

A BILL

FOR

AN ACT TO AMEND UNIVERSAL BASIC EDUCATION ACT 2003, TO ENFORCE QUALITY, COMPULSORY, MANDATORY AND FREE EDUCATION UP TO SENIOR SECONDARY THREE OR EQUIVALENT AND FOR OTHER PURPOSES

Sponsored by Senator Suleiman Adokwe

[] Commencement

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

- 1 **1.** The Universal Basic Education Act, 2003 (in this Act referred to as “the Principal Act”) is amended as set out below. Amendment of the Principal Act
- 2
- 3 **2.** Section 2 of the Principal Act is amended by deleting the existing provision and a new section (2) is introduced. That is: Amendment of Section 2: Right of child to free, mandatory and compulsory education
- 4
- 5 (1) Every Nigerian child shall have a right to free, compulsory, mandatory and quality education up to senior secondary three or its equivalent.
- 6
- 7
- 8 (2) For the purpose of subsection (1), no child shall be liable to pay any fee or charges which may prevent him or her from pursuing and completing his or her education.
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- 10
- 11 **3.** Section 3 of the Principal Act is hereby deleted. The following new section inserted: Amendment of Section 3: Responsibilities of Schools
- 12
- 13 (1) For the purpose of this bill, every school in the State shall bring into effect the provision of Section 2 and also provide free, compulsory, mandatory and quality education to all children admitted therein.
- 14
- 15
- 16 (2) Every school shall provide such information as may be required by the Commission as the case may arise.
- 17
- 18 (3) No school shall discriminate in relation to admission process in primary and secondary school on account of State of origin, or means test.
- 19

1 (4) No school or person shall, while admitting a child, collect any fee
2 and subject the child or his or her parents or guardian to any unfair screening
3 procedure.

Amendment of
Section 4: Duties
of Teachers

4 4. Section 4 of the Principal Act is hereby amended by introducing a
5 new subsection (3) that is every Nigerian teacher appointed to teach shall
6 perform the following duties:

7 (a) shall be regular and punctual to school;

8 (b) dutifully conduct and complete the curriculum as set out by the
9 ministry of education within the specified time frame;

10 (c) assess the learning ability of each child and accordingly take
11 necessary steps to assist the child in developing the child's full potentials;

12 (d) perform such other duties as may be prescribed by the ministry of
13 education or relevant bodies incharge.

School
Management
Committee

14 5. The Principal Act is amended by introducing new section 6, 7, 8, 9,
15 10, 11, 12, 13 as follows:

16 (1) Every school in the federation shall constitute a school
17 management committee consisting of the elected representatives within the
18 State or local government, parents or guardians of children admitted in such
19 school provided that at least 75 % of members of such committee shall be
20 parents or guardians provided further that at least 50% of members of such
21 committee shall be women.

22 (2) Hold regular meetings with parents and guardians and appraise
23 them about the regularity in attendance, ability to learn, progress made in
24 learning and any other relevant information about the child.

25 (3) The school management committee shall perform the following
26 functions:

27 (a) Monitor and complement the activities of the Commission on the
28 working of the school;

29 (b) Prepare and recommend school development plan including
30 curricula;

- 1 (c) Monitor the utilisation of the monies appropriated by
2 government or any other source;
- 3 (d) Perform such other functions as may be prescribed.
- 4 **6.** Where a State delays and or refuses to implement the provision
5 of this Bill, a time line of 1 year shall be mandatorily complied with. State refusal and
or delay to
implement
- 6 **7.-(1)** Notwithstanding any other provision of law and in addition
7 to any other consequences under this section, the Commission shall
8 withhold 20 % of monthly allocation available for the State ministry of
9 education for the administration of primary and secondary education. Consequences
of non-compliance
- 10 (2) For each State from which funds are withheld under this
11 section, the Commission shall not later than I year after a condition leading
12 to a withholding of funds distribute withheld funds as follows:
- 13 (a) if the State corrects a condition leading to a withholding of such
14 funds, the Commission shall make the applicable withheld funds available
15 to the State;
- 16 (b) if the State fails to correct a condition leading to a withholding
17 of funds, the Commission shall allocate the applicable withheld funds to
18 schools affected by the States failure.
- 19 **8.-(1)** The Commission may grant a request by a State for a waiver Temporary waiver
20 of withholding provision of Section 7 for a period of not more than 1 year if:
- 21 (a) the State request describes the manner in which the State will
22 comply with the requirements of Section 2 by the end of the waiver period.
- 23 **9.-(1)** The Commission shall transmit to the National Assembly, on Annual report to
the National
Assembly
24 an annual basis, detailed analysis of the school system of each State.
- 25 (2) The report under subsection (1) shall include the following:
- 26 (a) the number of students, primary and secondary schools;
- 27 (b) for each such school, a Statement whether the school is an
28 urban, rural or mixed school;
- 29 (c) description of the compulsory and mandatory basic access
30 established by the State;

