

*Legislative Supplement No. 21)*

LEGAL NOTICE NO. 39

THE BASIC EDUCATION ACT

(No. 14 of 2013)

IN EXERCISE of the powers conferred by section 95 of the Basic Education Act, the Cabinet Secretary for Education, Science and Technology makes the following Regulations:—

THE BASIC EDUCATION REGULATIONS, 2015

PART I—PRELIMINARY

1. These Regulations may be cited as the Basic Education Regulations, 2015. Citation.
2. In these Regulations, unless the context otherwise requires- Interpretation.
  - “Board” has the meaning assigned to it under the Act;
  - “class mode” refers to the optimum number of learners in a classroom;
  - “Commission” means the Teachers’ Service Commission;
  - “Director” means the County Director of Education;
  - “head of institution” means a teacher, head teacher, or principal appointed by the Teachers’ Service Commission to head an institution and exercising delegated authority of the Cabinet Secretary, Ministry of Education as the Accounting Officer for the institution;
  - “institution” means an institution of basic education and training;
  - “institution of basic education and training” includes a pre-primary school, primary or a secondary school, an adult education institution and a middle-level college;
  - “KCSE” means the Kenya Certificate of Secondary Education;
  - “middle level college” means an institution offering pre-service and in-service teacher training courses that support basic education;
  - “Ministry” means the Ministry responsible for basic education;
  - “non-teaching staff” means all employees of the Boards of Governors who are not engaged in teaching or research;
  - “zone” means an education administrative area consisting of a cluster of schools identified by the County Education Board with the approval of the National Education Board.

**PART II- MANAGEMENT OF BASIC EDUCATION  
INSTITUTIONS**

*A-Registration of Institutions*

3. No person, body or organization shall establish or admit learners to a private or public institution without first obtaining written authority from the Cabinet Secretary.

Registration.

4. All institutions referred to in regulation 3 shall be registered in a manner and form prescribed through guidelines issued by the Cabinet Secretary.

Procedure for registration.

5. (1) The day to day management of a public institution of basic education and training shall be the responsibility of the head of the institution, who shall be appointed by the Commission.

Head of Institution.

(2) The head of institution—

- (a) shall be the accounting officer of the institution, an authority delegated by the Cabinet Secretary;
- (b) shall be the team leader for the implementation of the Ministry's policies and programs in the institution;
- (c) may initiate policy proposals for consideration by the County Education Board and the Cabinet Secretary.

(3) Where any impropriety is established on the part of a head of an institution, the Cabinet Secretary shall forthwith revoke the designation of such head of institution as the accounting officer and request the Teachers Service Commission for a replacement.

(4) Where the institution referred to paragraph (4) is a private institution, the Cabinet Secretary shall request the proprietor thereof to appoint a replacement.

(5) In paragraphs (3) and (4) above the Teachers Service Commission or the proprietor, as the case may be, shall institute disciplinary action against the concerned head of institution.

*B-Boards of Management*

6. The minimum qualifications of the Chairmen and members of Boards of Management shall be—

Qualifications for members to the Board of Management.

(a) in the case of—

- (i) a pre-primary or primary school; and
- (ii) an adult education and continuing education centre,

a diploma and a KCSE certificate respectively; and

- (b) in the case of a Secondary School or a middle level college, a degree from a university recognized in Kenya, and a KCSE Certificate respectively.

7. (1) The head of an institution shall, whenever a vacancy occurs in the Board of management of the institution for which he or she is

Application for membership.