

THE LAIKIPIA COUNTY EDUCATION BURSARY FUND BILL, 2014

ARRANGEMENT OF CLAUSES

Clause

PART I-PRELIMINARY

- 1- Short title.
- 2- Interpretation.
- 3- Purpose of the Act.

PART II- THE EDUCATION BURSARY FUND

- 4- Establishment of the Fund.
- 5- Administration of the Fund.
- 6- Ward Education Bursary Committee
- 7- Functions of the ward Committee
- 8- Conduct of business
- 9- Allowances

PART III- EDUCATION BURSARY AWARDS

- 10- Guiding Principles.
- 11- Eligibility for grant of bursary.
- 12- Conditions for bursary allocation.
- 13- Application Procedure.
- 14- Review of applications.
- 15- Award of bursary.
- 16- Verification of information.
- 17- Disbursement of bursary funds.

18-publishing the list of beneficiaries.

19-Partnership

PART IV- GENERAL PROVISIONS

20- Annual report.

21- Scholarship scheme.

22- Regulations.

Schedule- Provisions as to the Conduct of Business and Affairs of the Committee.

A Bill for

AN ACT of County Assembly of Laikipia to provide for the establishment of the County Education Bursary Fund and the administration of the Fund and for connected purposes

ENACTED by the County Assembly of Laikipia as follows-

PART I- PRELIMINARY

Short title.

1. This Act may be cited as the Laikipia County Education Bursary Fund Act, 2014.

Interpretation.

2. In this Act, unless the context otherwise requires-

“Committee” means the Ward Education Bursary Committee established under section 8;

“Executive Member” means the member of the County Executive for the time being responsible for education;

“Fund” means the Laikipia County Education Bursary Fund established under section 4.

“special schools” includes schools and units in ordinary schools for the visually impaired, hearing impaired, physically and mentally challenged;

Purpose of the Act.

3. The purpose of the Act is to provide for the legal framework for establishing a County Education Bursary Fund for providing financial assistance to the poor and vulnerable students in the county in order to-

(a) increase access to education;

(b) promote and increase enrollment, retention, completion and transition rates in schools;

(c) improve education standards and literacy levels;

- (d) reduce poverty, disparities and inequality.

PART II- THE COUNTY EDUCATION BURSARY FUND

Establishment of the Fund.

4. (1) There is established a Fund to be known as the Laikipia County Education Bursary Fund.

(2) The Fund shall consist of-

- (a) such monies as may be appropriated by the County Assembly;
- (b) sums received as contributions, gifts or grants from any lawful source;
- (c) monies earned or arising from any investment of the Fund; and
- (d) any money that may be payable or vested in the Fund.

(3) The Fund shall be used for -

- (a) providing education bursary to students enrolled in secondary schools and special primary or secondary schools;
- (b) granting scholarships in accordance with the criteria set out under this Act; and
- (c) meeting any expenditure related to administration of the Fund as may be approved by the Executive Member:

provided that not more than three per cent of the total monies consisting of the Fund shall be utilized for administration of the Fund.

(4) Notwithstanding subsection (3), the County Assembly may appropriate such monies, or the county government may receive such grants to be disbursed through the Fund as scholarships for poor students who qualify in accordance with such criteria as may be prescribed.

(5) The Fund shall be disbursed through the Wards.

(6) An amount totaling to seventy five per cent of the amount set aside for disbursement under this Act shall be allocated equally to all the Wards and the remaining twenty five per cent shall be allocated in accordance with the prescribed formula determined in accordance with the population of secondary school going children and poverty levels and such other criteria as may be prescribed.

(7) Subsection (6) shall not apply to the bursary allocations disbursed during the 2013/2014 financial year.

Administration of the Fund.

5. (1) The Fund shall be administered by the Chief Officer for the time being responsible for education.

(2) The chief officer shall-

(a) supervise and control the administration of the Fund;

(b) be the accounting officer of the Fund;

(c) prepare a budget and such plans for better administration of the Fund to be approved by the county executive committee;

(d) impose conditions or restrictions on

the use of any expenditure arising from the Fund;

- (e) cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;
- (f) prepare, sign and transmit to the Auditor-General in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the Fund in accordance with the Public Audit Act, 2003 and in such details as the County Treasury may from time to time direct;
- (g) furnish such additional information as may be required for examination and audit by the Auditor-General or under any law; and
- (h) designate such staff as may be necessary to assist in the management of the Fund.

