A BILL

FOR

AN ACT TO AMEND THE EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF INSTITUTIONS) ACT CAP E3 LFN 2004 AND OTHER RELATED MATTERS

Sponsored by Senator Aliu Magatakarda Wamakko

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

Amendment of Cap. E3 LFN 2004

1. The Education (National Minimum Standards and Establishment of Institutions) Act in this Bill referred to as 'the Principal Act'] is hereby amended as spelt out in this Bill.

Amendment of Section 1

2. Section 1 of the Principal Act is amended by substituting (1) section 1 with a new section 1:

"Minimum standards for early childhood care and development centers, pre-primary and primary institutions".

(2) subsection 1(1) with a new subsection 1(1):

"(1) The responsibility for the establishment and maintenance of minimum standards in early childhood care and development centers, preprimary and primary institutions, and other similar institutions in the Federation is hereby vested in the Minister."

Amendment of Section 2

3. Section 2 of the Principal Act is amended by:

(1) substituting subsection (t) with a new subsection (1):

"to develop social skills through team building activities;"

(2) inserting new subsections (i) to (l) after subsection (h):

"(i) to lay the foundation for academic, cognitive, social and emotional development;

(ii) to promote readiness for reading, literacy and numeracy;

(iii) to develop creativity in children; and

(iv) to develop a love for learning."

Amendment of Section 3

4. Section 3 of the Principal Act is amended by substituting subsection l(g) with a new subsection l(g):

"l(g) to provide basic knowledge and skills for further advancement in academic and technical education, including preparation for local trades and crafts,"

Amendment of Section 4

5. Section 4 of the Principal Act is amended by (1) inserting a new subsection:

"(3) The responsibility for the establishment and maintenance of minimum standards in the Federation in respect of teacher education carried out as part of higher education but not extending up to degree level is hereby vested in the National Commission for Colleges of Education, after obtaining prior approval therefore from the Minister."

(2) re-numbering the existing subsection (3) as subsection (4);

(3) inserting a new subsection (5) after the new subsection (4);

"In prescribing the minimum standards mentioned in subsection (3) the National Commission for Colleges of Education and, as the case may be, the Minister, shall have regard to the matters mentioned in sections 7 and 11 of this Act."

Amendment of Section 7

6. Section 7 of the Principal Act is amended by inserting:

(1) the phrase, "To produce highly effective classroom teachers who are equipped with the knowledge and skills to employ the best techniques to achieve optimum student learning" immediately below the phrase,

"Purpose of teacher education".

(2) a new subsection (e) after the existing subsection (d);

"(e) to institute practices that ensure the continuing education of teachers."

Amendment of Section 8

7. Section 8(3) of the Principal Act is amended by substituting the phrase, in section 9 of this Act" with the phrase, "in sections 9 and 11 of this Act".

1 8. Section 9 is amended by substituting: Amendment of Section 9

2 (1) the words "the provision of in subsections (a) and (c) with the
3 words, "to produce".

4 (2) the words "the provision of in subsections (b) and (e) with the
5 words, "to provide".

6 (3) the words, "the introduction of in subsection (i) with the words,
7 "to introduce".

8 9. The heading of sections 10 -11 is hereby changed from "Higher Amendment of the heading of Section 10 - 11
9 Education" to "University and Higher Education".

10 10. Section 10 of the Principal Act is amended by: Amendment of Section 10

11 (1) substituting subsection (1) with a new subsection (1);

12 "(1) The power to lay down and enforce minimum standards for all
13 universities and other degree-awarding institutions in the Federation, and
14 the accreditation of their degree programs, and with regard to Universities,
15 other academic awards, is hereby vested in the National Universities
16 Commission in formal consultation with the universities, after obtaining
17 prior approval therefore, through the Minister, from the President."

18 (2) inserting a new subsection (4) after the existing subsection (3);

19 "(4) The powers vested in the National Universities Commission
20 by subsection (1) of this section shall supersede such similar powers
21 conferred on any other body by any other Law or Act."

