

A BILL

FOR

AN ACT TO MAKE SPECIAL PROVISIONS FOR FIXATION OF FEES FOR PRIVATE SCHOOLS IN THE FEDERATION AND FOR RELATED MATTERS

Sponsored by Hon. Yusuf Ahmed Tijani Damisa

[] Commencement

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

1 CHAPTER I - CONSTITUTION OF COMMITTEE, DETERMINATION OF FEE
2 AND PROHIBITION OF COLLECTION OF EXCESS FEE

3 1.-(1) There shall be constituted a Fee Regulatory Committee for
4 the purpose of determination of the fee for any standard or course of study in
5 private schools.

Constitution of
Fee Regulatory
Committee

6 (2) The age of the Chairperson and the members shall not be more
7 than 65 years at the time of appointment. The term of the Chairperson and
8 other nominated members shall be four years.

9 (3) The honorarium and allowances payable to and other terms and
10 conditions of service of member shall be such as may be prescribed.

11 (4) The Committee shall consist of the following members,
12 namely:

13 (a) retired Judge, to be nominated by the Minister in charge of
14 Education, who shall be the Chairperson of the Committee;

15 (b) the Chartered Accountant, to be nominated by the Minister in
16 charge of finance;

17 (c) one Civil Engineer/Government approved valuer, to be
18 nominated by the Minister in charge of Works and Housing;

19 (d) one representative from the private school management of the
20 respective zone;

21 (e) one representative from each of the 36 states of the Federation,

1 including the FCT, who shall act as liaising officers in their respective states, to
2 be nominated by the state governors;

3 (f) one Academician of repute, to be nominated by the Minister in
4 charge of Education.

Jurisdiction and
Headquarters
of Committee

5 2. -(1) The Local Government Education Officer or, as the case may
6 be, the Local Government Education Authority Officer shall act as a co-
7 ordinator to the Committee to provide administrative support.

8 (2) The jurisdiction of each Fee Regulatory Committee shall be the
9 zone comprising of such local government areas as the State Government may,
10 by notification in the Official Gazette, specify.

11 (3) The headquarters of the Fee Regulatory Committee shall be at
12 such place specified by the Government by notification in the Official Gazette.

Vacancies, etc.
not to invalidate
proceedings of
the Committee

13 3.-(1) If any vacancy occurs by reason of death, resignation, expiry of
14 term of office or termination of appointment of the member or for any other
15 cause whatsoever, such vacancy shall be filled in by the State Government as
16 soon as possible within a period of six months from the date of occurrence of
17 the vacancy.

18 (2) No act or proceeding of the Committee shall be questioned or shall
19 be invalid merely on the ground of the existence of any vacancy or defect in the
20 Constitution of the Committee.

Procedure to be
regulated by the
Fee Regulatory
Committee

21 4.-(1) The Fee Regulatory Committee shall meet as and when
22 necessary but at least once in a quarter at such time and place as the
23 Chairperson may think fit.

24 (2) The Committee shall regulate its own procedure for the conduct of
25 its business.

26 (3) All orders and decisions of the Committee shall be authenticated
27 by the Chairperson of the Committee or the person duly authorized by the
28 Chairperson in this behalf.

Disqualifications
of Members of
Fee Regulatory
Committee

29 5. The Government may terminate the appointment of the
30 Chairperson or any member of the Fee Regulatory Committee before the

1 expiry of the term of his office, if he-

2 (i) has been adjudged an insolvent;

3 (ii) has, in the opinion of the State Government, become physically
4 or mentally incapable of acting as a member;

5 (iii) has been convicted of an offence involving moral turpitude, or

6 (iv) has been guilty of proven misbehavior:

7 Provided that no member shall be removed from his office on the
8 above grounds, unless he has been given a reasonable opportunity of being
9 heard.

10 6.-(1) Subject to the provisions of section 9, the Fee Regulatory
11 Committee shall determine the fee payable by students in the private
12 schools.

