

Education Sector Support Programme in Nigeria (ESSPIN)

Input Visit Report

Progress Report on Development of the Kwara State Education Policy Reform Law (Framework Document)

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KW	Kwara
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Acronyms and Abbreviations

AME	Agency for Mass Education
DEC	District Education Committee
DFID	Department for International Development
CUBE	Capacity for Universal Basic Education
EMIS	Education management information system
EPRL	Education Policy Reform Law
ESSPIN	Education Sector Support Programme in Nigeria
JSS	Junior Secondary School
LG	Local Government
LGEA	Local Government Education Authority
MoEST	Ministry of Education, Science and Technology
MoU	Memorandum of Understanding
NUT	Nigerian Union of Teachers
QAB	Quality Assurance Board
SBMC	School-Based Management Committee
SUBEB	State Universal Basic Education Board
ToRs	Terms of Reference
TSC	Teaching Service Commission
UBE	Universal basic education

Abstract

1. This report describes progress in the reform of education laws in Kwara State. The report covers the development of a draft Education Policy Reform Law and amendments to existing laws, and alludes to a parallel process of developing a memorandum of understanding among key actors in the education sector.

Executive Summary

2. An assessment of Federal and Kwara State laws, produced in the course of a previous consultancy, focused on the powers and duties of various actors in the provision of free universal basic education (UBE). A major overarching recommendation in the review was that the architecture of management and governance in education in the State (not limited to the provision to UBE) be reconsidered. A further recommendation was that deficiencies in existing education laws be corrected.
3. During the first mission under this consultancy (September 2009) a framework for the legal reform was produced. The purpose of the second mission (October 2009) was to meet with key actors in the education sector and begin to draft the relevant laws in collaboration with the Attorney-General's Chambers. In parallel, the consultant assisted in the development of a memorandum of understanding that will inform more effective collaboration, accountability and transparency in the relationships among key actors in the education sector.

Purpose of the Consultancy

4. The overall purpose of the consultancy is itemised below:
 - Eliminate outdated and redundant provisions in the current education legislation.
 - Develop an Education Policy Reform Law that sets out in one coherent piece of legislation the functions, powers and duties of various actors in relation to UBE in the State.
 - Ensure that the role of the MoEST in determining norms and standards in the education sector is a centrepiece of the new law, which must be supportive of the education reform process.
 - Address, in the drafting of the new legislation, lines of reporting and accountability and requirements for key appointments to ensure that the MoEST role in determining norms and standards can be effectively undertaken.
5. The purpose of the second mission under this consultancy (October 2009) was to meet with key actors in the education sector and begin to draft the relevant laws in collaboration with the Attorney-General's Chambers. The invaluable assistance of the Institution Building Reform Group and of the Attorney-General's Chambers is acknowledged.

Achievement of the terms of reference

Tasks	Progress made and agreements reached (with whom)	Proposed/agreed follow up (by whom and when)
Discuss the current education legislation and required amendments with the designated staff member of the Attorney-General's Chambers and produce a framework for the architecture of the new legislation.	Achieved	See 'Options and Next Steps' in the body of the report
Conduct detailed workshops with key actors in education management and governance in order to deepen the understanding of the legislative changes needed and facilitate a collective meeting of the key actors in order to build consensus regarding the legislative changes needed.	Partly achieved. In discussions with the Commissioner and the ESSPIN team, it was agreed that the focus of the consultative meetings should be the development of a memorandum of understanding that will inform more effective collaboration, accountability and transparency in the relationships among the key actors – principally, the TSC, the SUBEB and Local Governments – with the MoEST clearly located at the apex of these delivery agencies.	See 'Options and Next Steps' in the body of the report
Based on the outcomes of the workshops and the collective meeting referred to above, and in close collaboration with the Attorney-General's Chambers by email, draft the relevant legislative	Partly achieved. A draft Education Policy Reform Law (EPRL) has been produced in collaboration with the Attorney-General's Chambers. Agreement has been reached with the Attorney-	See 'Options and Next Steps' in the body of the report

texts.	General's Chambers on the amendments that are required in the existing education laws.	
Present a draft of the required legislation to the key actors and consult with the State House of Assembly Education Committee.	Pending	
In close collaboration with the Attorney-General's Chambers by email, assist in the publication of a technically sound draft of the draft Kwara State Education Reform Policy Law and required amendments to current laws for public consultation.	Pending	
Assist the Attorney-General's Chambers in the submission of a technically sound post-consultation draft of the draft Kwara State Education Reform Policy Law and required amendments to current laws to the State Executive Council.	Pending	

Background: Summary of the Issues

8. The thematic categories covered in the draft EPRL are:

- Policy responsibilities
- Management responsibilities
- Financial responsibilities
- Human resource management responsibilities
- Curriculum responsibilities
- Information-related responsibilities
- Quality assurance responsibilities
- Responsibilities for mobilisation and sensitisation
- Responsibilities for collaboration with donors and development partners

The required amendments to existing legislation covered in discussions with the Attorney-General's Chambers are:

- technical errors;
- gaps and inconsistencies in the existing legislation; and
- inconsistencies in the existing laws with respect to the draft EPRL.

