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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

Citation.

1. These Regulations may be cited as the Basic Education Regulations, 2015.

Interpretation.

2. In these Regulations, unless the context otherwise requires-

"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

Registration.

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.

Procedure for 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.

Head of Institution.

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.

(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

Qualifications for members to the Board of Management.

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

(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.

Application for membership.

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

responsible, notify the County Education Board accordingly through the sub-county Education Board office and request for the filling of the vacancy.

(2) Upon receipt of a request under paragraph (1), the County Education Board shall in writing request the nominating entities to forward names of suitably qualified persons to be appointed as members of the Board of Management.

(3) The County Education Board shall constitute an ad hoc committee to vet the suitability of the proposed nominees, which shall consist of—

(a) a representative of the County Director of Education who shall be the Chairperson;

(b) the member of County Assembly responsible for the area where the institution is located;

(c) the Member of Parliament for the area in which the institution is located;

(d) the Chief of the area in which the institution is located;

(e) the sponsor, if any, of the institution;

(f) a representative of the Parents Association, of the institution;

(g) a representative of County Education Board, and

(h) the head of institution, who shall be the committee Secretary.

Ad-hoc vetting panel.

8. (1) The committee appointed under regulation 7(3) shall ensure that—

(a) the persons nominated to the Board of Management of any institution meet the requirements of Article 10 and Chapter Six of the Constitution of Kenya, 2010; and

(b) the composition of the Board Members adheres to the two third gender rule.

(2) A Board of Management appointed under these regulations shall remain in office for a term of three years, which shall be renewable for one further term.

Dissolution of the Board of Management.

9. (1) The Cabinet Secretary may, on the recommendation of the County Education Board dissolve the Board of Management of an institution where—

(a) such Board—

(i) is found guilty of gross misconduct;

(ii) is deemed to be incapable of discharging its mandate as provided for in the Act; or

(b) the institution changes its mandate or ceases to operate.

(2) Where a Board of Management is dissolved under paragraph (1), the County Education Board shall appoint an interim committee of

five members to assume the responsibility of management of the institution.

Board of Management Inaugural meeting.

10. A newly appointed Board of Management shall hold its inaugural meeting, convened and chaired by the secretary to the County Education Board or his representative within two weeks after appointment.

Promotion of co-curricular activities.

11. (1) The County Director of Education shall promote both recreational and competitive sports, games for physical development, performing and creative arts, talent shows and congresses in institutions of basic education and training by ensuring that—

(a) all students and pupils are accorded the opportunity to participate in activities from the institutional to the national level;

(b) every institution has or can access adequate facilities for co-curricular activities; and

(c) every institution shall put in place measures to promote co-curricular activities and ensure that all learners shall have access to suitable affordable sports kits.

(2) The calendar for all co-curricular activities shall be drawn up by the Cabinet Secretary in consultation with the relevant national and regional bodies and associations and shall be circulated to all institutions three months before the end of each school year.

Contribution for activities.

12. No institution shall cause any parent or guardian to contribute any funds for co-curricular activities without written approval from the Cabinet Secretary on the advice of the respective Country Director of Education, and all payments made hereunder shall be so authorized at all levels.

Institutions to facilitate training.

13. All private institutions of basic education and training shall facilitate the participation of their learners in co-curricular activities at all levels.

Insufficient funds for activities.

14. (1) Where funds from the government for a particular co-curricular activity are found to be inadequate the concerned institutions shall in writing notify the County Director of Education of the deficit three months prior to the commencement of the activity.

(2) Upon receipt of the notice, the County Director of Education in liaison with the County Education Board shall consult the Cabinet Secretary on how to meet the deficit.

Offence.

15. Any person, head of institution or any member of the Board of Management who sends away a learner due to non-payment of activity fees by the parent or guardian without written authority from the County Director of Education commits an offence under the Act.

Composition of the committee.

16. Every County Director of Education shall establish a committee to manage and coordinate co-curricular activities, which shall comprise one representative of the following respectively—

(a) the County Director of Education, who shall be the Chairperson;

(b) the Education Standards Quality Assurance Council, who shall serve as the Secretary;

(c) the County Director of the Teachers Service Commission;

(d) the county government;

(e) the heads of the respective basic education institutions within the county; and

(f) the private schools association within the county.

Appointment of non-teaching staff.

17. Every Board of Management shall, pursuant to section 59 (p) of the Act, recruit, employ, remunerate, promote, demote or terminate the services of any of its employees.

