

LEAD DEBATE ON A BILL FOR AN ACT TO AMEND UNIVERSAL BASIC EDUCATION ACT 2003, TO ENFORCE COMPULSORY, MANDATORY AND FREE EDUCATION UP TO SENIOR SECONDARY THREE OR EQUIVALENT (SB. 307).

Sponsor: Senator Suleiman A. Adokwe (Nasarawa South)

Mr. President, Distinguished Colleagues, Permit me to lead the debate of this very important Bill which was read for the First Time in this Hallowed Chamber on the 23rd of June, 2016

This Bill seeks to amend the Universal Basic Education Act to provide for qualitative free, compulsory and mandatory education up to senior secondary three or its equivalent to the Nigerian child.

Mr. President, my respected Colleagues, the amendment is necessary to create equal opportunity and level playing field for all Nigerian children.

The need to actualize the right of every child to compulsory, free, universal education in Nigeria provoked this amendment.

A country without a good education system has no future and cannot compete in, nor contribute meaningfully to, today's world. Sound education begins with a sound educational foundation: the primary and Secondary education. Just in case we do not know, this is the reason why most of our graduates -and this is the hard fact-cannot construct a single meaningful sentence!

Free Education is synonymous with State sponsorship of education through taxation and/or sponsorship by charitable organizations.

In most countries of the world, elementary and secondary education is not only free but also compulsory. Czech Republic, Greece, Estonia and Argentina provide free education at all levels while Canada provides free elementary and secondary level education. Some of these countries give stipends to students while many offer free education to foreign students. All these underscore the importance of education to the human society.

Free education is not a new thing in Nigeria. Free education was introduced in Western Nigeria in the 50s under the leadership of Chief Obafemi Awolowo. In fact, it has been common knowledge in Nigeria that the western part of the country is well ahead of the others because of the head start they had with free education. At the national level, Nigeria attempted free Universal Primary Education (UBE) in the late 70s.

Any country that needs development must embrace education and be ready to give its citizens the necessary support to overcome the stranglehold of illiteracy but unfortunately the landmark legislation on this subject matter which is the compulsory, free, universal education Act 2004 only covers the Nigerian child from primary to junior secondary leaving out the SS1, 2 and 3.

The provisions of the Act in Section 2(1) states that "Every government in Nigerian shall provide free, compulsory and universal basic education for every child of primary and junior secondary age.

The Act has some inherent problems which negate the very right of the Nigerian children in the senior secondary school who are not included as beneficiaries of the Act. For instance, by the provision of the constitution the least qualification to contest any electoral office in this country is the attainment of secondary school level or its equivalent. It stands to reason therefore that without free and compulsory access to this educational level millions of Nigerians would have their right to aspire to any electoral office foreclosed.

Mr. president, my highly-respected Colleagues, to improve on the gains of the UBEC Act and use it as a tool to achieve national understanding in Nigeria is to extend the provisions of the Act to the senior secondary school level. The sole aim of this is to equip these individuals with such knowledge, skills and attitudes that will enable them to live meaningful and fulfilling lives, contribute to the development of the society, and derive maximum social, economic and political benefits from the society.

The extension of the UBEC scheme to senior secondary school will enable Nigeria's education system to cater for the future professional needs in that the ceiling of UBEC Act at junior secondary level in my opinion is the reason why there is a high rate of drop out at that level as most parents find it

difficult to provide for their wards at the expiration of free education at the junior secondary level.

Our new approach to education (Basic) must emphasize the egalitarian philosophy in response to democratic tenets. This means that educational opportunity must be provided for all children up to the senior secondary level which is the bench mark that can guaranty participation in national development.

Mr. president, Distinguished Colleagues, the UBEC Act has since inception been successful in most of its projects but it is not without its shortcomings. Its extension to the senior secondary school will be a boost in attaining a reasonable level of success and avoid the high level of drop out especially at the junior secondary school level.

It is a fact that most people don't like change; even though it is the most constant thing. We are not only in an era of change; we are all at the threshold of making history. In the making of this amendment we are all going to make history, whichever way we push it. We shall go down the history lane either as the Senate that took the decision to save Nigeria's educational (or illiteracy) problem once and for all, or as the Senate that had the rare opportunity but failed to take that right decision.

I therefore solicit your support for Second reading of this Bill.

Thank you.

SB. 307

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:

Amendment of the Principal Act

1. The Universal Basic Education Act, 2003 (in this Act referred to as "the Principal Act") is amended as set out below.

Amendment of Section 2: Right of child to free, mandatory and compulsory education

2. Section 2 of the Principal Act is amended by deleting the existing provision and a new section (2) is introduced. That is:

(1) Every Nigerian child shall have a right to free, compulsory, mandatory and quality education up to senior secondary three or its equivalent.

(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.

Amendment of Section 3: Responsibilities of Schools

3. Section 3 of the Principal Act is hereby deleted. The following new section inserted:

(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.

(2) Every school shall provide such information as may be required by the Commission as the case may arise.

(3) No school shall discriminate in relation to admission process in primary and secondary school on account of State of origin, or means test.

