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NYAMIRA

Nyamira County Education Support Bill , 2015

THE NYAMIRA COUNTY EDUCATION SUPPORT BILL, 2015 ARRANGEMENT OF SECTIONS

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Nyamira County Education Support Bill , 2015

AN ACT of NYAMIRA County Assembly for the County Education Support programme to offer bursaries, scholarships and loans to students to enable them access education at recognized institutions and for the matters incidental thereto and connected therewith.

ENACTED by the NYAMIRA County Assembly, as follows –

- Short title and commencement. **1.** This Bill may be cited as the NYAMIRA County Education Support Bill, 2014 and shall come into operation on the date of publication in the *Gazette*.
- Interpretation. **2.** In this Bill, unless the context otherwise requires-
- “CEC” member” means the County Executive Committee member responsible for Education;
- “Chief Officer” means the Chief Officer responsible for Education ;
- “Committee” means NYAMIRA County Education Committee;
- “Continuing Education Students” means student joining colleges and universities and are gainfully employed
- “County” means NYAMIRA County;
- “County Assembly” means County assembly of NYAMIRA;
- “County Government” means County Government of NYAMIRA;
- “Direct Entry Students ” means students who join colleges and universities locally and internationally immediately after graduating from secondary education
- “Fund” means the NYAMIRA county education Fund established under section 8;
- “HELB” means Higher Education Loans Board as provided for in Higher Education Loans Fund Act, CAP 213A;
- “Loan” means a sum of money lent to an eligible student by HELB on behalf of the Committee to be repaid with interest;
- “Loans fund” means part of the Fund that is appropriated by Committee for loans and administered by HELB;

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“Scholarship” means a payment of a sum of money from the Fund to maintain an able student in education; and

"Bursary" means a payment of sum of money from the Fund to maintain an able pre-secondary and or NYAMIRA County polytechnic student in education;

“Student” means any Kenyan resident from NYAMIRA County who is a voter or whose parent/guardian is a voter in NYAMIRA County admitted and pursuing education in an institution recognized in Kenya with financial need.

Objects and purpose

3. To promote education and training in the County

PART II – ESTABLISHMENT AND FUNCTIONS OF THE COUNTY EDUCATION COMMITTEE

Establishment of County Education Committee.

4. There is hereby established a committee to be known as the County Education Committee, herein referred to as the Education Committee.

Composition of the Education Committee

5. (1) The composition of the Education Committee shall be-

(a) Chairperson shall be the CEC Member appointed by the Governor;

(b) CEC Members in charge of Finance and any two other CEC Member in-charge of priority areas as approved by the cabinet ;

(c) County Secretary who shall be the secretary to the education committee;

(d) Chairperson of the County Public Service Board;

(e) A representative of the wards committee chairpersons nominated by the wards committee chairpersons and appointed by the CEC Member;

(f) Chairperson of the loans oversight committee;

(g) Chairperson county assembly sectoral committee on education who shall be ex-officio member .

(2) The appointment of Chairperson and members under subsection (1)(d) to (g) above shall be in a notice published in the NYAMIRA county Gazette.

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(3) The appointment of Chairperson and members under subsection (1)(e) to (g) shall be subject to such persons-

(a) being registered voter in NYAMIRA county;

(b) meeting the requirements of chapter six of the constitution of Kenya;

(4) the office of a member of the committee shall fall vacant if-

(a) he or she resigns in writing to CEC member through the secretary giving a one month notice;

(b) if the committee is satisfied that such a member is by reason of his/ her physical or mental infirmity unable to execute the functions of his/her office; or

(c) upon death.

(5) where the office of a member becomes vacant under subsection (4), the secretary shall forthwith notify the appointing authority for appropriate action.

Education Committee Functions

6. Functions of the committee shall be-

(a) to supervise the ward and loans oversight committees;

(b) to formulate policies for regulating the disbursement and management of bursaries, scholarships and loans;

(c) to advise the CEC member on bursary, scholarships and loans and award and disbursements.