Terms and conditions of employment for non-teaching staff.

18. Persons belonging to a professional cadre and employed by the Board of Management shall be employed on such terms and conditions of service similar to those recommended for equivalent posts in the Civil Service and as per the applicable scheme of service.

Employment of semi-professional by the Board.

19. The Board of management may appoint suitable semi-professional and subordinate staff, on such terms and conditions as shall be determined by the Board.

Board to deal with claims and grievances.
No. 11 of 2007.

20. Where a claim or grievance arises from an employee of the Board of management, the Board shall deal with the claim or grievance exhaustively in accordance with the Employment Act, 2007.

Dismissal and termination of employment.

No. 11 of 2007.

21. (1) The Board of Management shall reserve the right to dismiss any of its employees instantly and without notice or pay in lieu of notice for reasons of gross misconduct as provided in the Employment Act, 2007.

(2) The Board shall not decide on a proposal to—

(a) dismiss from employment any person employed by the Board;

(b) terminate a contract between the Board of Management and its employees;

(c) request the Cabinet Secretary to terminate the services of a person seconded to the Board of management,

on grounds of misconduct or grave professional default, until the person concerned has been given an opportunity to appear in person before the Board and has presented his defence.

(3) Subject to the provisions of paragraph (1) where a member of non-teaching staff is entrusted as an agent of the Cabinet Secretary to perform certain functions and such officer fails or neglects to perform the duties so assigned and sufficient grounds exist to discipline, terminate or dismiss the officer from the service, the Cabinet Secretary shall direct the cause of action to be taken against that officer and the Cabinet Secretary's decision shall be final.

C-Learners with Special Education Needs

Assessment of learners with special needs.

22. Whenever it is necessary or appropriate to do so, a learner shall be assessed for placement and continuous support in an institution

of basic education and training at the County Education Assessment and Research Centre set up at County level under section 46 of the Act.

Qualified personnel to assess.

23. Assessment under regulation 22 shall be carried out with the consent of the learner's parent or guardian at the Centres referred to in that regulation by qualified personnel, including, but not limited to medical staff, educationists, special needs experts, at the request of such parent or guardian or on the initiative of the institution.

Types of institutions.

24. Learners with special needs who have been assessed under regulation 22 shall be placed in any of the following facilities—

(a) regular institutions of basic education and training;

(b) special needs institutions of basic education and training;

(c) regular institutions of basic education and training with special needs unit;

(d) talent academies for gifted and talented learners;

(e) vocational institution; and

(f) hospital schools and home-based schooling.

Facilities to be suitable.

25. The Boards of Management for all the institutions specified in regulation 24 shall ensure *inter alia* that—

(a) the institution provides reasonable accommodation to all learners;

(b) the pace of instruction is commensurate with learners' physical, mental or intellectual abilities;

(c) catch-up classes or waivers are facilitated in specific subject areas, and

(d) all learners are provided with adequate appropriate instructional materials.

Curriculum.

26. The Kenya Institute of Curriculum Development shall provide differentiated curricula appropriate for the needs of learners with special needs.

Auxiliary services.

27. All learners with special needs shall be entitled to auxiliary services or assistive devices placed in their respective institutions.

Evaluation of learners.

28. All learners with special needs shall be evaluated and issued with appropriate certificates of achievement in the prescribed course undertaken.

Borstal institutions etc.

29. Notwithstanding anything under these regulations learners of school going age residing in children's homes, borstal institutions or other corrective facilities shall be provided with basic education and training pursuant to Article 53, 54, 55 and 56 of the Constitution.

PART III—SCHOOL RULES, DISCIPLINE PROCEDURES FOR STUDENTS AND EXCLUSION

School rules to be subjected to public participation.

30. Every institution of basic education shall develop school rules which shall be subjected to public participation and which shall not be inconsistent with the Act, or any other relevant written law.

School rules to be approved by the Board of Management.

31. No institution shall implement the rules referred to in regulation 30 until they have been approved by the Board of Management of the institution.

Individual liability for indiscipline.

32. A learner shall be deemed to be individually indisciplined if involved in—

(a) physical fights;

(b) bullying of other learners;

(c) stealing;

(d) playing truancy;

(e) cheating in examinations;

(f) abusing teachers or other persons in authority;

(g) defiance of lawful instructions;

(h) drug trafficking or substance abuse; or

(i) any other conduct categorized as indiscipline by the Board of Management.

Mass indiscipline.

