

**A LAW  
TO PROVIDE FOR COMPULSOLRY, FREE  
UNIVERSAL BASIC EDUCATION AND FOR  
PURPOSES CONNECTED THEREWITH**

**BE IT ENACTED by the House of Assembly  
of Nasarawa State of Nigeria as follows:**

Enactment

**PART I-COMMENCEMENT AND INTERPRETATION**

Commencement &  
Citation

1. This Law may be cited as the Compulsory, Free Universal Basic Education Law 2005 and shall be deemed to have Come into effect on the ... day of ..... 2005.

**PART II-COMPULSORY, FREE UNIVERSAL  
BASIC EDUCATION, ETC.**

2. (1) Government shall provide Free and Compulsory Universal Basic Education for every child or Primary and Junior Secondary School age.
- (2) Every parent shall ensure that his child or ward attends and completes his:
- (a) Primary School Education; and
- (b) Junior Secondary school Education, by endeavoring to send the child to a Primary and Junior Secondary School.
- (3) It shall be the duty of all Stake-holders in Education In a Local Government/Development Area, to ensure that every parent or person who has the care and custody of a Child, performs the duty imposed on him under section 1 subsection (2) of this Law.
- (4) Where a parent, fails in the duty imposed on him under section 1 subsection (2) of this section, he commits an offence and is liable;

Right of child to  
compulsory free Basic  
Education

- (a) On first conviction, to be reprimanded;
  - (b) On second conviction, to a fine of N2,000.00 or imprisonment for a term of one month or both such fine and imprisonment; and
  - (c) On subsequent conviction, to a fine of N5, 000.00 or imprisonment for a term of two months or both.
3. (1) The Services provided in a public primary and junior Secondary school shall be free of charges. Free services
- (2) A person who receives or obtains a fee contrary to the provision of subsection (1) is liable on conviction to a fine not exceeding N10,000.00 or imprisonment for a term of three months or both
4. (1) Every parent shall ensure that his child receives full education suitable to his age, ability and aptitude by to secure the regular attendance at school. Duty of parent to secure the Education of his children and girl child
- (2) Every Parent shall endure the education of a girl-child under his care or guardianship.
- (3) The provision of this Part of this Law shall not apply to a parent who, for the time being, is resident outside Nigeria.
5. (1) The provisions of section 2 and 3 of this Law shall not apply to any child who is resident outside Nigeria and has not received such education outside Nigeria. Section 2 and 3 not to apply in certain cases
6. (1) The Magistrate Court or any Court to be designated by and the Chief Judge of the State shall have jurisdiction to Court to hear and determine cases arising under this Law and to have jurisdiction impose the punishment specified. such offices part 11-establishment, membership and functions of the state universal basic education board, etc. Magistrate and State Courts to have jurisdiction over such offences

**PART ESTABLISHMENT, MEMBERSHIP AND FUNCTIONS  
OF THE STATE UNIVERSAL BASIC EDUCATION BOARD ETC**

7. (1) There is hereby established a Board to be known as the Establishment of State  
Universal Basic  
Education Board  
State Universal Basic Education Board (in this Law referred to as “The Education Board”) which shall have the following as members:
- (a) A full-time Chairman who shall be the Chief Executive and Accounting Officer of the Education Board, and shall be a seasoned Educationist, who shall be appointed by the Governor.
  - (b) Three full-time members representing the three Senatorial Zones of the State
  - (c) One representative of the State Ministry of Education not below the rank of Director;
  - (d) One representative of the State Ministry of Finance not below the rank of Director,
  - (e) One representative of the State Ministry of Justice not below the rank of a Director or as the Attorney-General may direct:
  - (f) One representative of the State Nigeria Union of teachers;
  - (g) One representative of the State Parents Teachers Association of Nigeria
  - (h) One representative of Women Groups or Societies in the State:
  - (i) Two other members appointed on personal merits to represent a variety of interest.
  - (j) Two representatives one each representing CAN and JNI in the State.
  - (k) The representative of Federal Ministry of Education Inspectorate Division.
  - (l) One representative of the State Youth Council