(d) to grant bursaries, scholarships and loans;

(e) to mobilize resources to support education and training in the County;

(f) to receive any gifts, donations, grants or endowments made to the committee and to make legitimate disbursements therefrom;

(g) to perform any other functions for implementation this Act;

Loans Oversight Committee

7.(1) There is hereby established a committee to be known as the Loans Oversight Committee, herein referred to as the Loans Committee to be appointed by the CEC Member.

Composition of the Loans

(2) the composition of loans committee shall be-

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Committee

(a) a chairperson appointed by the CEC Member from amongst the county chief officers;

(b) four chief officers representing the priority areas as approved by the cabinet ;

(c) Director of human resource in lieu of the Chief officer in charge of administration;

(d) Chief officer who shall be the secretary and ;

(e) A representative from HELB who shall be ex officio;

(3) The appointment of Chairperson and members under subsection (2)(a) to (d) shall be subject to such persons-

(a) being registered voters in NYAMIRA county;

(b) meeting the requirements of chapter six of the constitution of Kenya;

(c) the Chairperson shall be a holder of at least a degree from a recognized institution in kenya; and

(d) members appointed under subsection (1)(e) and (f) shall be holders of at least a diploma from a recognised institution in kenya.

(4) the Chairperson and members appointed under subsection (1)(e) to (h) shall be appointed for a term of three years and shall be eligible for re-appointment for one further term

(5) the office of a member of the committee shall fall vacant if-

(a) he or she resigns in writing to CEC member through the secretary giving a one month notice;

(b) if the committee is satisfied that such a member is by reason of his/ her physical or mental infirmity unable to execute the functions of his/her office; or

(c) upon death.

(6) where the office of a member becomes vacant under subsection (5), the secretary shall forthwith notify the appointing authority for appropriate action.

Loans Committee Functions

8. Functions of the committee shall be-

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(a) In consultation with HELB, set up the criteria and conditions governing the granting and disbursement of financial assistance ;

(b) Liaise with HELB in the approval of disbursement of financial assistance ;

(c) Receive quarterly reports from HELB concerning the management of the project in the agreed format ;

(d) Consider and grant waiver/amnesty of bad debts as deemed appropriate ;

(e) Inform HELB of proposed changes deemed appropriate from time to time ;

(f) Pay all administrative fee in the mode stipulated in the fee schedule ;

(g) Act as the link between HELB and the County government ;

Ward Committee

9. (1) There is established in every ward a committee to be known as ward committee and shall be appointed by the CEC Member.

(2) the composition of ward committee shall be-

(a) A chairperson nominated by the ward committee members ;

(b) the area education officer in charge of the respective ward;

(c) four persons one a youth leader, one person leaving with disability, one representing women and one representing a community based organization all to be residents of the ward;

(d) A representative or regilious bodies present in the ward

(e) the respective area chief

(f) Member of the assembly who shall be an ex-officio member and may attend the meeting in person or through his/her dully nominated representative in writing

(3) the ward committee during its first meeting shall nominate a chairperson from among members appointed under subsection (2).

(4) members of the ward committee under subsection (2) shall serve for a term of three years and shall be eligible for reappointment for one further term.

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(5) members the ward committee role is subservient to that of the Education Committee .

(3) The appointment of Chairperson and members under subsection (2)(a) to (d) shall be subject to such persons-

(a) being registered voters in NYAMIRA county;

(b) meeting the requirements of chapter six of the constitution of Kenya;

(c) the Chairperson shall be a holder of at least a diploma from a recognized institution in kenya; and

(d) members appointed under subsection (1)(e) and (f) shall be holders of at least a Kenya Certificate of Secondary Education.

(4) the Chairperson and members appointed under subsection (1)(e) to (h) shall be appointed for a term of three years and shall be eligible for re-appointment for one further term

(5) the office of a member of the committee shall fall vacant if-

(a) he or she resigns in writing to CEC member through the secretary giving a one month notice;

(b) if the committee is satisfied that such a member is by reason of his/ her physical or mental infirmity unable to execute the functions of his/her office; or

(c) upon death.

