

LEGAL FRAMEWORK OF EDUCATION IN NIGERIA: A PRACTICAL APPROACH

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Abstract

Education is a fundamental instrument for individual development, social transformation, and national development. In Nigeria, the administration and regulation of education are guided by a combination of constitutional provisions, educational laws, national policies, regulatory institutions, and administrative frameworks. This paper examines the legal framework of education in Nigeria from a practical perspective, with particular emphasis on the laws, policies, institutions, and regulatory mechanisms governing the provision and administration of education at different levels. It examines the National Policy on Education and major educational policies and programmes, including Universal Basic Education, Early Childhood Care and Development Education, Inclusive Education, Technical and Vocational Education and Training, Teacher Education, Open and Distance Learning, Information and Communication Technology in Education, Nomadic Education, Almajiri Education, and Adult and Non-Formal Education. The paper further highlights the roles of federal and state governments and relevant regulatory agencies in educational planning, funding, quality assurance, teacher management, and policy implementation. It identifies major challenges affecting the effective application of Nigeria's educational legal and policy frameworks, including inadequate funding, weak implementation and monitoring mechanisms, policy discontinuity, teacher shortages, inadequate infrastructure, and insecurity. The paper argues that the existence of sound educational laws and policies alone is insufficient to guarantee quality education; effective enforcement, adequate financing, institutional coordination, accountability, and continuous policy review are equally essential. It therefore recommends stronger intergovernmental collaboration, improved funding, effective monitoring and evaluation, enhanced teacher welfare and professional development, regular review of educational policies, and greater stakeholder participation to strengthen the legal and administrative framework of education in Nigeria and promote equitable, accessible, and quality education for sustainable national development.

Keywords: Education Law, Legal Framework, Educational Policies, National Policy on Education, Educational Administration, Regulatory Bodies, Nigeria

Introduction

Nigerian education policy dates to the nineteenth century when the British colonised the entire region of Nigeria (Achinewhu-Nworgu, 2018). The British educational policies did not favour the peculiarities of Nigeria and the aspirations of its local people; hence a truly Nigerian educational policy was established during the military era from the mid-1960s. The current national policy is the first indigenous educational policy. The leaders in Nigeria perceived education as the key to success and national development irrespective of some economic challenges. The rapid growth and expansion of education programmes and activities in Nigeria since its independence in 1960, demonstrates the value that the country has placed on education. This effort is not just a pastime for political leaders who are trying to attract voters, but, a genuine desire of most, if not all members of the Nigerian community to help all to acquire the necessary knowledge and skill for nation building (Achinewhu-Nworgu, 2017; 2018). As research indicates, the need for education is much greater for twenty years into independence, research reports were showing that in spite of

the economic progress made as a result of the oil industry, there was a general sense of dissatisfaction with the progress made in education and other sectors (Achinewhu-Nworgu, 2018; Brownsberger, 2013; Joseph, 2013).

The government of Nigeria has always tried to bring its educational standards in line with commendable international standards, recently initiated higher education policy reforms intended to bring its university system more in line with international good practices. The reforms promoted increased institutional autonomy, greater system differentiation, strengthened governance, and mechanisms for quality assurance. They seek to create a more flexible and responsive system of university teaching and research that, over time, will contribute increasingly to national innovation capacities, productivity gains, and economic growth (Achinewhu-Nworgu, 2018). The purpose of this paper is to present an analysis of the context for education law, regulatory bodies and policies in Nigeria. The role of education in building members of the society to enable them fit into the society and solve its problems underscores its importance. To maximize these benefits, the law has created certain principles to regulate the education sector and this manifest in the form of laws, policies and cases collectively referred to as education law. This article will take a look at some of this laws, policies, and cases. This will cut across all level of education in Nigeria,

National Policy on Education in Nigeria

The National Policy on Education is the principal document that guides the development and administration of education in Nigeria. It was formulated by the Federal Government to provide a clear direction for educational planning and to ensure that education contributes effectively to national development. Since its introduction in 1977, the policy has undergone several revisions to address the changing needs of Nigerian society and the demands of a modern educational system. The policy serves as the foundation upon which all levels of education in Nigeria are organized and managed. Education occupies a significant place in the development of any nation because it equips citizens with the knowledge, skills, values, and attitudes necessary for productive living. The National Policy on Education recognizes education as an instrument for national development and social transformation. It seeks to foster national unity, promote individual growth, and prepare citizens to contribute positively to society. The policy also emphasizes the development of scientific, technological, and vocational skills that are essential for economic progress.

