

POLICY BRIEF

Education Liberation

**Unlocking the Enabling
Incentives to 'Free and
Compulsory' Education.**

Using the Universal Basic Education Act, UBE, as the policy benchmark and baseline to determine how free and compulsory primary level education can be enabled, and achieved to drastically reduce the number of out of school children in Nigeria



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Executive Summary

Established in 2004, the Universal Basic Education, UBE, Act; underscores Nigeria's commitment to providing a free and compulsory 9-year formal education for all children aged 6 to 15, aligning with global agreements such as the Universal Declaration of Human Right, UDHR, Convention on the Rights of the Child, CRC, Education for All, EFA, and Millenium Development Goals, MDGs. However, persistent high rates of out-of-school children reveal gaps between intention and implementation.

The analysis identifies institutional hurdles and barriers undermining the UBE Act's realization. Disparities between UBE's jurisdiction and State laws, uneven grant allocation, limited Monitoring, Evaluation capacity and the lack of political will for enforcement. To address these challenges, this policy brief addresses Nigeria's pursuit for harmonizing UBE mandates with State laws, equitable grant allocation, strengthening M&E, expanding the Act's scope, investing in teacher training, infrastructural development, and addressing security challenges. By adopting these strategies, Nigeria can bridge gaps and move towards inclusive, quality education, reducing out-of-school children.





Introduction

In the global societies, education stands as an indispensable pillar, vital to the progress of any developing nation. Recognized as a cornerstone of national advancement in all its dimensions, education has evolved into a key determinant of living standards.

As nations and individuals without access to the transformative power of education find themselves trailing behind in developmental strides, the significance of education's role as a measure of national development becomes starkly evident. Indeed, the level of education, characterized by both access and quality, serves as a reflective measurement of a nation's overall development.

Acknowledging the paramount importance of quality education as an essential resource for nurturing and sustaining national growth, the United Nations has proclaimed education as an inherent human right. Consequently, limited access to education or its subpar quality constitutes a breach of the fundamental rights of those affected.

Nigeria, a participant in international and regional educational frameworks, upholds a commitment to the principles laid out in instruments such as the Universal Declaration of Human Rights (UDHR), the Convention Against Discrimination in Education, and the Convention on the Rights of the Child.

Aligned with these global agreements, Nigeria has embarked on a series of educational reforms over the years. A significant stride in this direction was the enactment of the Universal Basic Education (UBE) Act of 2004.

In 1999, the introduction of the UBEC Act aimed to address the significant number of out-of-school children, which stood at around 6.6 million at that time. Former President Olusegun Obasanjo conceptualized this Act during his administration to bring about a substantial transformation in the education system. The Act's primary objective was to extend free and compulsory primary and junior secondary education to every corner of the country.

Enacted into law in 2004, the UBEC Act was designed to ensure accessible, compulsory, and high-quality education by enhancing both infrastructure and teaching standards. As per the Act's provisions, each state within the nation was required to adopt and implement it as a local law.

Two decades after its inception, the UBEC Act has fallen short of achieving its objectives. Despite its domestication across all 36 states of the federation and the Federal Capital Territory (FCT), the Act's enforcement has been lacking. This is evident from the fact that the number of out-of-school children has more than tripled.

UBEC's Failure

According to a 2020 report by the United Nations Educational, Scientific and Cultural Organization (UNESCO), Nigeria currently harbors approximately 20 million out-of-school children. Although the Act is officially integrated into legal frameworks across the 36 states of the country and FCT, it has not been rigorously implemented as outlined in the document.

The UBEC Act is supported by a financial commitment of 2% from the nation's Consolidated Revenue Fund. Despite this substantial funding, only N140 billion out of the over N200 billion allocated has been accessed by the states. The Act stipulates that all states, along with the Federal Capital Territory, must show deposit of counterpart funding to receive their allocated UBEC funds. Curiously, while the states have been eager to award contract for provision of infrastructures, the aspect of the Act that mandates state governments to enforce free and compulsory education has not been consistently adhered to. That has fueled speculation of corruption in the use of the UBEC fund.



Key Provisions of the UBEC Act



In section 3 sub-section (2), UBEC Act states that: "A person who receives or obtains any fee contrary to the provisions of the sub-section (1) of this section commits an offence and is liable on conviction to a fine not exceeding N10,000 or imprisonment for a term of three months or both.

