

**KWARA STATE COMPULSORY, FREE UNIVERSAL
BASIC EDUCATION LAW, 2005**

I assent this **13th** day of **JULY**, 2005



DR. ABUBAKAR BUKOLA SARAKI
Governor
Kwara State of Nigeria

Kwara State of Nigeria

Law No. of 2005

A LAW TO PROVIDE FOR COMPULSORY, FREE UNIVERSAL BASIC EDUCATION AND TO ESTABLISH A UNIVERSAL BASIC EDUCATION BOARD FOR THE STATE, PROVIDE FOR A LOCAL GOVERNMENT EDUCATION AUTHORITY FOR EACH LOCAL GOVERNMENT AREA, A DISTRICT EDUCATION COMMITTEE FOR EACH DISTRICT IN THE STATE AND FOR OTHER CONNECTED PURPOSES

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KWARA STATE COMPULSORY, FREE UNIVERSAL BASIC EDUCATION LAW, 2005

Law No of 2005

A LAW TO PROVIDE FOR COMPULSORY, FREE UNIVERSAL BASIC EDUCATION AND TO ESTABLISH A UNIVERSAL BASIC EDUCATION BOARD FOR THE STATE, PROVIDE FOR A LOCAL GOVERNMENT EDUCATION AUTHORITY FOR EACH LOCAL GOVERNMENT AREA, A DISTRICT EDUCATION COMMITTEE FOR EACH DISTRICT IN THE STATE AND FOR OTHER CONNECTED PURPOSES

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Date of Commencement.

BE IT ENACTED by the House of Assembly of Kwara State of Nigeria and by the Authority of same as follows:-

PART I: COMPULSORY, FREE UNIVERSAL BASIC EDUCATION, ETC.

1. (1) The State Government shall provide compulsory, free universal basic education for every child of primary and junior secondary school age.

Right of a child to compulsory, free universal basic education, etc.

(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 endeavouring to send the child to primary and junior secondary schools.

(3) The stakeholders in education in each Local Government Area, shall ensure that every parent or person

who has the care and custody of a child performs the duty imposed on him under subsection (2) of this section.

- (4) Any person who contravenes subsection (2) of this section, commits an offence and shall be liable –
- (a) on first conviction, to be reprimanded;
 - (b) on second conviction, to a fine not exceeding two thousand naira or to imprisonment for a term not exceeding one month or to both such fine and imprisonment; and
 - (c) on subsequent conviction, to a fine not exceeding five thousand naira or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

2. (1) The services provided in public primary and junior secondary schools shall be free of charge.

Services in Public Primary and Junior Secondary Schools are free of charge.

(2) Any person who receives or obtains any fee contrary to the provisions of subsection (1) of this section commits an offence and shall be liable on conviction to a fine not exceeding ten thousand naira or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

3. Every parent shall ensure that his child receives full-time education suitable to his age, ability and aptitude by regular attendance at school.

Duty of a parent to ensure the education of his child.

4. (1) As from the commencement of this Law, no school pupil or student shall roam about on the streets during school hours.

Prohibition of pupils or students from roaming about during school hours.

(2) Every parent shall ensure that his child does not roam about on the streets during school hours.

(3) Any pupil or student found during school hours roaming about on the streets shall be apprehended by the Monitoring Team, a Police Officer or any other stakeholder.

(4) Any parent whose child is apprehended in contravention of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand naira or to imprisonment for a term not exceeding three months or to both such fine or imprisonment.

5. (1) There is hereby established –
- (a) a State Monitoring Team; and
 - (b) a Local Government Monitoring Team for each Local Government Area of the State.

*Establishment,
Composition
and functions
of the
Monitoring
Team.*

(2) The State Monitoring Team shall consist of the following –

- (a) a representative of the inspectorate unit of the Ministry of Education, ~~Science and Technology~~;
- (b) any representative of the members of the Board;
- (c) a representative of the school services and monitoring unit of the State Universal Basic Education Board;
- (d) a representative of the Nigeria Union of Teachers; and
- (e) a representative of the Commissioner of Police who shall be of the rank of an Inspector.

(3) Each Local Government Monitoring Team shall consist of persons constituted by each of the Local

Government Education Authority and which shall be inclusive of a Divisional Police Officer in the area.

(4) The Monitoring Team shall perform the following functions -

- (a) apprehend any pupil or student found roaming about on the streets during school hours;
- (b) arrest the parents of such pupil or student;
- (c) arrest any erring teacher who contravenes the provisions of this Law; and
- (d) perform such other duties as may be related to their functions or conferred on them.