22 11. Section 13 of the Principal Act is hereby amended by (1) Amendment of Section 13
23 substituting subsection (a) with a new subsection (a):

24 "(a) to provide adequate education for all physically and mentally
25 challenged children and adults in order to enable them to maximize their full
26 potential and to play their roles in the development of the nation;"

27 (2) inserting a new subsection (c) after the existing subsection (b):

28 "to provide the optimal education possible in the least restrictive
29 environments for all children and adults with disabilities."

Amendment of Section 15

12. Section 15(1) of the Principal Act is amended by substituting the phrase, "keep himself or itself, with the word, "stay".

Amendment of Section 19

13. Subsection 19 is amended by:

(1) substituting the title of the section with a new title;

"19. Conditions for the establishment of government-owned institutions".

(2) amending subsection (1) by:

(a) substituting the phrase, "Any institution", with the phrase, "Any government-owned institution";

(b) deleting the phrase "irrespective of the ownership".

(3) amending subsection (2) by substituting the word. "university", in subsection (2)(a) with the word, "higher".

Amendment of Section 20

14. Section 20 is amended by:

(1) substituting the word, "learning" everywhere it occurs with the word, "education".

(2) deleting the phrase "and who satisfy the criteria set out in the Schedule to this Act for establishment of institutions" from subsection (b).

Amendment of Section 21

15. Section 21 of the principal Act is amended by:

(a) Substituting the word, "learning" with the word "education" in subsection (1);

(b) Substituting the phrase "tertiary institution" with the phrase "institution of higher education" every where it occurs in subsection (2) (c) Substituting subsection (3) with a new subsection (3);

"(3) No person or group of persons (whether corporate u:" incorporate):

(1) shall establish or run an institution of higher education in any part or' Nigeria, either independently or in conjunction with any institution of higher education within or without Nigeria, without the written approval of the appropriate authority; and

(2) shall be granted approval to establish an institution of 'higher

education unless the criteria set out in the Schedule to this Act have been satisfied."

(d) Inserting a new subsection (4) after the new subsection (3):

"(4) The approval to establish an institution of higher education shall be granted in the form of a license, which license shall be granted for such period, and subject to such further terms and conditions, as the appropriate authority may prescribe, in consultation with the Minister."

Amendment of Section 22

16. Section 22 of the Principal Act is amended by substituting the existing Section 22 with a new Section 22:

"22. Powers to enforce minimum standards in institutions of higher education:

(1) (a) Any person or group of persons who establishes or operates an unapproved institution of higher education, including persons acting as Principal Officers in such an institution, shall be guilty of an offence and shall be liable severally on conviction to imprisonment for a term of not less than five years and not more than ten years without an option of fine".

Provided that no person shall be charged under this subsection until all processes required by subsections (b) and (d) of this section have been complied with;

(b) Any institution of higher education established otherwise than in compliance with sections 19, 20 and 21 of this Act shall be deemed to be illegal and shall be liable to closure by the appropriate authority but before any such closure, the appropriate authority shall afford the proprietor of the institution an opportunity to make representations for consideration by the appropriate authority not later than sixty days after receipt of notice by the proprietor from such authority of its intention to close down the institution;

(c) Where an institution of higher education is closed down under this subsection, the appropriate authority shall appoint a qualified person, to be known as a receiver, to take charge of the assets and liabilities of any such institution for the purposes of winding down the operations of such

institution in accordance with existing laws;

(d) Any person aggrieved by any decision taken under or pursuant to subsections (b) and (c) of this section shall have a right to apply to court for a review of the matter;

(e) Where an offence under subsection (a) of this section is committed by a body corporate, firm or partnership, it shall be liable on conviction to a fine of not less than five million naira, and

(i) the chairman of the Board and directors of the body corporate;

(ii) every partner and principal officer of the firm or partnership; and

(iii) every person purporting to act in any such capacity shall be severally liable to be proceeded against and shall be liable on conviction to a term of not less than five years and not more than ten years imprisonment without an option of fine.

(f) The powers conferred under this subsection shall not be exercised by the appropriate authority in respect of any institution belonging to any government in the Federation without the prior approval of the President, or the relevant Governor or Local Government Chairman:

(a) Unless otherwise provided by this Act, the establishment and operation of all institutions of higher education in Nigeria, irrespective of their ownership, shall be subject to, and comply with the licensing and regulatory requirements, of the appropriate authorities, namely:

(i) The National Universities Commission, in the case of Universities and all other degree-awarding institutions or bodies;

(ii) The National Board for Technical Education, in the case of Polytechnics, Colleges of Agriculture, and all other forms of technical education below degree level;

(iii) The National Commission for Colleges of Education, in the case of Colleges of Education and all other forms of teacher training below degree level.