Sub-section (1) of the Act states that: "Every government in Nigeria shall provide free, compulsory and universal basic education of primary and junior secondary school age.

It also states that: "Every parent shall ensure his child or ward attends and completes primary school education and junior secondary school education." And that "Stakeholders in education

in a 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 section (2) of the Act.

Section four of the Act stipulates thus: "A parent who contravenes section 2 (2) of this Act commits an offence and is liable to (A) be reprimanded; (B) on second conviction While failure to enforce section (2) of the Act is a punishable offence", This Act is flouted by many public primary and junior secondary schools across the country. There are countless evidence of subtle monetary demand from parents. The number of out-of-school children alone renders the Act non- performing.

Interestingly, many officers of the police force, who are supposed to enforce the Act are clearly ignorant of the UBEC Act. Till date there is no record that anyone has been arrested or punished for violating the Act.

While the law is clear about penalties for non compliance, it failed to envisage the enormity of facilities required to educate every child of school age in all states of the federation.

For example, if all the out-of-school children are to get back to school, there may not be enough facility to cater for them. The present capacities in Nigeria public schools will evidently be inadequate to accommodate additional 20million children presently Out-of-school.

So, before the government can punish, they must first provide the tools and enabling environment for complete compliance.



Challenges within the Institutional Framework for UBE C Act:

The challenges stem from a disconnect between the governing authority (UBEC) enforcing regulations and the legal mandates assigned to institutions like SUBEBs and LGEAs. This weakens accountability and transparency, hindering access to basic education. The policy brief highlights key institutional hurdles in implementing the UBE Act:

1

Disentanglement of Schools:

The UBE Act aims to separate Senior Secondary Schools (SSS) from Junior Secondary Schools (JSS) for better focus. Limited resources hinder nationwide disentanglement, leading to uneven adoption and management challenges between SSS and JSS.

2

Uniform Funding Allocation:

UBEC's intervention funds are equally distributed to all states, disregarding educational needs. This undermines addressing equity and access issues in less developed states.

3**Changing UBE Fund Rules:**

Changes occur without clear evidence, often due to conflicts between UBEC's framework and state laws. UBE interventions supplement state efforts, creating discrepancies.

4**Monitoring and Evaluation (M&E) Challenges:**

UBEC conducts M&E for grades 1-9, but lacks state-level enforcement power. Inconsistent data from weak state-level data collection impacts reliability.

5**Limited Scope of UBE:**

UBEC's focus on public schools excludes 24% of basic education students in non-public institutions, undermining the relevance of operations and M&E findings.

Other challenges Hindering the Implementation of Basic Education in Nigeria

Insufficient Qualified Educators

Regrettably, Nigeria's primary schools lack an adequate number of qualified educators. Independent Newspapers (2019) reported a shortage of 135,319 early childhood education teachers, 139,772 primary school teachers, and 2,446 junior secondary school teachers nationwide. The scarcity of professional teachers, attributed to inadequate funding, limited training institutions, corruption, and poor motivation, contributes to the subpar quality of basic education.

Inadequate Infrastructure Facilities

The lack of sufficient infrastructure facilities poses a substantial hurdle to effective primary school management. Insufficient resources hinder the delivery of academic and non-academic services. Essential facilities such as libraries, laboratories, classrooms, administrative blocks, and basic amenities like water and electricity are deficient. Congested classrooms, dilapidated buildings, outdated laboratory equipment, and inadequate learning materials degrade the quality of education. Inadequate infrastructure obstructs the learning environment, affecting students' overall educational experience.

Shortages of Instructional Materials

The scarcity of instructional materials compromises the efficient operation of primary schools. Instructional materials are integral to the teaching-learning process, facilitating active student involvement, individualized learning objectives, practice, evaluation, and support. Poor funding, limited resources, inadequate planning, and lack of maintenance contribute to the scarcity of instructional materials. Their absence negatively impacts teaching quality, student engagement, and overall educational outcomes.

Insecurity's Impact

Insecurity across Nigeria disrupts the management of primary schools, frequently leading to closures due to internal conflicts or attacks by armed groups. The closure of thousands of public primary and secondary schools has left hundreds of thousands of students without access to education. Attacks by groups like Boko Haram have killed teachers, displaced students, damaged school facilities, and disrupted academic calendars. Insecurity undermines the administration of primary education and results in significant learning loss and decreased educational quality.