6. (1) There shall be equitable distribution of teachers among the Primary and Junior Secondary Schools within the State.

Equitable distribution of teachers.

(2) No School shall be allowed to be overstaffed and excess teachers from any of the urban schools shall be posted to rural schools where their services are mostly needed.

7. (1) As from the commencement of this Law, any teacher who is recruited, posted or transferred to any rural school shall not be re-posted from the rural place to which he has been posted unless he has spent a period of not less than twenty four months in his place of posting.

Prohibition of seeking for re-posting after posting.

(2) No persons shall aid or abet the posting or re-posting of any teacher from the school to which he has been posted.

(3) Any teacher who refuses to stay in the school to which he has been posted, except on a justification approved by the Board or the Commissioner of Education shall be guilty of an offence and shall be liable on conviction to a fine not

exceeding ten thousand naira or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and on subsequent convictions to a fine not exceeding twenty thousand naira or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(4) Any person who aids or abets the posting or re-posting of any teacher shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand naira or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

8. (1) No teacher shall be absent without any justification from the school to which he or she is posted to serve, at any given time.

Absence from school.

(2) Any teacher who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine of ten thousand naira or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

9. There shall be financial incentive given to all teachers posted to the rural areas of the State by the State Government or the Local Governments for the effectiveness of the Universal Basic Education in the State.

Financial incentive.

10. The Magistrate Court or any other State Court of competent jurisdiction shall have jurisdiction to hear and determine cases arising under this part of this Law and to impose the punishment specified therein.

Magistrate Courts to have jurisdiction over offences.

**PART II: ESTABLISHMENT, COMPOSITION
STRUCTURE, AND FUNCTIONS OF THE STATE
UNIVERSAL BASIC EDUCATION BOARD**

11. There is hereby established a body to be known as the Kwara State Universal Basic Education Board (hereinafter referred to as "the Board.") *Establishment of the Board.*

12. The Board shall - *Incorporation of the Board.*

- (a) be a body corporate with perpetual succession, having a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of holding, purchasing, acquiring and disposing of property, movable and immovable for the purpose of carrying out its functions under this Law.

13. The Board shall consist of - *Composition of the Board.*

- (a) a full-time Chairman who shall be the Chief Executive and Accounting Officer of the Board and shall be an experienced Educationist;
- (b) one full-time member from each of the Senatorial Districts of the State;
- (c) a representative of the Ministry of Education;
- (d) three ex-officio members who shall not be from the Local Government origin of (a) and (b) above, to represent all the Local Government Areas on a two-year rotational basis;
- (e) one representative each from -
 - (i) the Parents/Teachers Association in the State,

- (ii) ~~the~~ ~~Nigeria Union of Teachers~~ the State,
- (iii) women groups or societies,
- (iv) Federal Ministry of Education, Inspectorate Division; and
- (f) the Secretary to the Board.

14. (1) The Chairman and members mentioned in paragraphs (b), (e) (iii) and (f) of subsection (1) of section 13 shall -

Appointment, Term, Remuneration and Resignation of Members.

- (a) be appointed by the Governor; and
- (b) be paid such remuneration whether by way of salaries, fees or allowances as may be determined by the Governor.

(2) The members mentioned in section 13 (e) of this Law shall be appointed by the Bodies they represent.

(3) The Chairman and other members of the Board, other than ex-officio members, shall hold office for a term of four years and may be reappointed for a further term of four years and no more.

(4) The Governor may, if he deems it expedient in the public interest, revoke the appointment of any member appointed by him.

(5) A member other than an ex-officio member may resign his appointment in writing under his hand addressed to the Governor through the Chairman, and in case of the Chairman addressed to the Governor and upon the receipt by the Governor of the letter of resignation the appointment of such a member shall cease.

15. (1) The office of a member of the Board shall become vacant if - *Vacation of office.*

- (a) he resigns his office by notice under his hand addressed to the Governor;
- (b) by death or physical incapacitation or mental illness he is unable or unfit to perform or discharge his functions as a member;
- (c) it is not in the interest of the Board or of the public for the person appointed to continue in office;
- (d) he has been convicted of a criminal offence or any offence involving dishonesty or fraud;
- (e) he has financial or other interest in the operations of the Board;
- (f) he has been absent from three consecutive meetings of the Board without the permission of the Governor in case of the Chairman and without permission of the Chairman in the case of a member;
- (g) he is guilty of misconduct; or
- (h) he becomes bankrupt, suspends payment or compounds with his creditors.