	1	(d) whether the school is making adequate yearly progress;
	2	(e) the number and names of each school in the State that do not
	3	provide the opportunity for training if such other information as the
	4	inspectorate considers useful and appropriate to include.
Monitoring of child right to education	5	10. The human rights commission shall in addition to the functions
	6	assigned to them under the Act establishing the commission, also perform the
	7	following functions:
	8	(a) examine and review the safeguards for rights provided by this bill
	9	and recommend measures for their effective implementation;
	10	(b) inquire into complaints relating to a child's right to quality,
	11	compulsory, mandatory and free education;
	12	(c) take necessary steps as provided under Section 2 of this bill for the
	13	protection of child right.
School Development Plan	14	11. Every school management committee constituted under
	15	subsection (1) of section 5, shall prepare a school development plan which
	16	shall be the basis for appropriation by the Ministry.
Amendment of Section 9	17	12. Section 9 (e) (iii) of the Principal Act is amended by deleting the
	18	word "Junior Secondary School" replacing it with "Up to Senior Secondary
	19	three or its equivalent".
Functions of the Commission	20	13. Section 9 of the Principal Act is amended by introducing a new
	21	sub-section (2) as follows:
	22	The Commission shall ensure that:
	23	(a) every child is provided free, compulsory, mandatory and quality
	24	education up to senior secondary three or its equivalent;
	25	(b) there is compulsory admission, attendance and completion up to
	26	primary and senior secondary three or its equivalent;
	27	(c) education curricula are periodically reviewed and the education of
	28	the child conforms with the curricula set out by the ministry of education;
	29	(d) there are adequate facilities for training of teachers;
	30	(e) it shall take into consideration while periodically reviewing and

- 1 evaluating the education curriculum, take into account:
- 2 (1) all round development of the child;
- 3 (2) building up of child's knowledge, potential and talent;
- 4 (3) development of physical and mental abilities of the child to the
- 5 fullest;
- 6 (4) learning through activities;
- 7 (5) the medium of instructions shall, as far as practicable, be in
- 8 child mother tongue in the primary school;
- 9 (6) to make the child free of fear, anxiety and helping the child to
- 10 express views freely;
- 11 (7) the comprehensive and continuous evaluation of child
- 12 understanding of knowledge and his or her ability to apply same;
- 13 (8) the Commission shall have extensive powers to ensure
- 14 compliance.
- 15 **14.** The Principal Act is amended by introducing a new section 2, Offences
- 16 that is: Any school or person if in contravention of the provision of section 2
- 17 (2):
- 18 (a) receives or obtains any fee commits an offence and is liable on
- 19 conviction to a fine not less than N50,000 or imprisonment for a term of 4
- 20 months or both;
- 21 (b) subjects a child to unfair screening procedure commits an
- 22 offence and is liable on conviction to a fine not exceeding N30,000;
- 23 (c) where a school refuses or delays to implement the provisions of
- 24 this Bill, it shall among other consequences already provided under this bill,
- 25 loose its license of operation;
- 26 (d) a teacher who fails in the performance of his or her duties
- 27 specified in Section 4 shall be liable to disciplinary action under the service
- 28 rules applicable to him or her, provided that before taking such disciplinary
- 29 action, reasonable opportunity of being heard shall be afforded to such
- 30 teacher;

1 (e) a parent or guardian who contravenes section 2 (1) of this bill
2 commits an offence and is liable to:

3 (i) On first conviction, to be reprimanded;

4 (ii) On second conviction, to a fine of N20,000 or imprisonment for a
5 term of 2 months or both; and

6 (iii) On subsequent conviction to a fine of N50,000 or imprisonment
7 for a term of 3 months or both.

Amendment of
Section 11

8 **15.** Section 11 of the Principal Act is amended by introducing a new
9 subsection 1 (d). That is:

10 (d) education trust fund;

11 (e) petroleum trust fund;

12 (f) excess crude account;

13 (g) contribution from the organised private sector.

Amendment of
Section 15

14 **16.** Section 15 of the Principal Act is amended as follows:

15 "Child or ward" means a person of primary and senior secondary or equivalent
16 school age who is between the age of 6 and 16 years whether disabled or not;

17 "Senior Secondary or Equivalent" means a school which provides a three year
18 post junior secondary course of full time instruction suitable for pupils between
19 the age of 15 and 18 years;

20 "Public School", "Public Primary School", or "Senior Secondary or
21 equivalent" means a school, primary or senior secondary or equivalent, as the
22 case may be, which is assisted out of funds provided by the Federal or State
23 Government or a local education authority or a local government or is
24 maintained by a local education authority or a local government;

25 "School" means a primary or senior secondary or equivalent but does not
26 include a class for religious instruction, a trade centre, a training collage or any
27 other institution intended solely for the education of adults;

28 "Universal Basic Education" means early childhood care and education, the
29 twelve years of formal schooling, adult literacy and non formal education,
30 skills acquisition programmes and the education of special groups such or

1 nomads and migrants, girl-child and women, almajiri, street children and
2 disabled groups.

3 **17.** This Bill may be cited as the Universal Basic Education Act Citation
4 (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

The Bill seeks to amend the Universal Education Act, 2003 to provide quality, compulsory, mandatory and free education up to senior secondary school Three and its equivalent throughout Nigeria.