(6) where the office of a member becomes vacant under subsection (5), the secretary shall forthwith notify the appointing authority for appropriate action.

10. (1) The Chairpersons of the three committees under sections (4) (6) and (8) shall preside at all meetings of the Committees unless (s)he is absent from a particular meeting in which case the members present shall elect one of themselves to preside that particular meeting or part thereof.

(2) for transaction of the business of the committees two thirds of the members shall constitute the quorum for transaction of business of the committee meeting.

Quorum

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(3) the committees shall meet at least four times in each year, but the Chairperson shall upon requisition in writing by at least two thirds of the members, convene a special meeting of the committee.

(4) all questions at the meeting of the committees shall be determined by a simple majority of the votes of the members present and voting.

(5) the Chairpersons presiding the meetings shall, in case of equality of votes, have an original and a casting vote.

(6) subject to this Act, the committees shall regulate their own proceedings,

PART III- ESTABLISHMENT AND ADMINISTRATION OF

NYAMIRA COUNTY EDUCATION FUND

Establishment of NYAMIRA
County Education Fund

11. (1) There is hereby established a Fund to be known as NYAMIRA County Education Fund, herein referred to as the Education Fund which shall be managed and administered by the Education Committee.

(2) The object and the purpose of the Fund shall be to :

(a) provide funds to be used for granting bursaries to assist needy students to pursue education at secondary schools and county polytechnics and have missed sponsorship from other financiers

(b) provide funds to be used to award merit based scholarship to needy students admitted only in national secondary schools and have missed sponsorship from other financiers

(c) (i) provide funds to be used to give loans to students in colleges and universities recognized in Kenya and have missed sponsorship from other financiers.

Sources of Funds

12. (1) The sources of funds for the Fund shall consist of :

(a) moneys appropriated by the County Assembly for the Fund;

(b) sums which represent the repayment of the

capital of any loan granted by the Education Committee;

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(c) any gifts, donations, grants and endowments made to the Fund;

(2) there shall be paid out of the Fund any expenditure approved by the Committee and incurred in connection with the administration of the Fund.

Appropriation of Education Fund

13. (1) In appropriating the Fund the Committee shall take into account:

(a) gender equality, regional balance , and minority groups and persons living with disabilities; and

(2) (a) ensure that 30% of the annual allocation to the Education Fund from the county government is expended in disbursing bursaries equally to each ward as per section (11)(2)(a) above.

(b) ensure that 10% of the annual allocation to the Education Fund from the county government is expended in disbursing merit based scholarship as per section (11)(2)(b) above

(c) ensure that 57.5% of the annual allocation to the Education Fund from the county government is expended in disbursing loans as per section (11)(2)(c) above

(d) 2.5% of the annual allocation to the Education Fund from the county government is expended as administration cost by the committees

Regulations and guidelines for administration

14. the CEC member shall make regulations and guidelines providing for administration of the bursaries, scholarships and loans

NYAMIRA County Education and Training Revolving Fund

15. (1) There is hereby established a Fund to be known as NYAMIRA County Training and Education Revolving Fund, herein referred to as the revolving loan fund which shall be managed and administered by Higher Education Loans Board on behalf of the education committee through the loans committee as per section (11)(2)(c) above.

(2) the CEC member shall cause to partner with HELB and enter into a legal agreement with HELB on behalf of County Government for purpose of subsection (1) above and specifically the CEC member on behalf of county government will-

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(a) sign loans' fund management service contract with HELB which will guide the partnership;

(b) ensure the loans' fund management service contract the loan will be for students' tuition and upkeep only; and

(c) ensure that the loan will be awarded to needy students undertaking course in institutions that are recognized in Kenya.

(3) for the purpose of implementing this Bill, all monies appropriated for loans and administered by HELB on the behalf of the County shall be transferred from the education fund bank account into the HELB account with approval of CEC member after signing the loans' fund management contract under section (14)(2) above.

Application for bursaries,
scholarships and loans

16. (1) Every student wishing to be considered for the grant of bursary, scholarship or loan shall make an application to the respective committee in a prescribed form and manner.