(2) Where a vacancy occurs in the membership of the Board it shall be filled by a successor appointed by the Governor to hold office for the remainder of the term for which his predecessor was appointed, so however that the successor shall represent the same interest.

(3) Paragraphs (b) - (e), (g) and (h) of subsections (1) of this section shall be applicable to the members of the Local Government Education Authority and the District Education Committee.

16. (1) The functions of the Board shall be to - *Functions of the Board.*
- (a) manage the Universal Basic Education Programme in the State;
 - (b) implement the policy guidelines for the successful operation of the Universal Basic Education Programme in the State;
 - (c) carry out the recruitment, appointment, promotion and discipline of teaching and non-teaching staff on salary grade level 07 and above;
 - (d) post and deploy staff including Inter-State, Inter-Local Government and Inter-Service transfers;
 - (e) receive grants from the Commission and disburse same in accordance with agreed formula to the Local Government Education Authorities;
 - (f) maintain effective and functional Departments, empowered with monthly financial vote for the monitoring and evaluation of projects, conducting annual school census, school supervision, research activities, compliance with due process and personnel management;
 - (g) ensure compliance with minimum standards of education as stipulated by the Commission and National Council on Education;
 - (h) regulate the appointment, retirement and re-absorption of teachers;
 - (i) undertake capital projects in schools;
 - (j) advise the State Government on the orderly development of basic education in the State;
 - (k) prepare, after consultations with Local Governments and other relevant stakeholders,

periodic master plans for a balanced and co-ordinated development of basic education in the State including areas of possible intervention in the provision of adequate basic education which include -

- (i) proposals to the Commissioner for equal and adequate basic education opportunity;
- (ii) the provision of adequate basic education facilities including physical structures; and
- (iii) ensuring that Basic National Curricula, Syllabi and other necessary instructional materials are in use in early childhood care and development centres as well as in primary and junior secondary schools in the State;

- (l) carry out from time to time in conjunction with the Commission and Local Governments a personnel audit of teaching and non-teaching staff of all basic education institutions in the State;
- (m) monitor Federal, State and Local Government inputs into the implementation of the Universal Basic Education;
- (n) present periodic progress reports on the implementation of the Universal Basic Education to the Governor through the Commissioner;
- (o) co-ordinate and supervise the implementation of the basic education related activities in collaboration with non-governmental and multi-lateral agencies;

- (p) liaise with donor agencies and other development partners in matters relating to basic education;
- (q) develop and disseminate curricula and instructional materials for basic education in the State;
- (r) establish a basic education data bank and conduct research on basic education in the State;
- (s) support capacity building for teachers and managers of basic education in the State;
- (t) assess, source and fund salaries of teaching and non-teaching staff based on the scheme of service in the Public Service of the State;
- (u) prepare testimonials and certificates of service for both teaching and non-teaching staff whenever necessary;
- (v) treat all matters including annual vacations;
- (w) carry out mass mobilization and sensitization of the general public and enter into partnerships with communities and all stakeholders in basic education with the aim of achieving the overall objectives of the Compulsory, Free Universal Basic Education in the State;
- (x) co-ordinate and supervise teaching and learning in Public and Private, Pre-Primary, Primary and Junior Secondary Schools in the State; and
- (y) carry out such other functions as may be assigned to it from time to time by the Governor, Commissioner or the Commission that are not inconsistent with the provisions of this Law.

(2) Providing subvention to private schools when necessary.

PART III: ADMINISTRATIVE ORGANISATION OF THE BOARD

17. There shall be a Secretary to the Board, who shall be an experienced educationist and shall be deployed from the Public Service of the State.

*Secretary
to the
Board.*

18. The Secretary to the Board shall perform the following functions –

*Functions
of the
Secretary.*

- (a) make arrangements for the meetings of the Board including the agenda;
- (b) keep permanent records of the members present and the business transacted at every meeting of the Board;
- (c) offer professional advice to the Board when the need arises;
- (d) convey the decisions of the Board to the members; and
- (e) perform all other duties affecting the Board as may be directed from time to time by the Board.

19. The Board may appoint, engage, employ or dismiss such officers and employees as it may consider necessary for the proper and effective conduct of the business of the Board upon such terms and conditions as to remuneration or otherwise as it may determine.