Findings and Issues Arising

27. The draft EPRL (attached as a separate document because of its distinct formatting requirements) satisfies MoEST requirements (as expressed by the Commissioner) regarding the location of the MoEST at the apex of the range of agencies responsible for education delivery.

28. The amendments required in the current legislation have been agreed with the Attorney-General's Chambers and will eliminate errors and inconsistencies.

29. It has been agreed with the Commissioner and the ESSPIN team that a memorandum of understanding (MoU) will be developed that will inform more effective collaboration, accountability and transparency in the relationships among the key actors – principally, the TSC, the SUBEB and Local Governments – with the MoEST clearly located at the apex of these delivery agencies. The consultant has assisted the ESSPIN team in developing the first draft of the MoU. It is the Commissioner's wish that the MoU (rather than the draft laws) be the focus of imminent consultative meetings with stakeholders (November 2009).

Options and Next Steps

54. The steps required for the development of a new legal framework for education management and governance in Kwara State are itemised in the following table with recommended timeframes.

Action	Timeframe	Responsibility
<p>Conduct detailed workshops with key actors in education management and governance in order to deepen the understanding of the legislative changes needed and facilitate a collective meeting of the key actors in order to build consensus regarding the legislative changes needed. The following key actors will participate in the workshops and the collective meeting:</p> <ul style="list-style-type: none"> • Senior MoEST officials • Senior SUBEB officials and Board members • Senior TSC officials and Commission members • Senior AME officials and Board members • Senior LG officials and Council Chairpersons • State House of Assembly Education Committee <p><i>(Note, however, that it is the Commissioner's wish that the MoU referred to above be the focus of imminent consultative meetings with stakeholders (November 2009). Discussion of the MoU will nevertheless inform the development of legislation.)</i></p>	October 2009	ESSPIN, MoEST and Attorney-General's Chambers
Based on the outcomes of the workshops and the collective meeting referred to above, draft the relevant legislative texts.	October-November 2009	Attorney-General's Chambers in collaboration with ESSPIN
Present a draft of the required legislation to the key actors and consult with the State House of Assembly Education Committee.	November 2009	Attorney-General's Chambers in collaboration with ESSPIN

Action	Timeframe	Responsibility
Publish a technically sound draft of the draft Kwara State Education Reform Policy Law and required amendments to current laws for public consultation.	December 2009	Attorney-General's Chambers and MoEST in collaboration with ESSPIN
Submit a technically sound post-consultation draft Kwara State Education Reform Policy Law and required amendments to current laws to the State Executive Council.	December 2009	Attorney-General's Chambers and MoEST in collaboration with ESSPIN

Conclusion

55. This report has described progress in the development of education legislation in Kwara State.

- The first draft of the EPRL has been produced.
- Amendments to the current education legislation have been agreed with the Attorney-General's Chambers.
- A first draft of a MoU that will inform more effective collaboration, accountability and transparency in the relationships among the key actors has been produced with the assistance of the consultant. Discussion of the MoU (November 2009) with key stakeholders in education will inform the development of legislation.

Annex 1: Terms of Reference

Terms of Reference for a Successive TA Assignment

Date: 25 August 2008

Title of the assignment: Development of the Kwara State Education Policy Reform Law

Dates of the assignment: 13 September to 23 December 2009

Background

The Education Sector Support Programme in Nigeria (ESSPIN) is a six-year DFID programme of education development assistance and is a part of a suite of programmes aimed at improvements in governance and the delivery of basic services. ESSPIN's aim is to have a sustainable impact upon the way in which government in Nigeria delivers education services and is directed at enabling institutions to bring about systemic change in the education system, leveraging Nigerian resources in support of State and Federal Education Sector Plans and building capacity for sustainability. As a support programme, it is attempting to work through existing government structures on the supply side of education and to effect change from within. It is also attempting to stimulate demand for higher quality education services. It is currently operating in five States (Kano, Kaduna, Kwara, Jigawa and Lagos) and at the Federal level. ESSPIN builds upon previous technical assistance projects in education, in particular the Capacity for Universal Basic Education Project (CUBE). ESSPIN will run in parallel with World Bank credit-funded projects in four of the States (the State Education Sector Project (SESP) in Kano, Kaduna and Kwara and SESP II in Lagos).

This assignment is intended to address deficiencies in state education legislation, which currently does not provide for a robust architecture of management and governance that is supportive of the systemic education reform process. The legislation as it stands is inadequate in the following respects:

- The various laws do not constitute a coherent developmental framework. They were developed at different times and in different historical contexts. The laws as they stand do not contain statements of principle that would guide education planners in the provision of equitable universal access to quality education.
- There is no clear definition of the relationships between the key actors in the management of the education system, or of a hierarchy in terms of policy-making or decision-making powers. Reporting responsibilities and lines of accountability are not clear and/or do not reflect actual practice.
- Although it is clear in the minds of the key actors interviewed that the MoEST is intended to be at the apex of a range of structures responsible for education delivery, it is not clear from a legal perspective that the Ministry occupies that position. The MoEST is currently not explicitly empowered to give policy direction to the various entities that support the delivery of education in the State.