33. Learners shall be deemed to have participated in mass indiscipline in the institution if they jointly take part in—

(a) unlawful demonstration;

(b) boycott of classes or meals;

(c) the destruction of school property; or

(d) invasion of other institutions, shopping centres or homesteads.

Notice to close institution in case of impending strike.

34. (1) If the head of the institution notices any of the activities described in regulation 33 among the students, which in his or her opinion may result in the disruption of general activities in the institution, he or she shall close the institution and notify the County Director of Education accordingly within twenty four hours after such closure.

(2) The notice under paragraph (1) shall bear the signature of the head of the institution.

(3) The notice given under paragraph (1) shall only be deemed to be valid if it is signed by the head of the institution.

Closure in case of mass indiscipline.

35. (1) In cases of mass indiscipline, the Board of Management of an institution may declare the institution closed and students held back from attending school for a period not exceeding two weeks.

(2) The Board of Management shall submit a report to the County Education Board within two days after the closure of an institution under paragraph (1).

Action of the Board on receiving a report.

36. (1) The County Education Board may after considering the report of the Board of Management under regulation 35, and after

holding such inquiry as it may deem necessary to determine the cause of the mass indiscipline—

(a) confirm or terminate the closure of the institution;

(b) determine the condition under which all or any of the students are to be re-admitted to the same or any other institution; or

(c) order placement to a correctional facility.

(2) In cases of damage or destruction of property, the management of the institution shall invite a registered loss assessor following the relevant law to determine the value of the loss.

(3) The loss assessed under paragraph (2) shall be borne by the person found to bear the highest responsibility for the mass indiscipline.

Register to be kept.

37. Every institution shall establish and keep a register of indisciplined learners indicating the name, class, category of indiscipline, date and warning or any other corrective measures taken by the institution.

Suspension letter.

38. If the head of the institution is of the opinion that—

(a) the acts of indiscipline have persisted in spite of the warnings or corrective measures taken under these regulations; and

(b) if the act of indiscipline is likely to threaten the safety of the other learners in the institution,

the head of the institution shall issue the learner, with a suspension letter addressed to the parent or guardian indicating the nature of the indiscipline and specifying the date the learner, accompanied by the parent or guardian is required to appear before the Board of Management of the institution.

Procedure for handling disciplinary cases.

39. (1) The particulars of the complaint preferred against the learner shall be read out to the parent or guardian and the learner at the meeting with the Board of Management under regulation 38, and the learner shall be asked to defend himself or herself.

(2) Where the parent or guardian fails to appear, the business of the Board shall be adjourned, and the matter shall be deferred and a new date set and communicated for the parties to appear.

(3) Where the parent or guardian fails to attend on the rescheduled date, the case shall be heard and determined such absence notwithstanding.

(4) In all disciplinary proceedings affecting a learner the attendance of the Sub-county Education Officer shall be mandatory.

(5) The recommendations of the Board of Management shall within two days be communicated to the County Director or Education.

Exclusion of learner from the institution in case of indiscipline.

40. Where the County Director of Education receives the recommendation of the Board of Management then he or she shall seek the advice of the County Education Board as to whether to—

(a) order for conditional or unconditional re-admission of the learner;

(b) transfer the learner to an alternative institution; or

(c) transfer the learner to a corrective center in the context of education.

Appeals to the Tribunal.

41. Any person aggrieved by a decision under regulation 40 may appeal to the Education Appeals Tribunal.

No withdrawal of learner's candidature.

42. No school shall withdraw the registration of a learner as a candidate in a national examination as a form of punishment.

Transfer of learner.

43. A student shall only be transferred by the County Director of Education on the following grounds—

(a) transfer on request in writing by the parent or guardian;

(b) on medical grounds; or

(c) as a result of insecurity or natural calamity.

PART IV—FREE AND COMPULSORY EDUCATION

Fees.

44. No public school or institution shall issue alternative fees structures other than those approved by the Cabinet Secretary.

No fees increment without the authority of the Cabinet Secretary.

45. No person or Board of Management in a public institution of basic education and training shall alter or increase fees without written authority from the Cabinet Secretary.

Offence.

46. The members of the Board of Management of an institution which contravenes regulation 44 or 45 shall jointly and severally be guilty of an offence under the Act.

Minimum entry.

47. (1) The minimum age for admission into a primary school shall be six years.

(2) Notwithstanding paragraph (1), no person shall deny any learner of school-going age admission in a primary school for lack of proof of age.

Transit of a learner.