Functions of the
Fee Regulatory
Committee

13 (2) The Committee shall have power to,-

14 (a) require each private school to place before the Committee, the
15 proposed fee structure of such school along with all relevant documents and
16 books of accounts for scrutiny before such date as may be specified by the
17 Committee;

18 (b) verify whether the fee proposed by the private school is
19 justified and whether it amounts to profiteering or charging of exorbitant
20 fee;

21 (c) approve the existing fee structure or determine the fee which
22 can be charged by the private school;

23 (d) verify whether the fee collected by the private schools,
24 operating within the State of the Federation, is recognized by the competent
25 State Educational Authority or affiliated to the Universal Basic Education
26 Commission or any other board, as the case may be;

27 (e) hear complaints or initiate fair hearing with regard to collection
28 of excess fee by a private school, as referred to above in Clause (d);

29 (f) regulate the fees charged by the school and penal action as per
30 the provisions of this Bill;

1 (g) report the matter to the respective competent Educational
2 Authority that the school has collected excess fee and it has not complied with
3 the provisions of the respective applicable Acts and rules made hereunder of
4 the concerned Board for appropriate action.

5 (3) (a) For the purposes of this Bill, the Fee Regulatory Committee
6 while holding inquiry shall have the powers of a Civil Court while trying a suit
7 in respect of the following matters, namely:-

8 (i) summoning and enforcing the attendance of any witness and
9 examining him on oath;

10 (ii) requiring the discovery and production of any document;

11 (iii) receiving evidence on affidavit; and

12 (iv) issuing commission for examination of witnesses for local
13 inspection.

Exemption from
appearance
before Committee

14 7.-(1) The Fee Regulatory Committee may exempt such private
15 schools that charge amount of fee lower than the fee prescribed by the
16 Government by notification in the Official Gazette, from the determination of
17 fee. Such private school shall file an affidavit to that effect:

18 Provided that if any such school desires to revise the fee, it shall
19 follow the procedure as laid down in Section 8.

20 (2) The Fee Regulatory Committee may determine fee for all private
21 schools except the private school as referred to in sub-section (1), imparting
22 pre-primary, primary, and secondary education.

23 (3) The exemption shall remain operative till the prescribed fee is
24 revised by the Government.

25 (4) The Fee Regulatory Committee may withdraw the exemption,
26 after providing reasonable opportunity of hearing to the erring school, if it has
27 reason to believe that the school has charged fee in excess of the fee, prescribed
28 under sub-section (1) or has furnished false or misleading or incomplete
29 information to the committee.

30 (5) The information regarding erring schools, including details of

1 their management shall be published through an advertisement in the
2 leading daily newspapers, in the best interest of students, parents, and
3 society at large.

4 8.-(1) The Fee Regulatory Committee shall determine the fee
5 leviable by a private school taking into account the following factors,
6 namely:-

Factors for
determination of
Fee

7 (i) location of the private school i.e. village, town, or city in which
8 the school is situated;

9 (ii) investment incurred to setup the school;

10 (iii) infrastructure made available to the students for the qualitative
11 education, facilities provided as mentioned in the prospectus or website of
12 the school;

13 (iv) expenditure on administration, maintenance of services and
14 utilities of the school;

15 (v) students strength in the private school;

16 (vi) classes of study and courses of study offered by the school;

17 (vii) qualification of teaching, and non-teaching staff (as per the
18 relevant norms) their salary components, and reasonable amount for yearly
19 salary increments;

20 (viii) expenditure incurred on the students against total income of
21 the school which shall include profit earned from school by the trust or
22 company associated with such school;

23 (ix) reasonable revenue surplus for the purpose of development,
24 education and expansion of the school;

25 (x) any other factors which may be prescribed by the Government
26 from time to time.

27 (2) The Fee Regulatory Committee shall, after determining the fee
28 leviable by a private school, communicate its decision to the school
29 concerned.

30 (3) The Fee Regulatory Committee shall determine the total fees

1 which shall be levied by considering all different fees charged by the school.

2 (4) The fee structure so determined by the Fee Regulatory Committee
3 shall be binding on the private schools for a period of four years.

4 (5) The Fee Revision Committee may recommend to the Government
5 for the upper fee limit to be kept for the schools of the State. The Government
6 may consider such recommendation appropriately.

Prohibition of
collection of
excess fee

7 **9.-(1)** No private school shall collect any fee in excess of the fee fixed
8 by the Fee Regulatory Committee for admission of students to any standard or
9 course of study in that school.

10 (2) No excess fee shall be collected by any person either for himself or
11 on behalf of such private school or on behalf of the management of such private
12 school.

13 (3) No school itself or on its behalf shall collect any donation or
14 capitation fee under any name whatsoever, or receive any deposit under any
15 head to the school management, school trust, company, or any trustee or
16 member of the school. If any parents or guardian of a student has paid
17 voluntarily any above referred amount, he shall inform the concerned Fee
18 Regulatory Committee, the details of such payment on affidavit. Such non-
19 disclosure shall amount to abetment of the profiteering committed by the
20 school management.