*Other
staff, etc
of the
Board.*

20. The Board may employ on Secondment such officers in the public service of the Federation, State or in the service of any other State or Local Government as may, with

*Secondment
of employees.*

the agreement of such officers, be seconded to the service of the Board in accordance with the procedure applicable to the secondment of such officers.

21. The Board may, with the approval of the Governor, and subject to the provisions of this Law, make regulations with respect to the appointments, promotions, transfer and dismissal of, and exercise of disciplinary control over, its employees and without prejudice to the generality of the foregoing provisions, may make regulations for any of the following matters –

Power to make regulations relating to employees of the Board.

- (a) the qualifications to be required for appointments;
- (b) the method of appointment (including probation and confirmation);
- (c) the form of any agreement to be entered into between the Board and its employees;
- (d) the terms and conditions of service (including without prejudice to the generality of that expression, the salaries, allowances, the grant of advances, the provisions of quarters, leaves and medical treatments;
- (e) the procedure and requirements for promotions;
- (f) the maintenance of discipline (including dismissal and the determination of appointments);
- (g) the transfer of employees between the Board and the Government of the Federation, State, any other State, Local Government, any statutory corporation or any other service; and
- (h) such other matters relating to departmental procedures, duties and responsibilities of employees as the Board considers can be best provided for by regulations.

22. (1) Service in the Board shall be pensionable service and accordingly, officers and persons employed by the Board shall be entitled to pensions, gratuities and other retirement benefits as are obtainable in the Public and Civil Service of the State. *Pension Rights.*

(2) Notwithstanding the provisions of subsection (1), the Board may employ or engage the services of any person on terms which preclude the grant of pension or gratuity to such person.

PART IV: FINANCIAL PROVISIONS, ACCOUNTS AND REPORTS

23. The funds and resources of the Board shall consist of - *Funds of the Board.*

- (a) such sums granted to the Board by the Federal, State and Local Governments;
- (b) such sums as may be paid to the Board by way of grants, appropriation, donations, gifts, subventions, and endowments; and
- (c) all other sums or property accruing to the Board from any other source.

24. (1) The Board may with the consent of the Governor borrow, on such terms and conditions as the Board may determine, such sums of money as the Board may require in the exercise of its functions under this Law. *Power to borrow money.*

25. The Board may subject to the approval of the Governor, invest money standing to its credit and not for the time being required for the purposes of its functions in stocks, shares, debentures or other securities, and the Board may sell, dispose of or otherwise deal with all or any of such securities. *Investment of money.*

26. (1) The Board shall establish and maintain a separate bank account into which shall be paid and credited all payments made to it from the Federal, State Government or any other source.

*Bank
Account.*

(2) There shall be disbursed from the account all expenses relating to the management of the universal basic education in the State.

27. The Board may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift:

*Gifts
to the
Board.*

Provided that the Board shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Board under this Law.

28. The Board shall keep proper books of account and records of all its transactions and activities during each financial year.

*Annual
Accounts.*

29. The Board shall prepare and submit to the Governor and the Commission through the Commissioner, not later than 30th June in each year, a report on the activities of the Board during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Board for that year and the Auditor-General's report thereon.

*Annual
Reports.*

30. The Board shall within three months after the end of each financial year cause the accounts of the Board relating to the immediate preceding year to be audited by the Auditor-General of the State.

Audit.

31. The Board shall cause to be prepared not later than the 30th day of September in each year an estimate of its revenue and expenditure for the next succeeding financial year.

*Annual
Estimate.*

PART V: ESTABLISHMENT, COMPOSITION, STRUCTURE AND FUNCTIONS OF THE LOCAL GOVERNMENT EDUCATION AUTHORITY

32. (1) There is hereby established for each Local Government Area of the State a Local Government Education Authority (hereinafter referred to as "the Authority.")

*Establishment
and Composition
of the
Authority.*

- (2) The Authority shall consist of—
- (a) a part-time Chairman who shall be appointed by the Chairman of the Local Government and must be an experienced Educationist;
 - (b) one representative each from —
 - (i) the State Ministry of Education,
 - (ii) the Nigeria Union of Teachers in the Local Government Area,
 - (iii) women groups or societies in the Local Government Area,
 - (iv) each of the two major religions in the area,
 - (v) the Parents/Teachers Associations in the Local Government Area;
 - (c) a traditional leader;
 - (d) two persons who are normally domiciled in the Local Government Area to represent special interests; and
 - (e) an Education Secretary who shall be appointed by the Board on the recommendation of the



Local Government Council, who must be an experienced Educationist in the service of the Board not below salary grade level 14 with a minimum of bachelor's degree.