- (m) One representative of the Nomadic Education in the state.
  - (2) The Chairman and other members of the Education Board who are not Public Officers shall be appointed by the Governor on the recommendation of the Commissioner, and subject to confirmation by the House.
  - (3) The Secretary of the Education board shall be a person with requisite professional background in Education or related discipline and shall be appointed by the Governor on the recommendation of the Commissioner.
  - (4) The Supplementary Provisions set out in the Schedule to this Law shall have effect with respect to the proceedings of the Education Board and the other matters connected therewith.
8. (1) The Chairman and full time members shall hold office Tenure of Office  
 Tenure for a term of four years in the first instance and may be of office eligible for re-appointment for a further term of four years and no more.
- (2) the Secretary and members of the Education Board other Than the three full time members mentioned in section 7(1)(b) shall hold office for a period of four years in the first instance and may be eligible for re-appointment for a further term of four years.
- (3) A member may at any time be removed if he fails to discharge the functions of his office whether arising from infirmity of mind or body or for any fraudulent act or by the Governor for inability to perform his duties or for misconduct.
- (4) A member may resign his membership by a notice in writing under his hand addressed to the Governor and that member shall, on the date of the acceptance of the resignation by the Governor, cease to be a member of the Board.

9. (1) The Executive Chairman shall be responsible for: Functions of the Executive Chairman and appointment other staff of the Education Board
- (a) The day to day administration of the Education Board;
- (b) Enjoy terms and conditions as to emolument, conditions as are specified in the letter of appointment;
- (2) The Education Board shall employ directly or on secondment from any civil or public service or any other body in then Federation or a State, such number of employees as may, in the opinion of the Board, be required to assist the Board in the discharge of its functions under this Law, and persons so employed shall receive such remuneration (including allowances) as are applicable to other officers of equivalent rank in the Civil Service of the State.
- (3) Service in the Education Board shall be approved service for the purpose of the relevant State Pension Laws.
- (4) Nothing in subsection (3) of this section shall prevent the appointment of a person to an office on terms which precludes the grant of pension and gratuity in respect of that office.
10. (1) The Education Board shall be charged with:- Functions of the Education Board
- (a) Management of Primary, Junior Secondary School, Special Education, Mass, literacy Education, Nomadic Education, Education for the Handicapped and Girl – Child Education;
- (b) Recruitment, appointment, promotion and discipline of teaching and non-teaching staff on grade level 07 and above;
- (c) Posting and deployment of staff including inter-state transfer;
- (d) Disbursement of funds provided to it from both the Federal State and Local Governments/Development Areas;
- (e) Setting up an effective functional supervisory unit;

- (f) Retirement and re-absorption of teacher;
- (g) Undertaking new capital project;
- (h) Responsibility for the approval, training and retraining of teaching and non-teaching staff;
- (i) Assessment and funding of salaries and allowances of teaching and non-teaching staff based on the Scheme of Service drawn up by the State Government;
- (j) Ensuring that annual reports are rendered by heads of Schools on teaching appointed to served under them;
- (k) Preparing testimonial and certificates of service for teaching and non-teaching staff whenever necessary;
- (l) Dealing with leave matters including annual vacation:
- (m) Ensuring annual auditing of accounts, and
- (n) Performing such other functions as may be assigned to the Board by the Commissioner.
- (2) Each Education Board shall establish and maintain a separate account into which shall be paid and credited all payment made to it from the Federal, State and Local Government/Development Area or any other source.
- (3) There shall be disbursed from the fund all expenses relating to the management of Primary, Junior Secondary and Special Education in the State.

**PART III – ESTABLISHMENT, ETC OF LOCAL GOVERNMENT/  
DEVELOPMENT AREA EDUCATION AUTHORITY**

11. (1) There shall be established for each Local Government/  
Establishment of Development Area of the State, a Local  
Government/ Local Education Development Area Education  
Authority (in this Law Authority referred to as “The Local Education  
Authority”) which shall be subject to the control of the Education  
Board.
- Establishment  
Local Education  
Authority