The objectives of the National Policy on Education are closely linked to the national goals of Nigeria. These goals include the creation of a free and democratic society, a just and egalitarian society, a united and self-reliant nation, a dynamic economy, and a land of opportunities for all citizens. Through education, individuals are expected to develop intellectually, morally, socially, and physically, thereby becoming responsible members of society. The National Policy on Education derives support from the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Chapter II of the Constitution, particularly Section 18, directs the government to ensure that there are equal and adequate educational opportunities at all levels. The Constitution further states that the government shall strive to eradicate illiteracy and provide free, compulsory, and universal primary education, free secondary education, free university education when practicable, and free adult literacy programmes. Although these provisions are contained within the Fundamental Objectives and Directive Principles of State Policy, they provide the constitutional basis for educational policies and programmes in Nigeria.

The National Policy on Education is a comprehensive framework that outlines Nigeria's educational philosophy, goals, structure, curriculum, administration, financing, teacher development, quality assurance, and evaluation mechanisms. It emphasizes that education is an instrument for national development and social transformation. Consequently, the policy seeks to

ensure that every Nigerian has access to quality education irrespective of gender, religion, ethnicity, disability, or socio-economic background. The policy establishes the objectives of education at different levels, ranging from early childhood education to tertiary education and adult education. It also defines the responsibilities of the Federal Government, State Governments, Local Government Councils, private organizations, communities, and other stakeholders in the provision and management of education. Nevertheless, the National Policy on Education remains the most important educational policy document in Nigeria because it provides the legal and administrative framework upon which all other educational policies and reforms are based. It continues to guide curriculum development, educational administration, teacher preparation, quality assurance, educational financing, and institutional development across the country.

Teaching Service Commission (TESCOM)

The Teaching Service Commission (TESCOM) is the state agency responsible for the management of teachers in public secondary schools. It oversees the recruitment, promotion, discipline, deployment, and welfare of teaching staff to ensure effective delivery of secondary education.

Objectives/Functions:

- To recruit qualified teachers for public secondary schools.
- To deploy and transfer teachers according to staffing needs.
- To promote and discipline teaching staff.
- To oversee the welfare and professional development of teachers.
- To ensure adequate staffing of public secondary schools.
- To maintain high standards of teaching and learning through effective personnel management.

Universal Basic Education (UBE) Policy

The Universal Basic Education (UBE) Policy was introduced by the Federal Government of Nigeria in 1999 to provide free, compulsory, and universal basic education for all children. The policy is supported by the Universal Basic Education Act of 2004 and is implemented by the Universal Basic Education Commission (UBEC) in collaboration with State Universal Basic Education Boards (SUBEBs). The policy covers Early Childhood Care and Development Education (ECCDE), six years of primary education, and three years of junior secondary education, making a total of nine years of basic education. Its major objectives are to eradicate illiteracy, increase school enrolment, reduce dropout rates, promote equal access to education, and equip learners with the knowledge and skills needed for national development. The UBE Policy has increased access to education through the construction of schools, recruitment of teachers, and provision of learning materials. However, its implementation is constrained by inadequate funding, shortage of qualified teachers, poor infrastructure, insecurity, and the high number of out-of-school children.

Early Childhood Care and Development Education (ECCDE) Policy

The Early Childhood Care and Development Education (ECCDE) Policy is designed to provide quality education, care, and protection for children from birth to five years before they enter primary school. The policy recognises that early childhood education is essential for the physical, emotional, cognitive, and social development of every child. The objectives of the policy are to promote early learning, improve children's health and nutrition, prepare them for primary education, and ensure a safe and stimulating learning environment. It also encourages the training of qualified caregivers and teachers, parental involvement, and the provision of adequate learning facilities. The implementation of the ECCDE Policy has improved access to pre-primary education and enhanced children's readiness for formal schooling. However, challenges such as inadequate

funding, shortage of trained teachers, poor infrastructure, and limited access in rural communities continue to affect its effectiveness.

Inclusive Education Policy

The Inclusive Education Policy is aimed at ensuring that all children, including those with disabilities and other special educational needs, have equal access to quality education. The policy promotes learning in an environment where every learner is given equal opportunities without discrimination based on disability, gender, religion, ethnicity, or socio-economic background.

The objectives of the policy are to eliminate barriers to education, provide appropriate learning facilities and support services, train teachers in inclusive teaching methods, and promote equal participation of all learners in the educational process. It also seeks to foster social integration, tolerance, and respect for diversity. Although the policy has improved access to education for learners with special needs, its implementation faces challenges such as inadequate funding, shortage of special education teachers, insufficient learning materials, inaccessible school facilities, and low public awareness.