- (3) The Chairman and members of the Authority who are not public officers shall –
- (a) be appointed by the Chairman of the Local Government;
 - (b) hold office for a term of four years and may be re-appointed for a further term of four years and no more; and
 - (c) be paid such remunerations whether by way of salaries, fees or allowances as may be contained in their instrument of appointment.

(4) The members of the Education Authority in sub-paragraph (b) of subsection (2) of this section shall be appointed on the recommendation of the bodies they represent.

(5) The Chairman and any member other than ex-officio members may by written notice resign his appointment, which resignation shall take effect on the acceptance by the Chairman of the Local Government.

(6) The Education Secretary shall hold office for a term of four years and may be reappointed for a further term of four years and no more.

33. (1) The functions of the Authority in its area of jurisdiction shall be to –

- (a) oversee the day-to-day operations of the universal basic education in the area;

- (b) appoint, post, transfer, promote and discipline staff on salary grade levels 01 – 06 subject to the approval of the Board;
- (c) make recommendations to the Board on the promotion and discipline of teaching and non-teaching staff on salary grade level 07 and above;
- (d) submit annual estimates, annual accounts and monthly returns to the Board;
- (e) pay salaries, allowances, and other benefits to the teaching and non-teaching staff;
- (f) distribute instructional materials and equipment to schools;
- (g) take all reasonable steps and care to ensure full enrolment and attendance of pupils and students in schools;
- (h) provide regular feed-back to the Board on the reaction of the people to Government education measures;
- (i) maintain accurate and reliable data of all schools including teaching and non-teaching staff, pupils, students, infrastructures, equipments and instructional materials;
- (j) maintain data of early childhood care and development centres as well as the institutions for special education;
- (k) carry out mass mobilization and sensitization of the general public and enter into partnerships with communities and all stakeholders in basic education with the aim of achieving the overall objectives of the Compulsory, Free Universal Basic Education in the Local Government Area;

- (l) ensure that annual reports are rendered to the Board on all activities of the Authority during the immediate preceding year;
- (m) supervise the District Education Committees;
- (n) monitor and supervise schools within their areas; and
- (o) carry out such other activities as may be delegated to it by the Board.

(2) The Authority shall establish and maintain a separate bank account into which shall be paid and credited such payments as may be made to it by the Board or the Local Government.

(3) The Authority shall be subject to and be under the supervision of the Board and accordingly, shall carry out any directives, whether of specific or general character, issued to it by the Board.

(4) If it appears to the Board that a member of the Authority other than an ex-officio member ought to be removed from office on the ground of misconduct or inability to perform the functions of his office, such a member shall be removed from office on the recommendation of the Chairman of the Local Government.

PART VI: ESTABLISHMENT, COMPOSITION, STRUCTURE AND FUNCTIONS OF THE DISTRICT EDUCATION COMMITTEE

34. (1) There is hereby established in each District of every Local Government Area of the State, a District Education Committee (hereinafter referred to as "the Committee.")

*Establishment
and Abolition
of the District
Education
Committee*

- (2) The Committee shall consist of -
- (a) a Chairman, who shall be literate and shall be a distinguished personality in the District;
 - (b) two representatives of the Parents'/Teachers' Association in the District;
 - (c) a representative of women groups or societies in the District;
 - (d) a representative of the Nigeria Union of Teachers;
 - (e) two persons representing the two major religions in the District;
 - (f) a person to represent the business community;
 - (g) two persons from the locality who are educationists; and
 - (h) the Secretary to the Committee who shall be a senior head-teacher or principal of a school in the locality.

(3) The Chairman and members mentioned in paragraphs (c), (e), (f), (g) and (h) of subsection (2) shall -

- (a) be appointed by the Local Government Council;
- (b) hold office for a term of four years and may be re-appointed for a further term of four years and no more.

(4) The Chairman and members who are not ex-officio members -

- (a) shall be paid such remunerations whether by way of salaries, fees or allowances as may be contained in their instrument of appointment; and
- (b) may by written notice resign his appointment, which resignation shall take effect on the

acceptance by the Chairman of the Local Government.