- (2) The Local Education Authority shall comprise:-
- (a) A part-time Chairman who shall be a seasoned educationist appointed by the Board on the recommendation of the Chairman of the Local Government/Development Area:
  - (b) The Councilor for Education in the Local Government/Development Area
  - (c) One representative of the Nigeria Union of Teachers in the Local Government/Development Area:
  - (d) One representative of Woman Group in the Local Government/Development Area:
  - (e) One representative of the Local Government/Development Area Youth Council
  - (f) One representative of the nomadic education in the Local Government/Development Area.
  - (g) Not more than two representatives one of each representing CAN and JNI in the Local Government/Development Area:
  - (h) One representative of Parents/Teachers Association in the Local Government Area:
  - (i) One Traditional Ruler:
  - (j) Two eminent persons, who are normally domiciled in the Local Government/Development Area and who shall represent special interests and shall be appointed by the Board on the recommendation of the Chairman of the Local Government/Development Area.
  - (k) The Secretary, who shall be a seasoned educationist and not below the rank of a Deputy Director shall be appointed by the Board on the recommendation

of the Chairman of the Local Government/Development Area.

- (3) The Secretary shall hold office in the first instance for a term of four (4) years and may be eligible for re-appointment for a further term of four (4) years and no more, however the present Secretary shall retain his office until the expiration of four years commencing from the date he was sworn in to office.
  - (4) The Secretary shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment.
  - (5) The Secretary may be removed from office by the Board on Removal the recommendation of the Chairman for incompetence, corruption, of the dereliction of duty or incapability by reason of mental physical infirmity or for any other reason.
  - (6) The Secretary shall cease to hold office if he resigns his appointment by notice in writing to the Local Government/Development Area Chairman or if his term of office expires or if he is removed pursuant to subsection (5) of this section.
  - (7) The Chairman and other members of the Local Education Authority who is not public officers shall be appointed by The Board on the recommendation of the Chairman of the Local Government/Development.
12. (1) The functions for the Local Government Authority, function of the Shall be carried out subjects to the control of the Education Board Authority Functions of the Education Authority
- (2) The functions of the Local Education Authority shall be:-
    - (a) the day-to-day administration of the primary, junior and Special schools in its area of jurisdiction;
    - (b) the appointment, posting ,transfer, promotion and discipline of staff on Grade levels 01 -06 in its area of jurisdiction;
    - (c) making recommendation to the Education Board on the Promotion and discipline of teaching and non-teaching Staff on Grade Levels 07 and above in its area of jurisdiction;



- (d) submission of annual estimates, annual accounts and monthly Returns to the Education Board
  - (e) payment of salaries ,allowances and benefits to all the teaching and non-teaching staff in its area of jurisdiction;
  - (f) acquisition and distribution of materials and equipments to all Primary, Junior secondary and special schools in its area of Jurisdiction;
  - (g) undertaking general maintenance of primary ,junior Secondary and special school buildings and infrastructure in its area of jurisdiction;
  - (h) stimulating, promoting and encouraging communal participation in the running of primary, junior secondary and special schools in its area of jurisdiction;
  - (i) taking all reasonable steps to ensure full enrolment and attendance in all primary, junior secondary and special schools in its area of jurisdiction, especially the enrolment of the girl-child;
  - (j) providing regular feedback to the Education Board on people's reaction to Government Education Measures in Its area of jurisdiction;
  - (k) ensuring that annual reports are rendered to the Education Board on all activities of the authority during the preceding year, especially on teaching and non-teaching staff in its area of jurisdiction;
  - (l) supervising all Education committees in its area of jurisdiction; and
  - (m) performing such other functions as may be delegated to it by the Education Board
- (3) In addition to the functions conferred on a Local Education Authority by subsection (2) of this section a Local Education Authority shall;

- (a) from time to time, prepare and submit to the Board in such form and within such time as he may require, an Estimate of the needs of its area for securing that there shall be sufficient public primary junior and special Schools available to accommodate all pupils of school age within it area;
  - (b) maintain such existing public primary, junior and special school of the authority and establish and maintain such new public schools as the commissioner may direct;
  - (c) assist with the prescribed grant any voluntary agency may make to a public primary ,junior secondary and special school within its area as the commissioner may direct;
  - (d) assume the management of any school within in its area when so directed by the Board;
  - (e) furnish the Board with such advice relating To basic Education within its are and with such information, returns, accounts and estimates as he may require:
  - (f) ensure ,by inspection ,that the premises of every public school situated within its area conform to the standards prescribed; and
  - (g) perform such other duties as are imposed upon it by or under this Law.
- (4) Each Local Education Authority shall establish and maintain a separate account into which shall be paid and credited such payment as may be made to it by the Education board, the Local Government/Development Area, or any other sources.
- (5) A Local Education Authority may, with the approval of the Board:-
- (a) provide for pupils at public schools who suffer from any disability of mind or body, either in special schools or otherwise, special education treatment, that is to say,

education by special methods appropriate for persons suffering from such disability or disabilities.