48. A learner transiting from a pre-primary school to a public primary school of a parent's or guardian's choice shall not be subjected to—

(a) entry examination except as provided for in section 34(4) of the Act;

(b) any interview; or

(c) admission fee.

Qualification of teachers.

49. All persons deployed to teach in basic education institutions of learning and training shall be required to have undertaken a training program approved or recognized by the Cabinet Secretary and registered by Teachers Service Commission.

Mandatory provision in institutions.

50. (1) A person, body, organ or institution responsible for the management of a pre-primary, primary or secondary school shall have provision for the following—

(a) a first aid kit for each class and training on the use thereof for the whole school community;

(b) adequate safe and clean water;

(c) adequate, safe, clean and appropriate sanitation facilities which are age and gender appropriate;

(d) disability-friendly facilities and environment;

(e) safe and appropriate playing grounds and equipment;

(f) spacious and conducive learning rooms; and

(g) appropriate furniture and utilities.

(2) All boarding institutions shall have provisions for—

(a) a qualified nurse;

(b) a watchman; and

(c) other suitable adult supervision within the boarding facilities.

Curriculum development.

51. The Kenya Institute of Curriculum Development shall develop—

(a) a national basic education curricular in line with the Kenya Institute of Curriculum Development Act, 2013; and

No.4 of 2013.

(b) curricula for learners with special needs.

Accreditation of other agencies.

52. The Kenya Institute of Curriculum Development may accredit any other agency involved in curriculum development with the approval of the Cabinet Secretary in line with the Kenya Institute of Curriculum Development Act, 2013.

No.4 of 2013.

Policy making.

53. The Cabinet Secretary shall retain the policy-making and oversight role in the preparation and approval of curriculum and vetting of all educational materials to be used in institutions.

Curricula to be approved by the Kenya Institute of curriculum development.

54.(1) The Board of Management of a public institution or the manager of a private institution, as the case may be, shall ensure that the curriculum and the instructional materials in use therein have been developed or approved by the Kenya Institute of Curriculum Development.

(2) Any person who contravenes the provisions of paragraph (1) commits an offence and shall be liable to prosecution under the provisions of the Kenya Institute of Curriculum Development Act, 2013, and any other written law.

No. 4 of 2013

Supplementary textbooks.

55. Notwithstanding regulation 54 an institution may in consultation with its Parents Teachers Association or Parents Association, recommend supplementary instructional materials for use by the learners.

Conduct of school-based assessment.

56. There shall be continuous assessment of the learners' progress in the following assessment areas—

(a) character; and

(b) co-curricular activities and performing arts.

Guidelines on course books.

57. (1) The Cabinet Secretary shall issue guidelines on course books to be used in public primary and secondary schools from time to time.

(2) All schools shall establish and maintain a safe and secure room for storage of instructional materials.

(3) Any person found in possession of instructional materials bearing the official stamp of any institution without due authority from the management of the institution commits an offence.

Admission of a learner.

58. (1) A learner admitted into an institution of basic education and training shall be entitled to progress to the next level unhindered except—

(a) on the recommendation of a qualified medical practitioner; or

(b) due to non-attendance of the relevant programme for one academic year.

(2) All learners who have undertaken a full course of primary education shall be eligible for admission to a secondary school regardless of their scores in the summative evaluation of the primary education.

(3) No school or any institution of basic education shall compel a parent or guardian to transfer a learner to a different institution without written approval of the County Director of Education.

Progression of learner.

59. A learner progressing from a primary school to a public secondary school of his or her choice shall not be subjected to any interviews, pre-qualification examinations or be required to make any payments before admission.

Learners living in difficult circumstances.

60. The County Director of Education in consultation with the County Education Board shall institute affirmative action to enable learners from minority or marginalized groups, or groups with special needs or those living in especially difficult circumstances to be admitted to secondary schools.

Bio-data of learners.

61. Every institution shall maintain the following data on every learner—

(a) the name and date of birth;

(b) the name and contact information of the learner's parent or guardian; and

(c) medical history and other special needs.

Information on parents.

62. Every institution shall maintain the following information on the parent or guardians of the learners—

(a) full name, nationality and place of residence;

(b) occupation; and

(c) two telephone contacts.

Registers and records.