21 (4) The School shall open and operate separate and only one Bank
22 account for individual registered school. The parents shall make payments of
23 prescribed fees directly into the concerned school bank account. The
24 acknowledgement of receipt of the total collected fee from the parents shall be
25 given in the form of counter-foil from bank and concerned school, as the case
26 maybe.

Fee Revision
Committee

27 **10.-(1)** There shall be constituted a fee revision committee for the
28 purpose of revision against the order passed by the Fee Regulatory Committee.
29 The headquarters of the Fee Revision Committee shall be at each of the state
30 capital of the federation or at such other place, as may be decided by the

1 Chairperson of the Committee.

2 (2) The Committee shall consist of the following members,
3 namely:-

4 (i) retired Judge of the High Court, to be nominated by the
5 Government shall be the Chairperson of the Committee;

6 (ii) the Secretary to the State Universal Education Board;

7 (iii) the State Commissioner for Finance, or his nominee not below
8 the rank of the Deputy Director;

9 (iv) one representative from the private school management to be
10 nominated by the Government;

11 (v) the Chartered Accountant, to be nominated by the Government.

12 (3) A person aggrieved by the order of the Fee Regulatory
13 Committee made under section 10 may file revision application before the
14 Fee Revision Committee within a period of twenty-one days from the date of
15 receipt of such order:

16 Provided that if the Fee Revision Committee is satisfied that such
17 school was prevented for filing a revision application within prescribed
18 time-limit for sufficient cause, it may condone the delay and shall allow the
19 revision application but not later than three months.

20 (4) The orders passed by the Fee Revision Committee shall be final
21 and binding on the private school.

22 CHAPTER II - REGULATION OF ACCOUNTS AND MAINTENANCE

23 OF RECORDS

24 11.-(1) The Government shall regulate the maintenance of
25 accounts by the private schools in such manner as may be prescribed.

26 (2) The private schools shall maintain such records in such manner
27 as may be prescribed.

28 (3) Every private school shall maintain accounts for different kinds
29 of transactions like the fees collected, the grants received, financial
30 assistance received, payments of salary of staff, purchase of machinery and

1 equipment, furniture, laboratory articles, sports equipment, library books,
2 stationary and other expenditure incurred towards payments to the agencies,
3 companies hired or engaged by the school for different kind of services and
4 these accounts shall be audited by the Chartered Accountant.

5 (4) Every private school shall keep the accounts and the records
6 within the premises of the educational institution and shall make them
7 available at all reasonable times for inspection by the Fee Regulatory
8 Committee or its authorized officer;

9 (5) The accounts maintained by the private school together with all
10 vouchers relating to various items of receipts and expenditures shall be
11 preserved by the schools for a period of seven years.

12 CHAPTER III - CONTRAVENTIONS AND PENALTIES

Contraventions
and penalties

13 12.-(1) For contravention of any of the provisions of this Bill or the
14 rules made hereunder, the school management shall, in addition to refund of
15 twice the amount of fee to the parents or guardians or to the person who has
16 made the payment, be liable-

17 (a) to pay fine which shall be up to two hundred and fifty thousand
18 naira to the Fee Regulatory Committee, for the first contravention;

19 (b) to pay fine which shall not be less than two hundred and fifty
20 thousand naira but which may extend to five hundred thousand naira to the Fee
21 Regulatory Committee for the second contravention; and

22 (c) for cancellation or withdrawal of registration/affiliation/ No
23 Objection Certificate of the school, on third and subsequent contravention by
24 the concerned authority on the recommendation of the Fee Regulatory
25 Committee.

26 (2) The amount of fine and the amount of refund shall be paid within
27 fifteen days from the receipt of the order, failing which fine of one per cent of
28 the total payable amount shall be levied each day till the refund of the total
29 amount and fine is paid. However, if the school management fails to make the
30 payment of fine and refund within three months, than the entire unpaid amount

1 (a) the honorarium and allowances payable to and other terms and
2 conditions of service of members of the Fee Regulatory Committee under sub-
3 section (3) of section 3;

4 (b) the fee to be levied by the private schools under sub-section of
5 section 9;

6 (c) the other factors under which the Fee Regulatory Committee shall
7 determine the fees leviable by the private school under clause (xi) of sub-
8 section (1) of section 10;

9 (d) to regulate the maintenance of accounts by the private schools
10 under sub-section (1) of section 13;

11 (e) for maintenance of records of accounts of the Fee Regulatory
12 Committee under sub-section (2) of section 13.