(b) The appropriate authority shall have the power to close down any

academic unit or program in any approved institution of higher education within its jurisdiction that does not meet the prescribed minimum standards stipulated for it by that authority. or contravenes existing regulations of same authority;

(c) The appropriate authority may suspend or withdraw any license issued by it, if the licensee fails to comply with any of the conditions and/or guidelines stipulated under such license;

(d) With regard to institutions of higher education that are privately owned, the appropriate authority shall have the power, where a breakdown of internal governance processes threatens the maintenance of minimum standards, to:

(i) Suspend the existing administrative structure of the affected institutions; and

(ii) Constitute a Caretaker Committee to temporarily oversee the affairs of that institution:

Provided that the appropriate authority shall, on the successful resolution of the crisis, re-establish the administrative structure of the affected institution, in line with the authority's existing regulations.

(e) Any person or corporate body responsible for carrying out such directive that fails, refuses or neglects to carry out directives issued by the appropriate authority pursuant to the provisions of this subsection, or invites, induces or abets any other person to obstruct or interfere with such a directive shall be guilty of an offence and shall be liable on conviction to a term of not less than one year and not more than three years imprisonment without an option of fine.

As from the commencement of this Act:

(a) it shall be unlawful for any University in Nigeria, whether acting individually or in conjunction with any other Institution within or outside Nigeria, to establish and/or run degree programs in satellite campuses or study centers outside its primary location;

(b) all degree programs being run on satellite campuses and study centers shall cease to operate and all the affected students shall be at liberty to re-apply to any existing approved University running such programs with full accreditation by the National Universities Commission;

(c) any person or group of persons, including persons acting as Principal Officers in approved institutions of higher education, who, in contravention of this subsection, approve, establish and/or operate satellite campuses, study centers, or other similar venues by whatever name called, or any other form of unapproved degree-awarding Institution, for running degree programs outside of the primary location of a University shall be guilty of an offence and shall be liable on conviction to imprisonment for a term of not less than three years and not more than five years without an option of fine;

(d) where an offence under this subsection is committed by a body corporate, firm or partnership, it shall be liable on conviction to a fine of not less than three million naira, and

(i) the chairman of the Board and directors of the body corporate;

(ii) every partner and principal officer of the firm or partnership; and

(iii) every person purporting to act in any such capacity shall be severally liable to be proceeded against and shall be liable on conviction to a term of not less than two years and not more than five years imprisonment without an option of fine.

(4) (a) Any person who, knowing it is to be used for the operation of an unapproved institution of higher education and/or for purposes prohibited under subsection (3) of this section, sells, lets or otherwise makes available for use his landed property or premises shall be guilty of an offence and liable on conviction to imprisonment for a term of not less than two years and not more than five years without option of fine;

(b) Where an offence under this subsection is committed by a body corporate, firm or partnership, it shall be liable on conviction to a fine of not less than three million naira, and

(i) The chairman of the Board and directors of the body corporate;

(ii) Every partner and principal officer of the firm or partnership; and

(iii) Every person purporting to act in any such capacity:

Shall be severally liable to be proceeded against and shall be liable on conviction to a term of not less than two years and not more than five years imprisonment without an option of fine.

(c) Where the person, body corporate, firm or partnership convicted for operating an unapproved institution of higher education and/or for committing an offence under subsection (3) of this section is also the owner of the premises or landed property in question, such premises or landed property shall, in addition to other punishments stipulated by this Act, be forfeited to the Federal Government.

(5) It shall be an offence, punishable on conviction by a fine of not less than one million naira for each person so admitted, for an institution of higher education to admit, for purposes of further education, a person that is in possession of a degree, diploma, certificate or other academic award issued by an unapproved institution of higher education.

(6) It shall be an offence, punishable on conviction by a fine of not less than one million naira for each person so employed, for an employer of labor, whether in the public or private sector, to recognize and, thereby, base a decision to employ, on a degree, diploma, certificate or other academic award issued by an unapproved institution of higher education.