63. Every institution shall establish and maintain the following registers and records in both hard and soft copies—

(a) the registration certificate of the institution;

(b) the institutions' books of accounts;

(c) registers of the institutions' movable and immovable assets;

(d) admissions registers, indicating the date and admission number of the learners;

(e) parents register;

(f) visitors books;

(g) daily attendance registers for learners;

(h) learners progress reports;

(i) register of learners' transfers, drop-out and completion;

(j) the school title deed or land allotment letter or a copy thereof if the title is held by the sponsor, proprietor or trustee;

(k) register of disciplinary action taken against learners;

(l) an inventory of all instructional materials, stationery, equipment and assistive devices available and their state of repair or use;

(m) syllabi;

(n) an approved list of text books and other instructional material; and

(o) any other records recommended by the Education Standards Quality Assurance Council.

Facilities in institutions.

64. Every institution of basic education and training shall have provisions for the following—

(a) outdoor playing facilities and equipment, both for outdoors and indoors with provisions for persons with disabilities;

(b) administrative offices;

(c) sanitary facilities, including bathrooms for both learners and other persons, segregated by gender and age;

(d) kitchen and dining room;

(e) standard classrooms measuring 7m x 8m for 50 learners for primary school or 45 learners for secondary schools or standard classrooms measuring 7m x 6m for 25 learners for pre-primary learners;

(f) store rooms; and

(g)a science room or other rooms for specialized subjects.

Guidance programs.

65. (1) All institutions shall provide—

(a) guidance services to all learners, distinct from counseling services;

(b) counselling services as an essential corrective measure; and

(c) spiritual development services focusing on moral values and character formation of the learners.

(2) Any person offering professional counselling services to institutions shall be duly qualified and registered as a counselor under the appropriate law, and approved by the Cabinet Secretary.

Report on shortfall of teaching staff.

66. It shall be the responsibility of the Board of Management to make a report to the Teachers Service Commission and the County Education Board on matters related to staffing levels.

Uniform.

67. (1) Every Board of Management of a public institution or manager of a private institution shall, in consultation with the respective Parents Association, develop a common dress code for learner, which shall have unique features for identification and branding.

(2) In the case of a sponsored school the concerned Board of Management shall develop the dress code in consultation with the Parents' Association and the sponsor.

(3) No institution shall prescribe a specific supplier of school uniforms or any other materials for the parent or guardian.

PART V—ALTERNATIVE PROVISIONS OF BASIC EDUCATION, TRAINING AND CONTINUING ADULT EDUCATION

Institutions of alternative basic and continuing adult education.

68. Institutions of Alternative Basic Education, Training and Continuing Adult Education may utilize facilities of the existing institutions of basic education or other public and private institutions or premises on request.

Grants.

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

Curriculum Institutions of alternative basic and continuing adult education.

70. Only curricula approved by the Kenya Institute of Curriculum Development shall be offered by all institutions of Alternative Basic, Adult and Continuing Education.

Learners above the age of eighteen years.

71. Learners above the age of eighteen years shall only be admitted into the institutions of alternative basic, adult and continuing education.

Placement at an appropriate level of education.

72. 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 placement at an appropriate level of education.

Conduct of program.

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

Levies to be charged.

74. Public institutions of alternative basic, adult and continuing education may charge such levies as may be approved by the Cabinet Secretary in consultation with the County Education Board.

Infrastructure grant.

75. Institutions of alternative basic adult and continuing education shall be provided with grants for infrastructure improvement by the national government through the relevant Ministries.

Middle level institution.

76. A middle level institution of basic education shall include an institution offering pre-service and in-service teacher training courses that support basic education.

Registered middle level institution.

77. No institution registered as a public middle level institution of basic education and training shall be transferred or converted to any other use other than that for which it was registered or established, except with the approval of the Cabinet Secretary.

Curriculum in middle level institution.

78. (1) All private middle level institutions of basic education and training shall only offer courses or programs whose curriculum is developed or approved by the Kenya Institute of Curriculum Development or by any agencies recognized by the Cabinet Secretary.

(2) Certification of the courses referred to under paragraph (1) or programs shall be the responsibility of Kenya National Examinations Council or any other body recognized by the Cabinet Secretary.

PART VII—CATEGORIZATION OF INSTITUTIONS OF BASIC EDUCATION AND TRAINING

Classification of institutions.

79. The institutions categorized as provided for under section 43 (1) of the Act shall be registered with reference to—

(a) the gender of learners admitted;

(b) the catchment area of the school as either national, extra-county, county or sub-county;

(c) boarding or day school;

(d) low cost boarding school (in case of primary school); and

(e) special needs education institutions.

Re-registration.