Ward Education Bursary Committee.

6. (1) There is established for each Ward the Ward Education Bursary Committee.

(2) The Committee shall consist of-

- (a) the Ward Administrator;
- (b) the elected member of County Assembly who shall be an *ex officio* member;
- (c) the county officer in charge of education in the Ward who shall be the secretary;
- (d) one person representing faith based organizations involved in education matters in the Ward nominated by the joint forum of faith based organizations in the Ward ;
- (e) one person representing non-governmental organizations or community based organizations involved in education matters in the Ward nominated by the joint forum of non governmental organizations and community based organizations in the Ward;
- (f) one Ward resident experienced in education matters representing persons with disability nominated by the joint forum organizations of persons with disability in the Ward;
- (g) one Ward resident representing the youth nominated by the joint forum youth organizations in the Ward;
- (h) one person nominated by the

teachers' associations.

(3) A person shall not be qualified for appointment as a member under sub section (2) (d), (e), (f), (g) and (h) unless the person-

(a) holds at least a secondary level education certificate;

(b) meets the requirements of chapter six of the Constitution;

(c) is experienced in community development, education, administration or management and leadership;

(d) is a resident of the Ward.

(4) Notwithstanding sub section (3), a person shall not be elected as a chairperson of the Committee unless the person is a holder of a minimum diploma qualification from a recognized institution.

(5) The entities or persons nominating members under subsection 2 (d), (e), (f), (g) and (h) shall propose three names of persons to be considered for appointment to the Executive Member who shall appoint one for each category.

(6) The term of office of a member appointed under sub section (2) (d), (e), (f), (g) and (h) shall be three years which may be renewed for one further term after which the person shall retire from the Committee for at least two years before being eligible for reappointment to the Committee.

Functions of the ward Committee.

7. (1) The Ward Committee shall be responsible for-

(a) creating awareness among the residents of the Ward about the Fund;

(b) receiving, reviewing and approving applications for bursary or

scholarship;

(c) determining the amount of bursary or scholarship to be awarded to each approved application;

(d) monitoring and evaluating the progress and performance of the students supported under this Act;

(e) carrying out such other roles necessary for the implementation of the object and purpose of this Act and perform such other functions as may, from time to time, be assigned by the Executive Member.

(2) The Secretary shall provide secretariat services to the Committee.

Conduct of business.

8. (1) The conduct and regulation of the business and affairs of the Committee shall be as set out in the Schedule.

(2) Except as provided in the Schedule, the Committee may regulate their own procedure.

Allowances.

9. The allowances for the members of the Committee shall be as determined by the County Treasury.

PART III- EDUCATION BURSARY AWARDS

Guiding principles.

10. In awarding bursary, the Committee shall be guided by the following principles-

(a) fairness in allocating monies;

(b) equitable distribution of allocation of monies to all parts of the ward;

- (c) inclusivity and non discrimination in ensuring that all residents are included in the process;
- (d) public participation;
- (e) accountability and transparency;
- (f) efficiency in funds disbursement.

Eligibility for grant of bursary. **11.** An applicant may be eligible for bursary award under this Act if the applicant-

- (a) has a parent or guardian who is a registered voter in the Ward or is a resident in the Ward;
- (b) is a student and attending school in any secondary school or special school at either primary or secondary level;
- (c) has not received full financial support towards payment of the required school fees for that year;
- (d) meets the conditions set out under section 14.

Conditions for bursary allocation. **12.** A bursary or scholarship under this Act shall only be granted to a person who is-

- (a) an orphan; or
- (b) vulnerable due to family or social setting; or
- (c) physically or mentally disabled or has special needs; or

- (d) needy or poor and parents or guardians have no means of providing financial support towards the person's education.

Provided that continued bursary or scholarship will be dependent on good academic performance of the student.

Application procedure.

13. (1) A student seeking to be awarded bursary under this Act shall apply to the Committee in the prescribed form.

(2) The Committee shall ensure that the forms are accessible in at least –

- (a) the county government office;
- (b) the office of the Ward Administrator;
- (c) the office of the Member of County Assembly;
- (d) the office of the county officer responsible for education in the Ward;
- (e) the office of the officer responsible for coordination of national government functions in the Ward;
- (f) the office of the Village Administrator; and
- (g) the county government website.