- (b) make such provisions for conducting or assisting the conduct of research as it appears to the authority to be desirable for the purpose of improving basic education facilities provided for its are:
- (c) organize or participate in the organization of conferences for the discussion of questions relating to basic education and expend such sums as may be reasonable in paying for or contribution towards any expenditure incurred in connection with conferences for the discussion of such questions including the expenses of any person authorized by the authority to attend any such conference:
- (d) for the purpose of securing adequate facilities for recreation and social and physical training, establish, maintain and manage or assist in the establishment, maintenance and management of:-
  - (i) camps.
  - (ii) holiday classes,
  - (iii) playing fields,
  - (iv) play centers and other places (including playgrounds, gymnasiums and swimming baths not appropriate to any institution) at which facilities for recreation and for such training as aforesaid are available for pupils in attendance at public institutions situated within its area of authority and may organize games, expeditions and other activities for such persons and may defray or contribute towards the expenses thereof.
- (e) provide and or initiate enabling policies for the promotion and development of the education of the girl – child.

13. (1) A Local Education Authority shall not incur expenditure in respect of education, other than expenditure relating to expenditure basic education within its area, unless it has satisfied the not to be Board that it has met or has made adequate incurred with-financial provision to meet its approved expenditure in out the consent respect of such schools and has obtained his consent of the Board
- Certain expenditure not to be incurred without the consent of the Board
- (2) The provision of subsection (1) of this section shall be in addition to the provisions of any other enactment or law having effect in relation to a Local Education Authority with respect to the expenditure which may be incurred by such authority
14. (1) If the Board is satisfied that a Local Education Failure Authority has failed to discharge any duty imposed upon of Local it by the provisions of this Law or any other enactment Education or law it may by order declare such authority to be in default and may, after prior information to the Chairman by the same or any subsequent order give such directives for the purpose of enforcing the execution of the duty as it appear to it to be necessary.
- Failure of Local Education Authority to discharge functions
- (2) If a Local Education Authority fails to comply with any directive contained in an order made under subsection (1) of this section, the Board may, by order, after prior information to the Chairman, transfer to any person or authority any of the functions of the authority under this Law for such a period as the Board may think fit.
- (3) When any function of a Local Education Authority is transferred from that authority to another person or authority by an order made in accordance with subsection (2) of this section.
- (a) The Local Education Authority shall cease to exercise that function for the period specified in the order.
- (b) The person or authority to whom the function is

transferred shall, in relation to any such function, have all the power and subject to all the duties conferred or imposed by this Law as if it were a Local Education Authority; and

- (c) The expenses incurred in the execution of the function transferred shall be met by the Local Education Authority in default.

#### **PART IV – FUNDING OF THE BOARD**

- 15. (1) The implementation of Universal Basic Education shall be financed from: Funding of the Education Board
  - (a) Not less than 40% of the State budget to the Education Sector;
  - (b) Not less than 20% of each Local Government Council’s monthly allocation from the Federation Account;
  - (c) Funds allocated to the State Universal Basic Education Board and Local Education Authority by Universal Basic Education Commission;
  - (d) Funds or contributions in form of State Guaranteed Credits,
  - (e) Local and international Donor Agencies.
  
- 16. (1) The Plateau State Law No. 7 of 1995 applicable to Nasarawa State establishing the State Primary Education Board is hereby repealed. Repeal
  - (2) The Universal Basic Education Law of Nasarawa State 1999 is hereby repealed.
  - (2) The Law establishing the Teacher’s Service Commission is hereby repealed to the extent that it shall have no powers in respect to all matters pertaining to Junior Secondary Education
  - (4) Notwithstanding the dissolution of the State Primary Education Board, if the Board thinks it is expedient that any vacancy in the Board should be filled by a person

holding office immediately before the commencement of this Law in the State Primary Education Board or Teachers Service Commission it shall retain the Services of the person and the previous services by such person shall count as service for the purpose of seniority to any person subsequently employed by the Board.