Technical and Vocational Education and Training (TVET) Policy

The Technical and Vocational Education and Training (TVET) Policy is designed to equip learners with practical, technical, and entrepreneurial skills needed for employment, self-reliance, and national development. The policy emphasizes skill acquisition and competency-based training to meet the demands of the labour market and support industrial and technological growth. The objectives of the policy are to produce skilled manpower, promote entrepreneurship, reduce unemployment, encourage innovation, and enhance productivity in various sectors of the economy. It also seeks to strengthen collaboration between educational institutions and industries to ensure that graduates possess relevant workplace skills. Despite its importance, the implementation of the TVET Policy is challenged by inadequate funding, obsolete equipment, shortage of qualified instructors, poor public perception of vocational education, and weak links between schools and industries. Strengthening investment in training facilities and industry partnerships will improve the effectiveness of the policy.

National Policy on Science, Technology and Innovation (STI) Education

The National Policy on Science, Technology and Innovation (STI) Education is aimed at promoting the teaching and application of science, technology, engineering, and innovation in Nigeria's education system. The policy seeks to develop scientific knowledge and technological skills necessary for economic growth, industrialization, and national development. The objectives of the policy are to improve science and technology education at all levels, encourage research and innovation, develop skilled manpower, and strengthen the use of technology in teaching and learning. It also promotes collaboration among educational institutions, research institutes, industries, and government agencies to enhance scientific and technological advancement. The policy has contributed to increased emphasis on science education, research, and innovation in schools and tertiary institutions. However, its implementation is hindered by inadequate funding, poor laboratory facilities, shortage of qualified science teachers, limited research funding, and insufficient investment in technological infrastructure.

Teacher Education Policy

The Teacher Education Policy is designed to improve the quality of teachers through effective training, professional development, and continuous capacity building. The policy recognises that qualified and competent teachers are essential for achieving quality education and national development. The objectives of the policy are to produce professionally trained teachers, promote continuous professional development, improve teaching standards, and uphold ethical practices in

the teaching profession. It also encourages the use of modern teaching methods, educational technology, and regular assessment of teacher performance. The implementation of the policy has improved teacher training programmes and professional standards in Nigeria. However, challenges such as inadequate funding, shortage of qualified teachers, poor remuneration, limited opportunities for in-service training, and insufficient teaching resources continue to affect its effectiveness.

Open and Distance Learning (ODL) Policy

The Open and Distance Learning (ODL) Policy is aimed at expanding access to education through flexible learning methods that allow individuals to study without being physically present in a conventional classroom. The policy uses information and communication technology (ICT), printed materials, and online platforms to deliver education to learners. The objectives of the policy are to increase access to education, promote lifelong learning, reduce educational inequalities, and provide learning opportunities for working adults, rural populations, and other disadvantaged groups. It also seeks to improve the use of technology in teaching and learning. The implementation of the ODL Policy has increased access to higher and continuing education for many Nigerians. However, challenges such as poor internet connectivity, inadequate ICT infrastructure, irregular electricity supply, limited digital literacy, and funding constraints continue to affect its effectiveness.

Information and Communication Technology (ICT) in Education Policy

The Information and Communication Technology (ICT) in Education Policy is aimed at integrating digital technology into teaching, learning, research, and educational administration. The policy seeks to improve the quality of education by promoting the effective use of computers, the internet, and other digital technologies in schools. The objectives of the policy are to develop learners' digital skills, improve access to educational resources, enhance teaching methods, promote e-learning, and prepare students for the digital economy. It also encourages the provision of ICT facilities and the training of teachers in the use of educational technology. The policy has improved the adoption of ICT in many educational institutions and enhanced access to digital learning resources. However, its implementation is challenged by inadequate ICT infrastructure, unreliable electricity supply, poor internet connectivity, insufficient funding, and limited ICT skills among teachers and students.

Education for Sustainable Development (ESD) Policy

The Education for Sustainable Development (ESD) Policy is designed to equip learners with the knowledge, skills, values, and attitudes needed to promote sustainable development. The policy encourages education that supports environmental protection, social responsibility, economic growth, and responsible citizenship. The objectives of the policy are to promote environmental awareness, encourage sustainable use of natural resources, foster peace and human rights, and develop responsible citizens who can contribute to national and global development. It also integrates sustainability concepts into school curricula and teaching practices. The implementation of the ESD Policy has increased awareness of environmental conservation and sustainable living among learners. However, its effectiveness is limited by inadequate funding, insufficient teaching materials, low public awareness, and inadequate teacher training on sustainability education.