80. No person or Board of Management shall change the status of a registered institution without re-registration.

Environment committee of the board of management.

81. Matters of safety, security and hygiene in institutions of basic education and training shall be the responsibility of the Board of Management provided for under the Act.

Security measures.

82. The Board of Management of an institution shall put in place reasonable measures regarding the hygiene, security and safety of learners while in and outside the institution while travelling on the institution's business.

Board of Management to ensure adequate security.

83. The Board of Management of an institution shall ensure that—

(a) all institution compound is clearly demarcated and fenced with a secure gate;

(b) the classrooms, dormitories, offices, kitchens, toilets and other physical structures are clean, well maintained, safe and properly utilized;

(c) the school environment is such as to nurture positive health and is conducive to learning and social development without compromising diversity or disability;

(d) the environment is drug free;

(e) all learners, particularly at lower levels, are conversant with road safety rules and other survival skills;

(f) that regular fire disaster response drills are conducted in preparedness for fires and other disasters by all stakeholders;

(g) all doors should open to the outside and windows should have no grills;

(h) lightning arresters are installed in lightning-prone areas;

(i) fire extinguishers and alarms are available and functional;

(j) all institutional vehicles are in sound mechanical condition; and

(k) in institutions with boarding facilities, the space between the beds shall be at least 1.2 metres while the corridors or pathways shall be at least 2 metres wide.

PART VIII—OFFICIAL SCHOOL HOURS

Official school hours.

84. (1) The official operating hours for all day public or private institutions shall be Monday to Friday—

(a) 8.00 a.m. to 3.30 p.m. for class hours; and

(b) 3.30 p.m. to 4.45 p.m. for co-curriculum activities.

(2) No day institution of basic education and training shall require learners to report earlier than 7.15 a.m.

(3) Notwithstanding paragraph 84 (1), all institutions with boarding facilities shall operate 24/7 hour basis as follows—

(a) 8.00 a.m. to 3.30 p.m. for class hours Monday to Friday;

(b) 3.30 p.m. to 4.45 p.m. for co-curriculum activities Monday to Friday;

(c) 5.00 p.m. to 7.30 p.m. for self-directed activities Monday to Friday;

(d) 7.30 p.m. to 9.30 p.m. preps Monday to Friday;

(e) 9.30 p.m. to 6.00 a.m. bedtime Monday to Friday; and

(f) 6.00 a.m. to 8.00 a.m. supervised routine activities.

(4) No boarding institution shall send away an unaccompanied learner later than 9.00 a.m.

(5) The latest reporting time for learners to a boarding institution shall be 5.00 p.m.

85. The following Regulations are revoked— Revocation.

(a) The Education (Education Standards) Regulations, 1968; LN 106/ 1968

(b) The Education (Board of Governors) Order, 1969; LN 17/1969

(c) The Education (Board of Governors) (Administration) Regulations, 1969; LN 18/1969

(d) The Education (Registration of Unaided Schools) Regulations, 1969; LN201/1969

(e) The Education (School Discipline) Regulations, 1972; LN 40/1972

(f) The District Education Boards Regulations, 1973; LN 207/1973

(g) The Education (School Committees) Regulations, 1978; and LN 190/1978

(h) The Education (Board of Governors) (Non-Teaching Staff) Regulations, 1993. LN 262/1993

Made on the 4th April, 2015.

JACOB T. KAIMENYI,
Cabinet Secretary for Education, Science and Technology.

LEGAL NOTICE NO. 40

THE MINING ACT

(*Cap.* 306)

IN EXERCISE of the powers conferred by section 92 (1) (xviii) of the Mining Act, the Cabinet Secretary for Mining makes the following Regulations:—

THE MINING (PRESCRIPTION OF ROYALTY RATES FOR DIATOMITE) REGULATIONS, 2015

1. These Regulations may be cited as the Mining (Prescription of Royalty Rates for Diatomite) Regulations, 2015.

2. The royalty rates payable for diatomite shall with effect from the 1st July, 2013, be as follows—

(a) from 1st July, 2013 to 30th June, 2015—2% of gross sales value;

(b) from 1st July, 2015 to 30th June, 2017—3% of gross sales value;

(c) from 1st July, 2017 to 30th June, 2019—4% of gross sales value;

(d) from 1st July, 2019 and thereafter—5% of gross sales value.

3. Legal Notice No. 187 of 2013, shall not apply to the diatomite products.

Dated the 24th February, 2015.

NAJIB BALALA,
Cabinet Secretary for Mining.

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