- Some of the laws contain important technical defects. For example, the Kwara State Teaching Service Commission Law, 1992 (as amended 1996) does not define which education institutions fall under the jurisdiction of the Commission. There are also inconsistencies and duplication of functions across the different laws – for example, the Education Edict, 1996 gives powers to the Commissioner that are similar to powers exercised by the State UBE Board (SUBEB) and the Teaching Service Commission (TSC) in areas such as teacher discipline.

Objectives of the Assignment

The Purpose of this Assignment is to:

- Eliminate outdated and redundant provisions in the current legislation.
- Develop an Education Policy Reform Law that sets out in one coherent piece of legislation the functions, powers and duties of various actors in relation to UBE in the State.
- Ensure that the role of the MoEST in determining norms and standards in the education sector is a centrepiece of the new law, which must be supportive of the education reform process.
- Address, in the drafting of the new legislation, lines of reporting and accountability and requirements for key appointments to ensure that the MoEST role in determining norms and standards can be effectively undertaken.

Outputs

- A draft Education Policy Reform Law ready for submission to the Kwara State House of Assembly.
- A Visit Report after each trip to Ilorin, Kwara State outlining activities undertaken and required changes to the planned activities to ensure that the above output is achieved within the planned timeframe.
- A Technical Report on completion of the assignment outlining all activities undertaken and outputs achieved, with comments regarding lessons learned that should be heeded in other similar assignments in other states in which ESSPIN is providing technical assistance.

Activities (including itinerary)

The following activities will be undertaken in alignment with and feeding into the organisational development work currently being carried out with ESSPIN support, and in collaboration with the Institutional Reform Working Group established by the Commissioner (MoEST):

- Discuss the current education legislation and required amendments with the designated staff member of the Attorney-General's Chambers and agree on a framework for the architecture of the new legislation (including laws that need to be repealed, incorporation of relevant sections of repealed laws into the new law, and correction of technical deficiencies in laws that will remain on the statute books). Draft the framework for the

agreed architecture of the new legislation and agree on the text with the Attorney-General's Chambers (**September 2009 in Ilorin, with ESSPIN support – 6 days**).

- Conduct detailed workshops with key actors in education management and governance in order to deepen the understanding of the legislative changes needed and facilitate a collective meeting of the key actors in order to build consensus regarding the legislative changes needed (**October 2009 in Ilorin, with ESSPIN and MoEST support – 12 days**).
- Based on the outcomes of the workshops and the collective meeting referred to above, and in close collaboration with the Attorney-General's Chambers by email, draft the relevant legislative texts (**November 2009 at home office – 6 days**). This may entail original writing, or commenting in detail on draft text produced by the designated staff member of the Attorney-General's Chambers and proposing revisions to the text, or both – subject to a modus operandi to be agreed with the Attorney-General's Chambers.
- Present a draft of the required legislation to the key actors and consult with the State House of Assembly Education Committee (**November 2009, Ilorin – 6 days, with ESSPIN and MoEST support**).
- In close collaboration with the Attorney-General's Chambers by email, assist in the publication of a technically sound draft of the draft Kwara State Education Reform Policy Law and required amendments to current laws for public consultation (**December 2009 at home office – 4 days**).
- Assist the Attorney-General's Chambers in the submission of a technically sound post-consultation draft of the draft Kwara State Education Reform Policy Law and required amendments to current laws to the State Executive Council (**December 2009, Ilorin – 6 days, with ESSPIN and MoEST support**).
- The above tasks will require four missions to Ilorin, Kwara State (**30 days, September to December 2009**).
- The above tasks will additionally require work based at home office (**10 days, September to December 2009**).

Management Arrangements

Accountability

The consultant will report to the ESSPIN State Team Leader and will also have a professional reporting line to the Lead Specialist on Institutional Development who will approve all reports.

Location and Travel

The consultant will be based at home office with travel to Ilorin, Kwara State.

Reporting

A short Visit Report must be submitted on completion of each mission and a longer Technical Report is required as defined under the Outputs above. All reports should use the prescribed Word template and formatting styles. (NB all ESSPIN reports are potentially public documents for wide circulation and should be written with due sensitivity).

Qualifications and Experience required (if not already established)

Qualifications

- Minimum: Masters degree relevant to the assignment.

Experience

- At least 15 years' experience relevant to the assignment (including experience in the assessment and development of education legislation).

Other Experience/ Knowledge / Abilities

- Excellent logical thinking, coupled with sensitivity with regard to political processes and the challenges inherent in socio-political transformation.
- Excellent writing skills, research skills (desktop and field), negotiating skills and proficiency in English.

Annex 2: List of Interviewees

Institution Building Reform Group	MoEST
Nike Akinpelu	Attorney-General's Chambers