Nomadic Education Policy

The Nomadic Education Policy was introduced by the Federal Government of Nigeria to provide basic education for nomadic groups such as pastoralists, migrant fishermen, and migrant farmers whose mobile lifestyles limit access to conventional schooling. The policy seeks to ensure that these populations enjoy equal educational opportunities. The objectives of the policy are to reduce illiteracy among nomadic communities, promote social inclusion, improve literacy and vocational

skills, and integrate nomadic populations into national development. The policy also provides flexible learning programmes that suit the movement patterns of nomadic groups. The implementation of the policy has increased access to education for many nomadic children and adults. However, challenges such as inadequate funding, shortage of qualified teachers, insecurity, frequent migration of learners, poor infrastructure, and limited public awareness continue to affect its success.

Almajiri Education Programme

The Almajiri Education Programme was introduced by the Federal Government of Nigeria to integrate Qur'anic education with formal basic education for Almajiri children, particularly in Northern Nigeria. The programme aims to provide these children with access to literacy, numeracy, vocational skills, and life skills while preserving their religious education. The objectives of the programme are to reduce the number of out-of-school children, improve literacy levels, promote social inclusion, provide vocational training, and enhance the socio-economic development of Almajiri children. It also seeks to integrate Islamic education with the national basic education curriculum. The implementation of the programme has expanded educational opportunities for many Almajiri children and promoted access to formal education. However, challenges such as inadequate funding, poor maintenance of facilities, shortage of qualified teachers, insecurity, cultural resistance, and weak policy implementation have limited its effectiveness.

Adult and Non-Formal Education Policy

The Adult and Non-Formal Education Policy is designed to provide educational opportunities for adults and individuals who missed formal schooling. The policy aims to reduce illiteracy, promote lifelong learning, and equip learners with functional knowledge and vocational skills for personal and national development. The objectives of the policy are to eradicate adult illiteracy, provide continuing education, develop vocational and entrepreneurial skills, promote civic awareness, and improve the socio-economic well-being of citizens. The policy also supports literacy programmes for women, rural dwellers, persons with disabilities, and other disadvantaged groups. The implementation of the policy has increased adult literacy and expanded access to continuing education across Nigeria. However, challenges such as inadequate funding, shortage of qualified facilitators, poor learning facilities, low public awareness, and irregular participation by learners continue to limit its effectiveness.

Findings

The administration of education in Nigeria is based on the country's Federal System of Government which allows the Federal, State, Local, and Private/Corporate individuals to participate in educational planning, regulation, and implementation (National Policy on Education: Section 10:154). This shared responsibility creates an overlapping relationship between federal and state educational policies and regulations. The constitutional basis for this arrangement is found in the Constitution of the Federal Republic of Nigeria, 1999 (as amended), particularly in the provisions relating to legislative powers and the Fundamental Objectives and Directive Principles of State Policy. Under Section 18 of the Constitution, the government is directed to ensure equal and adequate educational opportunities at all levels and to promote science and technology education. The Constitution further provides that government shall strive to eradicate illiteracy and provide free, compulsory, and universal primary education, free secondary education, free university education where practicable, and free adult literacy programmes. Although these provisions are not directly enforceable in court, they serve as guiding principles for educational policy formulation by both federal and state governments.

The Federal Government, through the Federal Ministry of Education and regulatory agencies such as the National Universities Commission (NUC), the National Board for Technical Education (NBTE), and the National Commission for Colleges of Education (NCCE), establishes national standards and policies for educational institutions. State Governments, through their Ministries of Education, State Universal Basic Education Boards (SUBEBs), Teaching Service Commissions (TESCOMs), and Secondary Education Management Boards (SEMBs), implement these policies and supervise schools within their territories. Funding is another area of shared responsibility. The Federal Government provides intervention funds and grants through agencies such as UBEC, while State Governments contribute financial resources for the administration and development of schools. Educational projects often require cooperation between both levels of government to achieve national objectives. A clear example of collaboration is the Universal Basic Education (UBE) Programme. The Universal Basic Education Commission (UBEC) formulates policies and provides funding, while SUBEBs implement the programme at the state level. This arrangement demonstrates how both levels of government work together to achieve constitutional goals in education.

Critique of Educational Policies in Nigeria

Educational policies in Nigeria have significantly expanded access to education and provided a framework for educational development. However, despite their good intentions, their implementation has faced several challenges that have affected the quality and effectiveness of education.