(3) Notwithstanding subsection (2), the Committee may partner or collaborate with education

stakeholders such as schools, faith based organizations or non governmental or community based organizations for provision of the forms to eligible students.

(4) An applicant shall not be charged any fee for accessing the forms provided under this Act.

Review of applications.

14. The Committee shall review and consider the applications submitted under section 15 within fourteen days after the expiry of the stipulated date of submission.

Award of bursary.

15. (1) The Committee may, after considering an application under section 15, award bursary, in accordance with the criteria set out under subsection (2) and the guidelines issued by the Executive Member in regard to specific amounts that may be awarded to each category of applicant.

(2) The Committee shall consider the following categories of applicants in determining the amount of the bursary awarded-

- (a) family status ranked as total orphan, partial orphan, single parent or needy parents;
- (b) affirmative action or special circumstances such as girl-child, boy-child, children from informal settlements, marginalized areas, special needs or children with disability;
- (c) discipline ranked as excellent, very good, good, fair or poor; and
- (d) academic performance ranked as excellent, very good, good, average or below average.

(3) The Committee shall award scores in each category out of a possible one hundred and the applicants with the highest scores

shall be awarded bursary.

(4) The Committee shall ensure that proper minutes and records of the meetings are maintained.

(5) In considering the applications under this section, the Committee shall liaise with other relevant public or private entities to ascertain whether an applicant has been granted bursary under a similar scheme to cater for the same year and the amount granted where applicable.

(6) Where the Committee establishes that an applicant has been awarded bursary under subsection (5), it may award bursary to the applicant to meet the remaining fees deficit: Provided that the Committee may give priority to applicants who have not received bursary award from any source.

Verification of information.

16. The Committee shall verify all the information provided by the applicant and may-

- (a) visit the residence of an applicant;
- (b) seek further information to support the application; or invite the applicant to appear in person before the Committee.

Disbursement of bursary funds.

17. (1) The Committee shall submit the list of beneficiaries and minutes of the proceedings to the Executive Member for final approval and preparation of payment for the bursary awarded.

(2) Where an applicant who is not eligible to award of bursary under this Act is awarded bursary by the Committee, the Executive Member may cancel the award and give further directives to the Committee.

(3) The Executive Member shall submit the final list of beneficiaries to the County Treasury for the processing of payments.

(4) The County Treasury shall make payments in favour of the schools where the

applicants are students and there shall be no direct payment to any applicant.

(5) The County Treasury shall ensure that all the payments are processed –

(a) in the case of continuing students not later than thirty first January in each year; and

(b) in the case of new students not later than the last day of February each year.

Publishing the list of beneficiaries. **18.** (1) The Committee shall publish the list of beneficiaries in –

(a) the office of the Ward Administrator;

(b) the office of the Member of County Assembly;

(c) the office of the county officer in charge of education in the Ward;

(d) the office of the national government officer responsible for coordination of national government functions in the ward;

(e) such other place as the Executive Member may determine.

(2) The Committee shall ensure that list of beneficiaries is accessible to the public.

(3) The Committee shall convene a public forum for all the applicants awarded bursary in each financial year and education stakeholders in the

Ward in order to inform them on the recipients of bursary for the respective financial year.

Partnership.

19. The county government and the Committee may collaborate, consult or enter into partnership with other government or private entities for the purposes of implementing this Act.

(2) The Forum shall provide platform for reviewing and evaluating the bursary or scholarship scheme established under this Act;

Annual report.

20. (1) The Executive Member shall prepare an annual report which shall be submitted to the County Executive Committee and transmitted to the County Assembly not later than the last day of February each year.

(2) The annual report shall provide among others for-

(a) performance of the Fund;

(b) the number of beneficiaries disaggregated in accordance to gender and Ward;

(c) overview of the academic performance of the students supported under the Act;

(d) overview of the enrolment, retention, transition and completion levels of students supported under this Act.

PART IV- GENERAL PROVISIONS

Scholarship scheme.

21. (1) The Executive Member may establish a scholarship scheme for persons who are eligible for

bursary under this Act.

(2) The Executive Member shall prescribe procedures for administration and management of the scholarship scheme.

Regulations.