(2) In awarding loans to students, every student wishing to be considered for the grant of a higher education loan shall make an application in the prescribed form provided by HELB through the loans committee.

(3) The ward committee may accept or reject any application for a bursary or scholarship.

(4) If the ward committee accepts the application, it shall recommend to the Education Committee to grant bursary or scholarship to the eligible students.

(5) If the respective committee rejects the application, it shall notify the applicant such rejection.

Awarding and disbursement of
bursaries, scholarships and loans

17. (1) (a) where the ward committee has resolved to award a scholarship to any eligible student, the ward committee shall present the list of successful applicants to the education committee for approval.

(b) Scholarships shall be awarded on merit basis as provided in section 11(2)(a) above

(c) Scholarships shall be awarded to cater for tuition only

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(d) The scholarships awarded shall be disbursed by the education committee directly to the institution of the beneficiary or a cheque issued in the name of the institution

(e) The CEC Member shall notify the successful applicants in writing upon approval by the education committee.

(2)(a) where the Committee has resolved to award a bursary to any eligible student, the Committee shall notify the applicant in writing, and require him/her within a specified period not exceeding six months to comply with any conditions precedent.

(b) bursaries shall be awarded on need basis as provided in section 11(2)(a) above

(c) bursariess shall be awarded to cater for tution only

(d) The bursaries awarded shall be disbursed by the education committee directly to the institution of the beneficiary or a cheque issued in the name of the institution

(e) The CEC Member shall notify the successful applicants in writing upon approval by the education committee.

(3) (a)The revolving loan fund shall be awarded to qualified students and staff wishing to pursue further education in the priority areas as approved by the cabinet.

(b) notwithstanding any other provision of this Bill, HELB shall award for purpose of implementing this Bill loans to both undergraduates and post-graduates students in colleges and public and private universities who for any reasons cannot access National Government HELB kitty or access is insufficient funds that are not enough to see them through their studies.

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(c) HELB will identify all the students who qualify to be awarded loans and implemented as per the Criteria and Means Testing Instrument established by the loans committee and approved by the education committee and submit a report of all applications in order of need and suggested amounts to the loans committee which shall scrutinize the list and table for approval by the education committee.

(d) HELB will after receiving the approval report from the loans committee proceed to disburse and manage the loans' fund over the entire period the beneficiary is in college or university using the most efficient way, and thereafter recover the same on behalf of the loans committee.

(e) in administering the Fund on behalf of the education committee, HELB will take into account provisions of this Bill and other relevant laws.

Revolving loan fund
administration expenses

18. (1) HELB shall charge the Direct Entry college and undergraduate students an interest rate of 4% p.a which is payable one year after completion of studies.

(2) HELB shall charge the Post Graduate and Continuing Education students an interest rate of 10% p.a. which is payable immediately after disbursement of the loan. 4% shall be due to HELB while 6% shall be credited back to the revolving loan fund

(3) the 4% interest charged under section (15)(1) (a) and (b) above shall be deemed to be the administration fee payable to HELB for the revolving loan fund management services.

Appeal for Bursary, Loans and
Scholarships

19. (1) the respective committee may—

(a) accept or reject any application for a bursary, scholarship or loan;

(b) approve or fail to approve name or names of applicants submitted to it by HELB to be awarded loans.

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(2) In case the loans committee refuses to approve a name or names of applicants submitted by HELB, it will within 14 days after receipt of the list of beneficiaries send the list back to HELB with recommendations for implementation. HELB shall award loans to all students approved and act on reasons and recommendation of the loans committee on names not approved.

(3) Where any applicant fails to comply with requirements of the respective committee notified to him under subsection (2) above within the prescribed period, the application shall be deemed to have lapsed

(4) Any applicant aggrieved by the decision of the respective committee may appeal to the Education Committee within fourteen days of the respective committee's decision.

Students' obligation

20. Any student who benefits from award of scholarship, bursary or loan from the Committee is obligated to maintain academic excellence and he/she shall provide Committee with every end of term result transcripts and a progress reports from his/her learning institution.