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

Amendment of Section 4: Duties of Teachers

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

(a) shall be regular and punctual to school;

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

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

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

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

School Management Committee

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

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

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

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

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

(c) Monitor the utilisation of the monies appropriated by government or any other source;

(d) Perform such other functions as may be prescribed.

State refusal and or delay to implement

6. Where a State delays and or refuses to implement the provision of this Bill, a time line of 1 year shall be mandatorily complied with.

Consequences of non-compliance

7.-(1) Notwithstanding any other provision of law and in addition to any other consequences under this section, the Commission shall withhold 20 % of monthly allocation available for the State ministry of education for the administration of primary and secondary education.

(2) For each State from which funds are withheld under this section, the Commission shall not later than 1 year after a condition leading to a withholding of funds distribute withheld funds as follows:

(a) if the State corrects a condition leading to a withholding of such funds, the Commission shall make the applicable withheld funds available to the State;

(b) if the State fails to correct a condition leading to a withholding of funds, the Commission shall allocate the applicable withheld funds to schools affected by the States failure.

Temporary waiver

8.-(1) The Commission may grant a request by a State for a waiver of withholding provision of Section 7 for a period of not more than 1 year if:

(a) the State request describes the manner in which the State will comply with the requirements of Section 2 by the end of the waiver period.

Annual Report to the National Assembly

9.-(1) The Commission shall transmit to the National Assembly, on an annual basis, detailed analysis of the school system of each State.

(2) The report under subsection (1) shall include the following:

(a) the number of students, primary and secondary schools;

(b) for each such school, a Statement whether the school is an urban, rural or mixed school;

(c) description of the compulsory and mandatory basic access established by the State;

(d) whether the school is making adequate yearly progress;

(e) the number and names of each school in the State that do not provide the opportunity for training if such other information as the inspectorate considers useful and appropriate to include.

Monitoring of child right to education

10. The human rights commission shall in addition to the functions assigned to them under the Act establishing the commission, also perform the following functions:

(a) examine and review the safeguards for rights provided by this bill and recommend measures for their effective implementation;

(b) inquire into complaints relating to a child's right to quality, compulsory, mandatory and free education;

(c) take necessary steps as provided under Section 2 of this bill for the protection of child right.

School Development Plan

11. Every school management committee constituted under subsection (1) of section 5, shall prepare a school development plan which shall be the basis for appropriation by the Ministry.

Amendment of Section 9

12. Section 9 (e) (iii) of the Principal Act is amended by deleting the word "Junior Secondary School" replacing it with "Up to Senior Secondary three or its equivalent".

Functions of the Commission

13. Section 9 of the Principal Act is amended by introducing a new sub-section (2) as follows:

The Commission shall ensure that:

(a) every child is provided free, compulsory, mandatory and quality education up to senior secondary three or its equivalent;

(b) there is compulsory admission, attendance and completion up to primary and senior secondary three or its equivalent;

(c) education curricula are periodically reviewed and the education of the child conforms with the curricula set out by the ministry of education;

(d) there are adequate facilities for training of teachers;

(e) it shall take into consideration while periodically reviewing and evaluating the education curriculum, take into account:

(1) all round development of the child;

(2) building up of child's knowledge, potential and talent;

(3) development of physical and mental abilities of the child to the fullest;

(4) learning through activities;

(5) the medium of instructions shall, as far as practicable, be in child mother tongue in the primary school;

(6) to make the child free of fear, anxiety and helping the child to express views freely;

(7) the comprehensive and continuous evaluation of child understanding of knowledge and his or her ability to apply same;

(8) the Commission shall have extensive powers to ensure compliance.

Offences

14. The Principal Act is amended by introducing a new section 2, that is: Any school or person if in contravention of the provision of section 2 (2):

(a) receives or obtains any fee commits an offence and is liable on conviction to a fine not less than N50,000 or imprisonment for a term of 4 months or both;

(b) subjects a child to unfair screening procedure commits an offence and is liable on conviction to a fine not exceeding N30,000;

(c) where a school refuses or delays to implement the provisions of this Bill, it shall among other consequences already provided under this bill, lose its license of operation;

(d) a teacher who fails in the performance of his or her duties specified in Section 4 shall be liable to disciplinary action under the service rules applicable to him or her, provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher;

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

(i) On first conviction, to be reprimanded;

- (ii) On second conviction, to a fine of N20,000 or imprisonment for a term of 2 months or both; and
- (iii) On subsequent conviction to a fine of N50,000 or imprisonment for a term of 3 months or both.

Amendment of Section 11

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

- (d) education trust fund;
- (e) petroleum trust fund;
- (f) excess crude account;
- (g) contribution from the organised private sector.

Amendment of Section 15

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

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

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

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

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

"Universal Basic Education" means early childhood care and education, the twelve years of formal schooling, adult literacy and non formal education, skills acquisition programmes and the education of special groups such or nomads and migrants, girl-child and women, almajiri, street children and disabled groups.

Citation

17. This Bill may be cited as the Universal Basic Education Act (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.