(7) Subject to section 174 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), any legal officer in the appropriate authority may conduct criminal proceedings in respect of offences, or regulations made, under this Act.

(8) The appropriate authority may, from time to time, make regulations, with the approval of the Minister, where mandated to do so by this Act or where the effective administration of this Act so requires.

Amendment of Section 24

17. Section 24 of the Principal Act is amended by inserting the word "farms," after the word, "drawing-rooms," and before the word, "typewriting rooms," in subsection (l)(g).

Amendment of Section 25

18. Section 25 of the Principal Act is amended by:

(1) Substituting the interpretation of the word, "Academic Unit", with a new interpretation:

"Academic Unit" means a College, Faculty or Department duly approved by the appropriate authority to run academic disciplines or programs"

(2) Substituting the interpretation of the word, "Campus", with a new interpretation:

"Campus" means any primary location of an institution approved by the appropriate authority".

(3) Inserting new-subsections (c) to (e) after the existing subsection (b) in the interpretation of the word, "appropriate authority";

"(c) The National Universities Commission, in the case of Universities and all other degree-awarding institutions or bodies;

(d) The National Board for Technical Education, in the case of Polytechnics, Colleges of Agriculture, and all other forms of technical education below degree level;

(e) The National Commission for Colleges of Education, in the case of Colleges of Education and all other forms of teacher training below degree level.

(4) Substituting the interpretation of the word "technical education" with a new interpretation:

"technical education" means education given in institutions other than institutions of higher education, providing both the scientific knowledge and practical skills for a specific trade, employment or profession as craftsman, technician, technologist, engineer, scientist or similar levels in business, in the fields of engineering, applied science, agriculture or business."

(5) Inserting the interpretation of the words "unapproved degree

awarding Institution" and "unapproved institution of higher education" immediately after the interpretation of the words "technical education" as follows:

"unapproved degree-awarding Institution" means a degree-awarding Institution operating without the approval of the National Universities Commission first sought and obtained with requisite license."

"unapproved institution of higher education" means any institution of higher education operating without the approval of the appropriate authority."

19. Section 26 of the Principal Act is amended by substituting the existing subsection (1) with a new subsection (1): Amendment of Section 26

"(1) This Act may be cited as the Education (National Minimum Standards and Establishment of Institutions) (Amendment) Bill, 2016.

20. A new Part III is inserted into the Principal Act on the establishment of the Nigeria National Qualifications Framework. Insertion of new Part III

Note: numbering to be streamlined

The object of Part III of the amended Act is to:

(a) provide for the establishment of the Nigeria National Qualifications Framework;

(b) provide for the establishment of the Nigeria National Qualifications Committee:

(c) establish coherence, comparability and national consistency among the qualifications offered in the Nigerian education system;

(d) facilitate understanding of the skills, processes and competencies expected of products of the Nigerian education system through clear outcome level descriptors;

(e) promote flexible pathways for persons to move between education and training sectors and into the labour market by providing basis for recognition of prior learning and current competence;

(f) give recognition to non-formally acquired skills and facilitate

1 their integration into the formal system;

2 (g) ensure the quality assured provision of education, training and

3 assessment services;

4 (h) facilitate international comparability of qualifications awarded in

5 Nigeria;

6 (i) ensure that qualifications awarded in the Nigerian education

7 system meet the needs of the labour market, economy and society.

8 There shall be established, a Nigeria National Qualifications Framework

9 through bottom-up, stakeholder consultations involving:

10 (a) Departments responsible for curriculum development in the

11 Federal and State Ministries of Education;

12 (b) Nigerian Educational Research and Development Council;

13 (c) National Universities Commission;

14 (d) National Board for Technical Education;

15 (e) National Commission for Colleges of Education;

16 (f) West African Examinations Council;

17 (g) National Examinations Council;

18 (h) Professional bodies;

19 (i) Employers of labour;

20 (j) Federal Ministry of Labour.

21 4. The National Qualifications Committee (NQC), established by

22 Section 14 of this Act, shall decide on the scope of the framework; determine

23 the number of levels; develop level descriptors; and develop practical guidance

24 on the processes central to the descriptors.