Bank Account

16. (1) A bank account of the Fund shall be opened and maintained at a commercial bank approved by the CEC member as authorised by the CEC Member in charge of Finance.

(2) The signatories to the accounts maintained in accordance with subsection (1) above shall be the Chief Officer, Chief officer Finance and a representative of the County Treasury.

(3) The signing instructions shall be such that the signature of the Chief Officer shall be mandatory on all payment cheques and / or instruments intended for actual release of money from the Fund, plus any other signatoy.

Annual Estimates

17. (1) The Chief Officer shall submit to the CEC member for Finance through the CEC Member an estimate of its income and expenditure as specified in the budget cycle for approval.

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(2) The annual estimates shall make provisions for all the estimates of expenditure of the three committees for the financial year and shall provide for

(a) the grant of bursaries and scholarships to eligible students;

(b) loan amount to eligible students to be forwarded to HELB for administration; and

(c) the cost of administration of the committees including salaries and other charges whatsoever payable to members of the committees.

(d) the payments or reimbursement to the members of the committees of monies in respect of the expenses incurred during the attendance of the meetings of the committees.

(3) Except with the approval of the Chief Officer, no expenditure shall be incurred for the purposes of the committee except in accordance with the annual estimates approved under subsection (2).

18. (1) The Committee shall cause to be kept all the proper books and records of accounts of income, expenditure, assets, audits liabilities of the Fund and other statements of the accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions of the Committee.

(2) (a) HELB shall maintain a dedicated ledger account where all the cash inflows and outflows shall be recorded.

(b) The principal loan recovered shall be recorded by HELB in this account.

(c) HELB shall prepare comprehensive quarterly reports on the revolving fund and forward them to the committee

(3) The Chief Officer shall lay audited reports of accounts of the committees before the statutory bodies as per the Public Finance Management Act 2012.

PART V- MISCELLANEOUS

19. (1) A member of the respective committees or a person having an official duty or being employed in, or in connection with , the administration of this Bill shall regard and deal with all documents , information,

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returns and forms relating to applications for bursaries, scholarships or loans or to the granting of bursaries, scholarships or loans under this Bill which come to his knowledge or access by virtue of his official status or employment, as secret and confidential.

(2) Any person having possession of, or control over, or access to, any documents, information, returns or forms relating to a matter referred to in subsection (1) who communicates anything contained therein-

(a) any person other than a person to whom he/she is authorized by the Committee; or

(b) otherwise than for the purposes of this Bill, shall be guilty of an offence;

(3) Any person guilty of an offence under this Bill shall, be liable to be charged under the existing national legislation.

20. No matter or action done by the Chairperson or any member of the respective committee or any officer or agent of the committees shall, if the matter or action is done bona fide for the purposes of executing any provision of this Bill, render the Chairperson, member, officer or agent or person acting on their directions, personally liable to any action, claim or demand whatsoever.

21. The CEC member may by notice exempt any class of persons from all or any of the provisions of this Bill, where in his/her opinion it is expedient in the public interest to do so.

22. The CEC member may make regulations generally for the better of carrying out the provisions of this Bill, and without prejudice to the foregoing; the CEC member may make regulations in respect of the following-

(a) the grant of bursaries, scholarships and loans; and

(b) partnership with HELB.

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MEMORANDUM OBJECTS AND REASONS

This Bill, which has been submitted to the County Assembly the County Executive Committee Member seeks to provide for a legislative framework for NYAMIRA County Education support programme that establishes NYAMIRA County Education Fund to assist needy students through bursaries, scholarships and loans from the county.

PART I of the Bill provides for preliminary matters including citation and definition of words used in the Bill.

PART II provides for establishment and functions of county education committee, ward committee and loans oversight committee.

PART III of the Bill provides for establishment and administration of the NYAMIRA county education fund.

PART IV of the Bill provides for administration and finance.

PART V is miscellaneous.

The enactment of this Bill shall occasion additional expenditures of the public funds which shall be provided for through estimates.

Dated..... August , 2015.

CEC MEMBER EDUCATION