(5) The Committee shall be subject to and be under the supervision of the Authority and, accordingly, shall carry out any directives, whether of specific or general character, issued to it by the Authority.

(6) The Local Government Council shall have power to remove any member of the Committee from office for reasons of that member's misconduct or his inability to perform the functions of his office.

(7) The Committee shall perform the following functions -

(a) recommend to the Authority -

(i) necessary repairs and renovations of school buildings and infrastructures in the area,

(ii) the adequacy or otherwise of teaching and non-teaching staff, and

(iii) the adequacy or otherwise of teaching equipments and materials required for each school in the area;

(b) promote and encourage communal interest and participation in the running of Compulsory, Free Universal Basic Education in the area;

(c) ensure good enrolment, full attendance and completion of Basic Education of pupils and students in the area;

(d) keep the Authority informed of educational problems in the area; and

(e) perform such other functions as the Authority may from time to time assign to it.

35. The provisions of the First Schedule shall have effect with respect to the proceedings of the Board, Authority or Committee and other matters contained therein.

*First
Schedule.*

PART VII: MISCELLANEOUS PROVISIONS

36. The Board shall for the purpose of carrying out its functions under this Law —

*Power to
request for
information.*

- (a) have a right of access to the records of any primary or junior secondary school; and
- (b) by notice in writing served on any person in charge of such school require that person to furnish information on such matters as may be specified in the notice.

37. (1) Whenever there is need for an acquisition by the Board of any land required for the purpose of carrying out its functions as set out in this Law, the appropriate authority in the Ministry of Lands and Housing or a person authorised by the Governor may, upon the application of the Board and after such enquiry as he may think fit, declare that the land is required for the service of the Board.

*Acquisition
of land.*

(2) The land to which a declaration as in subsection (1) above is made shall be deemed to be required for public purposes within the State and within the meaning of the Land Use Act, and the Governor may cause action to be taken under the said Act, for acquiring the land for the Government.

38. No suit shall be commenced against the Board until at least one month after the service on the Board of a written notice by or on behalf of the intending plaintiff of

*Legal
Proceedings.*

intention to commence the suit stating the cause of action, the particulars of the claim and the name and place of abode of the intending plaintiff.

39. (1) The Kwara State Primary Education Board established by the Kwara State Primary Education Board Law is hereby dissolved and the said Law is hereby repealed.

*Repeal of Law
No. 12 of 1994.*

(2) The Transitional and Savings provisions in the Second Schedule to this Law, shall have effect in relation to the members, employees, assets and liabilities of the Board dissolved under this section and other matters mentioned therein, notwithstanding anything to the contrary in this Law or in any other enactment.

*Second
Schedule.*

40. (a) The Board may, subject to the provisions of this Law, make regulations with respect to the appointment, promotion, transfer and dismissal of, and exercise of disciplinary control over employees of the Board and generally for the better carrying out of the provisions of this Law.

Regulations.

41. In this Law, unless the context otherwise requires -

Interpretation.

“Basic education” means early childhood care education and nine years of formal schooling;

“Board” means the Kwara State Universal Basic Education Board established under section 11 of this Law;

“Child or ward” means a person of primary and junior secondary schools age who is between the age of six years and sixteen years whether disabled or not;

"Commission" means the Universal Basic Education Commission established under the Compulsory, Free Universal Basic Education Act 2004;

"Commissioner" means the State Commissioner charged with the responsibility for Education matters;

"District" means District and includes villages, communities, or wards as the case may be;

"Financial Year" means a period of business months as defined by the Board;

"Functions" includes powers and duties;

"Governor" means the Governor of Kwara State of Nigeria;

"Junior Secondary School" means a school which provides a three year post-primary course of full-time instruction suitable for pupils between the ages of twelve years and fifteen years;

"Member" includes the Chairman;

"Parent" in relation to any 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 relationship to any person means any age between the age attained by the commencement of the school year after he attains the age of six year and the age attained by the person at 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 has attained the age of

six years and a person shall be deemed to be over primary school age if at the end of the school year he has attained the age of twelve years;

"Primary School" means a school which provides a six year basic course of full time instruction suitable for pupils between the ages of six years and twelve years;

"Public School", "Public Primary School" or "Junior Secondary School" means a school, primary or junior secondary school, as the case may be, which is assisted out of the 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;

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

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

"School hours" means the hours between 8.00 a.m. to 2.00 p.m, except as otherwise prescribed by a school authority;

"Services" that should be provided free of charge are books, instructional materials, classrooms and furniture;

"State" means Kwara State of Nigeria;

"the Authority" means the Local Government Education Authority established under section 32 of this Law;

"the Committee" means the District Education Committee established under section 34 of this Law;

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

42. This Law may be cited as the Kwara State *Citation.*
Compulsory, Free Universal Basic Education Law, 2005.

FIRST SCHEDULE (Section 35)

1. (1) The Chairman of the Board, Authority *Proceedings.*
or Committee shall preside at meetings of the Board,
Authority or Committee and if he is absent, the members
present shall appoint one amongst them to preside over the
meeting.