22. (1) The Executive Member may, make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may-

(a) prescribe scope, and procedures of administration of the scholarship scheme;

(b) prescribe the additional guidelines regarding bursary awards;

(c) prescribe the forms.

SCHEDULE (s. 10)

**PROVISIONS AS TO THE CONDUCT OF
BUSINESS AND AFFAIRS OF THE
COMMITTEE**

Vacation of office.

1. A member of the Committee may-
 - (a) at any time resign from office by notice in writing to the Executive Member;
 - (b) be removed from office by the Executive Member if the person-
 - (i) has been absent from three consecutive meetings of the Committee without the permission of the chairperson;
 - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (iii) is convicted of an offence involving dishonesty or fraud;
 - (iv) is adjudged bankrupt or enters into a composition scheme of arrangement with his creditors;
 - (v) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his duties as a member of the Committee; or

(vi) fails to comply with the provisions of this Act relating to disclosure.

Meetings.

2. (1) The Committee shall meet not more than twelve times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the chairperson may, and upon requisition in writing by at least seven members with the approval of the executive member convene a special meeting of the Committee at any time for the transaction of the business of the Committee.

(3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days written notice of every meeting of the Committee shall be given to every member of the Committee.

(4) The quorum for the conduct of the business of the Committee shall be five members including the chairperson or the person presiding.

(5) The chairperson shall preside at every meeting of the Committee at which he is present but, in his absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members thereof.

Conflict of interest.

3. (1) If a member is directly or indirectly interested in an outcome of any decision of the Committee or other matter before the Committee and is present at a meeting of the Committee at which the matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Committee may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A member of the Committee shall be considered to have a conflict of interest for the purposes of this Act if he acquires any pecuniary or other interest that could conflict with the proper performance of his duties as a member or employee of the Committee.

(3) Where the Committee becomes aware that a member has a conflict of interest in relation to any matter before the Committee, the Committee shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(4) If the chairperson has a conflict of interest he shall, in addition to complying with the other provisions of this section, disclose the conflict that exists to the executive Member in writing.

(5) Upon the Committee becoming aware of any conflict of interest, it shall make a

determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or the Committee and the member with the conflict of interest shall not vote on this determination.

(6) Where the Committee determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for in subparagraph (1), the member shall resign unless the member has eliminated the conflict to the satisfaction of the Committee within thirty days.

(7) The Committee shall report to the executive member any determination by the Committee that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Committee.

(8) The annual report of the Committee shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

(9) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(10) A member of the Committee who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty thousand shillings, or both.

Code of conduct.

4.The Committee shall comply with the code of conduct governing public officers.

Minutes.

4. The Committee shall cause minutes of all resolutions and proceedings of meetings of the Committee to be entered in books kept for that purpose.

MEMORANDUM OF OBJECTS AND REASONS

Firstly, this Bill aims at establishing an education bursary fund to support poor students enrolled in secondary schools or special primary or secondary schools.

Secondly, this Bill aims at increasing literacy levels by increasing enrolment, retention and transition rates. It seeks to improve access to education in the county.

PART I of the Bill provides for preliminary provisions.

PART II of the Bill establishes the County Education Bursary Fund. The Fund consists of monies appropriated by the County Assembly or grants or contributions from lawful sources. The Fund will be used for providing education bursary to poor students enrolled in secondary or special primary and secondary schools. The Chief Officer responsible for education is appointed as the administrator of the Fund and the accounting officer of the Fund.

The Part also establishes the Ward Education Bursary Committees, which are responsible for creating awareness among the ward residents on the Ward, receiving, reviewing and approving applications for bursary or scholarship, determining the amount of bursary to be allocated and monitoring and evaluating the progress and performance of students.

PART III of the Bill provides for the principles and procedures of award of bursaries. It provides for persons who are eligible for award of bursaries, the conditions for allocating bursary, procedures for applying for bursary and publication and awareness creation on the beneficiaries of the Fund. In addition, the Part provides for timelines for application and award of bursary, the establishment of an annual forum for all students and parents sponsored through bursary and scholarships under the Act in order to review and evaluate the program. It also provides for preparation of an annual report, which, will be transmitted, to the County Assembly for consideration.

PART IV of the Bill provides for general provisions, which include the power of the Executive Member to establish a scholarship scheme and to make Regulations under the Act.