17. No member of the Board, Management, Staff or member of any Committee appointed by the Board under this Law shall be personally liable for an act or default of the Board done or omitted to be done in good faith and without negligence in the operations of the Board. Personal immunity of members, Agents etc.
18. No execution or attachment or process in the nature therefore shall lie against the Board until one month has lapsed since a written notice to commence the suit shall have been served on the Board by the complainant or his Agent. Restriction of suits against the Board
19. In this Law unless the context otherwise requires;  
“Basic Education” means Early Childhood Care and Education and the nine years of formal schooling; Interpretation
- “Child or Ward” means a person of primary and junior secondary school age who is between the age of 6 and 16 years whether disabled or not;
- “Commissioner” means the Commissioner charged with responsibility for education in the State.
- “Development Area” Means the Development Areas of the State.
- “Board” means the Nasarawa State Universal Basic Education Board established under section 6 of this Law;
- “Functions” includes powers and duties;
- “House’ means Nasarawa State House of Assembly
- “Local Education Authority” means a local education authority established under section 11 of this Law;

“Parents” in relation to a child means the person who has the lawful custody of the child and includes a guardian or a person having the care and custody of a child;

“Primary School Age” in relation to any person means any age between the age of the school year after he/she attains the end of the school year after he attains the age of twelve years and accordingly any person shall be deemed to be of primary school age if at the commencement of any school year he/she has attained the age of six years and a person shall be deemed to be over primary school age at the end of the school year in which he attains the age of twelve years;

“Primary School”. Public Primary” or “Junior Secondary School” Means a school, primary or junior secondary school, as the case may be, which is assisted out of funds provided by the Federal or State Government or a Local Government or is maintained by a State and or a Local Education Authority;

“Pupil” where used without qualification, means a person of any age whom education is provided under this Law;

“School” means a primary or junior secondary school but does not include a class for religious instruction, intended solely for the education of adult;

“Secretary in section 11 (2) (1) means the Education Secretary in Local Government/Development Area.

“Services” that should be provided free of charge are tuition, books, Instructional materials, classrooms, furniture and lunch.

“State” means Nasarawa State of Nigeria;

“Universal Basic Education” means Early Childhood Care and Education, the nine years of formal schooling, adult literacy and non-formal education, skills acquisition programmers and the Education of special groups such as nomads and migrants, girl-child and women, almajiri, street children and disable groups.

20. This Law may be cited as the Nasarawa State Compulsory, Free and Universal Basic Education Law 2005. Short title

### **SCHEDULE (SECTION 6(3))**

#### **SUPPLEMENTARY PROVISION RELATING TO THE EDUCATION BOARD ETC.**

#### **PROCEEDINGS OF THE BOARD.**

1. (1) Subject to this Law and any other Law that may be enacted by the state House of Assembly, the Board may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Board shall be 1/3 of the members including the Chairman or the person presiding at the meeting.
2. (1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by 1/3 members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given
- (2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.
- (3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt such a person for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

#### **COMMITTEES**

- (1) The Board may appoint one or more committee(S) to carry out, on behalf of the Board, such functions as the Board may determine
- (2) A Committee appointed under this paragraph shall consist of such



number of persons as may be determined by the Board and a person shall hold office on the Committee in accordance with the terms of his appointment.

- (3) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

## **MISCELLANEOUS**

- (1) The fixing of the Seal of the Board shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorized by the Board to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being body corporate, would not be required to be under Seal, may be or executed on behalf of the Board by the Chairman or any person generally or specifically authorized by the Board to act for that purpose.
- (3) A document purporting to be a document duly executed under the Seal of the Board shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
- (4) The validity of any proceedings of the Board or of a Committee shall not be adversely affected by:-
  - (a) A vacancy in the membership of the Board or Committee; or
  - (c) A Defect in the appointment of a member of the Board or Committee; or
  - (d) Reason that a person not entitled to do so took part in the proceedings of the Board or Committee.

This printed impression has been carefully compared by me with the Bill, which has been passed by the Nasarawa State House of Assembly and is found by me to be true and correct copy of the Bill.

MOSES A. ONDAKI  
*Clerk of the House*  
**Nasarawa State House of Assembly**

I ASSENTED THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 2005

*ALHAJI ABDULLAHI ADAMU*  
**Executive Governor**  
**Nasarawa State of Nigeria**