(2) The Board, Authority or Committee may make
standing orders to regulate their proceedings or of any
committee thereof and may function notwithstanding any
vacancy in their membership or the absence of any member.

(3) The Board, Authority or Committee may act
notwithstanding one or more vacancies among its members.

2. At the meetings of the Board, Authority or *Quorum.*
committee -

(a) six members including the presiding Chairman
shall form a quorum;

- (b) all questions shall be decided by a majority of those present and voting; and
- (c) in the case of equality of votes, the presiding Chairman shall have a second or casting vote.

3. The Board, Authority or Committee may co-opt any person for such periods as it thinks fit to advise it on any particular matter but such co-opted member shall not be entitled to vote at any meeting nor shall he count towards a quorum.

*Co-opted
of Members.*

4. The Board, Authority or Committee may appoint such sub-committees as it deems fit to consider any matter referred to it but the decision of any such sub-committee shall be of no effect until it is approved by the Board.

Sub-Committee

5. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman and Secretary or some other members authorised generally or specifically to act for that purpose by the Board.

*Seal of the
Board.*

6. (1) Any contract or instrument which if made or executed by a person not being a corporate body, would not be required to be under seal may be made or executed on behalf of the Board by the Secretary or any person so authorised to act for that purpose by the Board.

Documents

(2) Any document purporting to be an instrument made by the Board and duly authenticated shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

SECOND SCHEDULE (Section 39)

1. By virtue of this Law there shall on the commencement of this Law be vested in the Board all assets, liabilities funds, resources and other movable and immovable property which immediately before the commencement of this Law was vested in the Kwara State Primary Education Board (in this Schedule referred to as the "the dissolved Board.") *Savings.*

2. Subject to the provisions of paragraph 1 of this Schedule-

- (a) the rights, interest, obligations and liabilities of the dissolved Board existing immediately before the commencement of this Law under any contract or instrument, or at Law or in equity apart from any contract or instrument, shall by virtue of this Law be deemed to have been assigned to and vested in the Board.
- (b) any such contract or instrument as is mentioned in sub-paragraph (a) of this paragraph, shall be of the same force and effect against or in favour of the Board, and shall be enforceable as fully and effectively as if instead of the dissolved Board the Board had been named therein or had been a party thereto; and
- (c) The Board shall be subject to all the obligations and liabilities to which the dissolved Board was subject immediately before the commencement of this Law and all persons shall, as from the commencement of this Law have the same rights, powers and remedies against the Board as they had against the dissolved Board immediately before the day.

3. Any proceeding or cause of action pending or existing immediately before the commencement of this Law by or against the dissolved Board in respect of any right, interest, obligation or liability of the dissolved Board may be continued, or as the case may require, commenced and the determination of a Court of law, tribunal or other authority or person may be enforced, by or against the Board to the same extent that such cause of action or determination might have been continued or commenced or enforced by or against the dissolved Board if this Law had not been made.

4. Notwithstanding the dissolution of the Kwara State Primary Education Board by section 39 of this Law any person who immediately before the commencement of this Law held office under the dissolved Board either as a member, officer, staff or in any other post shall, on the commencement of this Law be deemed to have been transferred to the Board on terms and conditions not less favourable than those obtaining immediately before the commencement of this Law and service under the dissolved Board shall be deemed to be service under the Board for pension purposes.

5. For the purposes of paragraph 4 of this Schedule, the terms and conditions comprised in any transferred appointment shall not be construed as being less favourable merely because they are not in all respects or superior to the terms and conditions enjoyed or concerned immediately before the commencement if the first-mentioned terms and conditions offer substantially equivalent or greater

6. As from the commencement of the Secondary School under the 6-3-3 system the State, shall by virtue of this

*Teaching Service Commission
be vested in the Board*