of gender equity, regional, ethnic and religious balance, transparency,



openness and competitiveness and shall have due regard to the principle of equal opportunities for persons with disabilities.

(3) All members of the County Education Board shall have a minimum qualification of secondary education certificate.

*Section 26 of No. 14 of 2013 which it is proposed to amend—*

## **26. Roles of County Government**

(1) The roles of the county government shall include the provision of funds required for the development of the necessary infrastructure for institutions of basic education and training used for conducting early childhood education, childcare facilities, homecraft centres and village polytechnics.

(2) Pursuant to Article 187 of the Constitution, the national government may, upon request and with agreement between both governments, transfer its functions relating to infrastructure development of primary schools and secondary schools to a county government.

(3) Where the national government transfers its functions to a county government under subsection (2), it may also allocate conditional grants to that county government to cater for the additional responsibilities arising from the transfer.

*Section 39 of No. 14 of 2013 which it is proposed to amend—*

## **39. Responsibility of the Government**

It shall be the duty of the Cabinet Secretary to—

- (a) provide free and compulsory basic education to every child;
- (b) ensure compulsory admission and attendance of children of compulsory school age at school or an institution offering basic education;
- (c) ensure that children belonging to marginalized, vulnerable or disadvantaged groups are not discriminated against and prevented from pursuing and completing basic education;
- (d) provide human resource including adequate teaching and nonteaching staff according to the prescribed staffing norms;
- (e) provide infrastructure including schools, learning and teaching equipment and appropriate financial resources;
- (f) ensure quality basic education conforming to the set standards and norms;



- (g) provide special education and training facilities for talented and gifted pupils and pupils with disabilities;
- (h) ensure compulsory admission, attendance and completion of basic education by every pupil;
- (i) monitor functioning of schools;
- (j) advise the national government on financing of infrastructure development for basic education; and
- (k) provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty and provide a safe and environmentally sound mechanism for disposal of the sanitary towels.

*Section 41 of No. 14 of 2013 which it is proposed to amend—*

#### **41. Promotion of education**

The Cabinet Secretary shall in consultation with the relevant Cabinet Secretary and other relevant stakeholders promote education and training in Kenya under the following system and structure-

- (a) early childhood education;
- (b) primary education;
- (c) secondary education;
- (d) middle level institutions of basic education;

*Section 43 of No. 14 of 2013 which it is proposed to amend—*

#### **43. Categories of schools**

- (1) Basic educational institutions shall be categorised as—

- (a) public schools which are schools established, owned or operated by the Government and includes sponsored schools;
- (b) private schools as those established, owned or operated by private individuals, entrepreneurs and institutions.

(2) A public basic education institution shall not be converted to a private basic education institution or to any other private status without consultation with the National Education Board and approval by the Cabinet Secretary.

*Section 52 of No. 14 of 2013 which it is proposed to amend—*

#### **52. Duties and rights of a private school**

- (1) A private school shall—



- (a) establish necessary educational and governance structures;
- (b) recruit registered teachers;
- (c) comply with and follow the approved curriculum;
- (d) maintain premises that meet the requirements of the occupational health, safety regulations and building standards;
- (e) maintain necessary teaching and learning materials;
- (f) maintain a data bank on pupils undertaking education in the school and submit to the Cabinet Secretary;
- (g) where requested by the Cabinet Secretary, provide evidence that pupils are making reasonable educational progress appropriate for their age and grade level based upon results of nationally recognized standardized achievement tests.

(2) The County Education Board in consultation with the Teachers Service Commission shall assess a private school, including teachers, non teaching staff, the school's educational programmes and the school instructional materials, to inspect the school's facilities and to perform such other appropriate functions with respect to the private school as the Cabinet Secretary may require.

*Section 76 of No. 14 of 2013 which it is proposed to amend—*

**76. Licensing, registration and accreditation of persons and institutions of education, training and research.**

A person shall not offer basic education in Kenya unless the person is accredited and registered as provided for under this Act.

(2) A person or organization intending to establish an institution offering basic education shall make an application in the prescribed manner to the relevant County Education Board.

(3) Upon receipt of an application, the County Education Board shall-

- (a) record the application; and
- (b) if satisfied that the establishment of the institution conforms to the prescribed requirements, notify the applicant within thirty days.

(4) Where an application is approved the County Education Board shall inform the office representing the Education, Standards and Quality Assurance Council at the county in the case of a primary or secondary school.



*Section 79 of No. 14 of 2013 which it is proposed to amend—*

**79. County Education Board to maintain a databank**

(1) The County Education Board shall establish and maintain a databank of all—

- (a) registered, accredited, licensed and incorporated institutions of education, training and or research in the County;
- (b) teachers in the County; and
- (c) pupils and students.

(2) The register established and maintained under subsection (1) shall be open to the public for inspection during normal working hours.

(3) The Board shall deal with any relevant personal data collected and so held in the register according to the data principles set out in the Data Protection Act, No. 24 of 2019.

*Section 82 of No. 14 of 2013 which it is proposed to amend—*

**82. Licensing of an institution basic education and training.**

(1) The Education, Standards and Quality Assurance Council shall assess the application to ensure due compliance with the standards formulated and developed under this Act and submit its report to the County Education Board.

(2) Without prejudice to the foregoing, the County Education Board shall license and register a basic education and training institution only if—

- (a) the institution has sufficient number of registered teachers and non teaching staff under the staffing norms prescribed by the Education Standards and Quality Assurance office for the county have been complied with.
- (b) the institution has appropriate teaching and learning facilities;
- (c) the available premises and accommodation are suitable with regard to the number, age, gender, and security of the learners who are to attend the institution;
- (d) the premises and accommodation conform to the prescribed requirements of the occupational health and safety regulations;
- (e) the necessary and suitable infrastructure as well appropriate and adequate equipment to carry out the programmes applied for as may be prescribed by regulations.



*Section 86 of No. 14 of 2013 which it is proposed to amend—*

**86. Financing of basic education**

- (1) The funds of the Department of Education shall consist of—
  - (a) monies provided by Parliament for the purposes of the Department;
  - (b) any funds provided by bilateral or multilateral donors, for the purpose of the basic education;
  - (c) monies that may accrue to or vest in the in the course of the exercise of its functions under this Act;
  - (d) gifts, grants, donations or endowments as may be given to the Department;
  - (e) monies that may be borrowed by the Department for the discharge of the functions of the Department;
  - (f) fees for services rendered to any designated institution in terms of a service agreement; and
  - (g) monies from any other source provided for the Department or relevant educational institution or programme.
- (2) The funds shall be used to promote basic education.