Lack of Current Data

Effective educational planning relies on current and comprehensive data. Unfortunately, Nigeria lacks up-to-date educational statistics, hindering informed decision-making. Absence of reliable data inhibits education planning, monitoring, policy-making, and programme development. Diverse data collection methods, lack of coordination among data-generating agencies, and reluctance to share information impede efforts to address challenges in primary school management.

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Policy Recommendation

In order to unlock the enabling incentives for ‘free and compulsory’ education and address the persistent challenges inhibiting the realization of the Universal Basic Education (UBE) Act in Nigeria, the following comprehensive and actionable steps are proposed:

- 1 Harmonization of UBEC Mandates with State Laws:** Endeavor to establish a collaborative framework between the UBEC and SUBEBs as this will harmonize regulations and mandates. This process is necessary to encourage accountability, transparency and the effective implementation of the UBE Act 2004
- 2 Equitable and Need-Driven Disbursement of Grants:** There is a need to review the mechanism for Grant allocation in a way that take cognizance of state-specific educational need and challenges. Funds should be disbursed based on critical factors like geographical remoteness, population, socio-economic indicators, and infrastructure deficiencies. By doing this, state with greater educational disparities will receive appropriate support. This will reduce inequalities in access to quality education.

3 Improve Monitoring and Evaluation (M&E) Competencies: Endeavour to improve the monitoring and evaluation capabilities of UBEC and SUBEB through the provision of technical skills, constant training and other necessary resources. Also at the state level, there is a need for a vibrant M&E framework that resonates with national educational objectives and ensures timely and accurate collection of data, reporting and analysis.

4 Expansion of UBE Act's Scope: Advocate for the expansion of the UBEC's scope to accommodate private schools and other alternative learning programmes, specifically targeting the marginalized and the vulnerable demographics.

5 Investment in Teacher Training and Professional Development: Greater emphasis should be placed on proper teacher recruitment, training and continuous training. This will ensure the development of qualified educators especially in early childhood. This can be done by partnership with reputable teacher training institutions which will ensure capacity expansion and steady flow of competent tutors.

6 Elevate Infrastructure and Learning Materials: Inaugurate a comprehensive regime of infrastructural advancement, which must include the construction and renovation of classrooms, libraries, laboratories and other facilities and learning material critical to learning.

7 Mitigation of Insecurity's Impact on Education: Create a robust security infrastructure with a mandate to secure learning environment, especially in volatile regions like the North East and North West. There is need to establish a system of psychosocial support to students and teacher affected by the security crisis in volatile regions.

8 Institutionalize Stronger Enforcement Mechanisms: Constitute the institutionalization of rigorously robust enforcement mechanisms within the UBE Act. This should necessarily include implementing penalties, which could be in the form of fines and sanctions. Invest in robust awareness and educational campaign specifically targeted at parents, officials of the local government and importantly, law enforcement officials.

9 Infrastructure and Learning Material Improvement Initiative: Commence efforts to address the acute shortage in school infrastructures. Key factors like overcrowded classrooms, deplorable and dilapidated structures and the lack of essential learning facilities should be tackled with urgency. Ensure the provision of necessary resources for the supply of modern learning materials which will enhance learning.

10 Data-Driven Decision-Making and Research: Create a centralized educational data system that aggregates data from various sources. Encourage a collaborative synergy by all stakeholders towards data collection, sharing and analysis. There is also need to create infrastructure that support research initiatives to generate evidence on effective educational strategies, interventions, and best practices.

The Learning Poverty

2020



10.5 million
children out of school

2022



20 million
children out of school



70%
of under 10 year old struggle with
basic literacy and numeracy



Teacher Shortage

2019



135,319

shortage of early
child educators

2020



139,722

shortage of primary
school educators

2020



2,446

shortage of secondary
school teachers



Conclusion

By implementing these recommendations, Nigeria can bridge the gap between policy intentions and on-ground realities, significantly reducing the number of out-of-school children, improving educational quality, and fostering a more equitable and inclusive educational system. These measures will contribute to unlocking the enabling incentives required to achieve the goal of 'free and compulsory' education for all children, thereby paving the way for a brighter future for the nation.

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