Inadequate Funding: Most educational policies are not adequately funded. This has resulted in poor infrastructure, inadequate instructional materials, overcrowded classrooms, and limited access to quality education. Consequently, many policy objectives remain unrealized.

Poor Policy Implementation: Although educational policies are well designed, implementation has often been weak due to poor planning, corruption, inadequate monitoring, and lack of accountability. Many programmes fail to achieve their intended goals because implementation is inconsistent.

Frequent Policy Changes: Successive governments often introduce new educational policies or modify existing ones without fully implementing previous reforms. This lack of continuity creates instability and confusion within the education sector.

Shortage of Qualified Teachers: Many schools, especially in rural areas, suffer from a shortage of qualified and motivated teachers. This undermines the effective implementation of policies such as Universal Basic Education, Inclusive Education, and Technical and Vocational Education.

Inadequate Infrastructure: Many public schools lack adequate classrooms, laboratories, libraries, workshops, furniture, electricity, water supply, and ICT facilities. This reduces the effectiveness of educational policies designed to improve learning outcomes.

Weak Monitoring and Evaluation: Educational policies are often inadequately monitored and evaluated. Without effective supervision, it is difficult to assess progress, identify challenges, and make necessary improvement.

Insecurity Armed conflict, banditry, kidnapping, and attacks on schools have disrupted teaching and learning in several parts of Nigeria. These security challenges hinder the implementation of educational policies and reduce school enrolment.

Conclusion

Educational law provides the backbone for the structure, regulation, and smooth functioning of schools in Nigeria. It draws from multiple legal sources and plays a vital role in ensuring justice, accountability, and protection of rights within the educational system. As education evolves, so must its legal framework to address emerging issues in governance, technology, and global standards. Educational policies in Nigeria have played a significant role in expanding access to education, improving curriculum development, promoting inclusive learning, and enhancing

human capital development. Policies such as the National Policy on Education, Universal Basic Education, Teacher Education, and Technical and Vocational Education have provided a framework for achieving quality and equitable education. However, challenges such as inadequate funding, poor implementation, shortage of qualified teachers, inadequate infrastructure, and weak monitoring continue to hinder the attainment of their objectives. Therefore, sustained government commitment, adequate funding, effective policy implementation, and active stakeholder participation are essential to strengthening Nigeria's education system and ensuring that educational policies contribute meaningfully to national development. The overlapping relationship between federal and state educational regulations and policies is rooted in the Nigerian Constitution, particularly Section 18 and the Concurrent Legislative powers granted to both levels of government. The Federal Government provides policy direction, national standards, and coordination, while State Governments implement, supervise, and adapt educational programmes to local realities. This constitutional arrangement promotes cooperation, uniform standards, and effective educational development throughout Nigeria.

Suggestions

- **Increase Government Funding for Education:** The Federal, State, and Local Governments should allocate adequate financial resources to the education sector in line with international best practices. Increased funding should be used to improve school infrastructure, provide instructional materials, strengthen ICT facilities, and support teacher development to ensure the effective implementation of educational policies.
- **Strengthen Policy Implementation and Monitoring:** Government should establish effective monitoring and evaluation mechanisms to ensure that educational policies are properly implemented. Regular supervision, performance assessment, and accountability measures should be introduced to minimise corruption and ensure that policy objectives are achieved.
- **Improve Teacher Quality and Welfare:** Government should recruit more qualified teachers, provide continuous professional development programmes, improve salaries and welfare packages, and create incentives for teachers serving in rural and underserved communities. This will enhance teaching quality and improve learning outcomes.
- **Adequate Funding of Education:** Government should prioritise education by increasing budgetary allocations to ensure the provision of quality infrastructure, instructional materials, ICT facilities, and other resources necessary for effective policy implementation.
- **Regular Review of Educational Policies:** Educational policies should be reviewed periodically to reflect emerging national and global trends, technological advancements, labour market demands, and the changing needs of learners.
- **Capacity Building for Teachers:** Continuous training, retraining, and professional development programmes should be organized to equip teachers with modern teaching methods, digital skills, and innovative instructional techniques.
- **Strengthening Partnerships:** Government should strengthen collaboration with private organisations, communities, non-governmental organisations (NGOs), and international development partners to improve educational funding, infrastructure, and service delivery.
- **Improved Monitoring and Accountability:** There should be regular monitoring, evaluation, and transparent accountability mechanisms to ensure that educational policies are effectively implemented and that resources are utilised efficiently.

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