13 (3) All the rules made under this section shall be laid for not less than
14 thirty days before the State Legislature, as soon as after they are made shall be
15 subject to the rescission by the State Legislature or to such modification as the
16 State Legislature may make during the session in which they are so laid or the
17 session immediately following.

18 (4) Any rescission or modification so made by the State Legislature
19 shall be published in the Official Gazette, and shall thereupon take effect.

20 19.-(1) If any difficulty arises in giving effect to the provisions of this
21 Bill, the State Government may, by general or special order published in the
22 Official Gazette, make such provisions not inconsistent with the provision of
23 this Bill, as it appears to it to be necessary or expedient for the purposes of
24 removing the difficulty:

25 Provided that, no such order shall be made after expiry of the period of
26 two years from the date of commencement of this Bill.

Interpretation

27 20. In this Bill, unless the context otherwise requires,-

28 (a) "academic year" means the year specified by the Government or,
29 as the case may be, by any Board or Council to which respective school is
30 affiliated;

1 (b) "an aided school" means any pre-primary school, primary
2 school, secondary school, established and administered or maintained by
3 any person or body of persons and recognized or approved by the competent
4 authority under any law for the time being in force, which receives any
5 financial grant or assistance from the Federal Government or the State
6 Government or any local authority;

7 (c) "educational district" means an educational district, as may be
8 specified by the State Government in the Official Gazette;

9 (d) "employee" means a teacher and includes every other employee
10 working in a recognized school;

11 (e) "existing school" means a recognized private school which is in
12 existence at the commencement of this Bill;

13 (f) "Fee or Fee Structure" means any amount, by whatever name
14 called, collected, directly or indirectly, by a school for admission of a student
15 to any Standard or course of study and includes,-

16 (i) Tuition fee;

17 (ii) Term fee, which shall not exceed one month tuition fee per
18 term;

19 (iii) Library fee and deposit;

20 (iv) Laboratory fee and deposit;

21 (v) Caution money;

22 (vi) Examination fee;

23 (vii) Admission fee, which shall not exceed one month tuition fee;

24 (viii) any other fee as determined by the Fee Regulatory
25 Committee;

26 (g) "Fee Regulatory Committee" means a committee constituted
27 under section 3;

28 (h) "Fee Revision Committee" means a committee constituted
29 under section 12;

30 (i) "Government" means the State Government;

1 (j) "Government school" means a school established, owned or
2 maintained by the Government or a local authority;

3 (k) "prescribed" means prescribed by rules made under this Bill;

4 (l) "pre-primary school" means a Nursery, Junior Kindergarten,
5 Senior Kindergarten level or any school imparting education up to pre-primary
6 school level for children having age of 3 to 6 years, by whatever name called
7 and of any medium attached in the prescribed manner to the school,

8 (m) "profiteering" means any amount accepted in cash or kind,
9 directly or indirectly which is in excess of the fee fixed or approved as per the
10 provisions of this Bill and shall include profit earned from school by trust or
11 company associated with the school in any manner whatsoever;

12 (n) "public examination" means an examination conducted by the
13 Ministry of Education or National Examination Council, West Africa
14 Examinations Council or any other Board recognized by the Government;

15 (o) "recognized school" means a school recognized by the competent
16 Educational Authority of the State or the Federal Government;

17 (p) "public school" means any pre-primary school, primary school,
18 secondary school, established and administered or maintained by any person or
19 body of persons including trusts and companies and recognized or approved by
20 the competent authority under any law for the time being in force holding
21 affiliation of International or Federal or State Boards operating in Nigeria,
22 which are not receiving any financial grants or assistance from the Federal
23 Government or the State Government or any local authority, but does not
24 include a school giving, providing or imparting religious instruction alone;

25 (q) "school" includes a pre-primary, primary, secondary school and
26 also includes any other institution which imparts education or training below
27 the degree level, but does not include an institution which exclusively imparts
28 technical education;

29 (r) "school property" means all movable and immovable property
30 belonging to, or in the possession of, the school and all other rights and interests

1 in, or arising out of, such property, and includes land, building and its
2 appurtenances, playgrounds, hostels, furniture, books, apparatus, maps,
3 equipments, utensils, cash, reserve funds, investments and bank balances.

4 21.-(1) This Bill may be cited as the Regulation of Private School Citation
5 Fees Bill, 2019.

EXPLANATORY NOTE

This Bill seeks to make special provisions for fixation of fees for private schools in the Federation.