25 5. Without prejudice to Section 4 of this Act, the Nigerian National

26 Qualifications Framework (NNQF) shall have the following characteristics:

27 (a) a national framework; and

28 (b) three sub-frameworks. These are:

29 (i) General Education and Training Sub-Framework

30 (ii) Technical and Vocational Education Sub-Framework; and (iii)

Higher Education Sub- Framework.

6. The NNQF shall encompass all types and levels of qualifications and certification within the distinctive organic structure of the Nigerian educational system and within the context of global best practices in awards of qualifications.

7. Progression from level to level shall be defined in terms of increasing complexity and demanding outcomes of learning, defined in terms of knowledge, skills and wider competences.

8. The NNQF shall include:

(1) Qualifications awarded at all levels of the education and training system, including basic, post-basic and higher education and training programmes, adult education and training and lifelong learning; and

(2) Certification of the outcomes of non-formal and informal learning, including the recognition of prior learning and achievements of candidates.

9. It shall be ensured that the level descriptors are the set of knowledge, skills and/or competences an individual has acquired and/or is able to demonstrate after completion of a learning process. Learning outcomes are statements of what a learner is expected to know, understand and/or be able to do at the end of a period of learning.

10. The NQC shall ensure that qualification outcome statements clearly indicate what a specific qualification represents in terms of the knowledge, understanding, skills and attitudes of graduates holding the qualification.

11. Outcomes statements shall provide clarity and focus for qualification development and guide the development of qualification components and processes for teaching, learning and assessment. The qualification outcome statement shall also give students and prospective employers an idea of what the qualification holder will have achieved by the

end of the qualification.

12. An outcome statement shall:

(a) reflect the purpose of the qualification;

(b) reflect the level of the qualification, by linking to level descriptors and relevant qualification definitions;

(c) accurately and clearly describe expected learner achievement in terms of application of knowledge, understanding, skills and attitudes (graduate profile);

(d) be stated as specifically as possible; and

(e) allow meaningful comparisons to be made with other qualifications within and outside the Nigerian educational system.

13. Qualifications to be included in the Nigeria National Qualifications Framework shall meet the following criteria:

(a) The qualification title and level are in line with national standards and comparable to international best practices;

(b) The outcomes reflect the purpose and level Of the qualification, and clearly describe expected learner achievement;

(c) The qualification is supported by relevant national and, where appropriate international industry, professional, academic, community or interest groups;

(e) The components of the qualification are defined and reflect the title, level and outcomes; and

(f) Entry requirements are inclusive and appropriate for the level and type of qualification.

14. There shall be established the National Qualifications Committee with the following functions:

(a) Co-ordinate and supervise the development and periodic review of the Nigeria National Qualifications Framework in consultation with stakeholders, relevant institutions and agencies;

(b) develop a system for assessment of national qualifications;

(c) establish and review interrelationships and linkages across national qualifications in consultation with stakeholders, relevant institutions and agencies;

(d) maintain a national database of national qualifications;

(e) in partnership with relevant regulatory agencies, audit education and training providers to ensure that programmes leading to the qualifications are delivered to an acceptable quality or standard;

(f) publish manuals, codes and guidelines on national qualifications and disseminate public information and advice on the NQF; and

(g) offer advice to any person, body or institution which is responsible for the awards of national qualifications:

15. The Committee shall have power to:

(a) manage, control and administer the assets of the Committee in such a manner and for such purposes that promote the purposes for which the Committee is established;

(b) receive gifts, grants, donation, endowments or any other monies made to, and in respect of the Committee and make any disbursements from such monies in accordance with this Act;

(c) enter into association with such other bodies or organisations in Nigeria or outside Nigeria as it may consider appropriate to promote the purposes for which the Committee is established;

(d) open and maintain a bank account or accounts for tile funds of the Committee; and

(e) offer services to any person upon such terms as the Committee may determine.

16. Membership of the Committee shall be as follows:

(a) a Chairperson appointed by the Minister of Education. The Chairperson shall be a seasoned educationist, preferably with an earned doctorate degree, being the highest qualification in the National

Qualifications Framework;

Other members are:

(b) one representative of the Universal Basic Education Commission;

(c) one representative of the National Commission for Colleges of Education;

(d) one representative of the National Board for Technical education:

(e) one representative of the National Universities Commission;

(f) one representative of each of the national examination bodies;

(g) one representative of the Federal Ministry of Labour and National Productivity;

(h) one representative each of six State Ministries of Education, selected every two years on rotational basis from each of the six geopolitical zones;

(i) one representative each of four registered professional bodies in Nigeria, selected every two years on rotational basis or on demand when relevant issues to the body are being discussed; en one representative of the Nigeria Labour Congress; and

(k) the Administrative Secretary of the Committee who shall be at least of Deputy Director grade from the Tertiary Education Department of the Federal Ministry of Education as Secretary.

17. (a) The Chairman and members shall hold office for a single term of five years.

(b) A member may at any time be removed from office by the Minister of Education for inability to discharge the functions of his office (whether arising from infirmity of mind or body) or for any fraudulent act or misconduct.

(c) A member may resign his membership by a notice in his handwriting addressed to the Minister of Education and that member shall on the date of the acceptance of the resignation by the Minister, cease to be a member of the Committee.

18. The funds of the Committee shall consist of:

(a) monies appropriated by the National Assembly for the purposes of the Committee; and

(b) such monies as may be lawfully granted, donated or lent to the Committee with the approval of the Minister of Education.

19. National Qualifications Committee shall establish a Register of quality assured qualifications where the information about each qualification is recorded and updated regularly. The information about each qualification in the Register shall be made available to the public through the Committee's website and other media and shall include title of the qualification; qualification level; entry requirements; qualification outcome statement; and any other details relevant to the needs of stakeholders.

Amendment of the Schedule

20. All qualifications registered on the NNQF are subject to periodic review to ensure that they maintain relevance and that the outcomes are still appropriate and consistent with similar qualifications in highly-rated educational systems in the world. The review shall normally be conducted every five years or as may be determined by the National Qualifications Committee based on emerging circumstances.

21. Where the National Qualifications Committee considers that there may be grounds for deregistering a qualification from the NNQF, it will give written notice to the general public:

(a) setting out the grounds for its decision/action;

(b) stating a reasonable and defined period (normally four to eight weeks) within which to make submissions on the matter;

(c) considering any written submissions and may give a further defined period of time to address the specified issues;

(d) making a decision after that period of time; and

(e) sending a final written notice, specifying the details and the effective date of its decision.

20. The Schedule to the Principal Act is amended by:

(1) Amending Clause 2(2) by inserting the word, "on", before the phrase,

"staff ratio based on the courses contemplated,"

(2) Amending Clause 4 by inserting new subsections (d) and (e) immediately after the existing subsection (c).

"(d) the applicant has established an endowment fund for at least N250 million in a reputable bank for the University which fund shall be increased to N500 million within the first 5 years and to at least N1 billion in the next 10 years of the establishment of the University.

(e) where the proposed University is registered or incorporated in Nigeria as a charitable company limited by guarantee; the proprietor(s), operator(s), trustees or directors are disentitled from drawing profits from the University."

(3) Amending Clause 5(1) by inserting a new subsection (c) after the existing subsection (b):

"(c) The land forming part of the assets under paragraph (b) at the time of the approval contains fully developed infrastructure which in the opinion of the appropriate authority will be sufficient for the take-off of the Institution,"

(4) Amending Clause 7 by substituting the existing Clause 7 with a new Clause 7;

"7. To prevent the problems of inadequate municipal facilities, the proposed institution shall have a clear policy on student and staff accommodation, catering, welfare and other municipal services."

(5) Amending Clause 8 by deleting the word, "mission" and substituting it with the word, "vision".

(6) Substituting the existing short title with a new short title;

"EDUCATION (NATIONAL MINIMUM STANDARDS AND ESTABLISHMENT OF INSTITUTIONS) AMENDMENT ACT"

Citation

21. This Bill may be cited as the Education (National Minimum Standards and Establishment of Institutions) (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Education (National Minimum Standards arid Establishment of Institutions) Act CAP E3 LFN 2004 to provide regulatory bodies with effective tools for enforcing national minimum standards in the educational sector and to establish the Nigeria National Qualifications Framework.