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## EVOLUTION OF EDUCATIONAL POLICIES AND LAWS: PERSPECTIVE OF EDUCATIONAL ADMINISTRATION AND PLANNING IN NIGERIA SCHOOL SYSTEM

**UNDESHI Celsus Akomaye PhD**

**AKAN Patrick E,**

**UGIM Frankline A**

Department of Educational Foundations, Federal College of Education, Obudu, Cross River State

**ALI Donatus E**

Department of Christian Religious Studies, Federal College of Education, Obudu, Cross River State

**Correspondence:** [celsusakom@gmail.com](mailto:celsusakom@gmail.com)

08061667468

### **Abstract**

*The Nigeria educational system is regulated by laws otherwise known as educational ordinances which derived it legitimacy from the constitution from the Federal Republic of Nigeria. The colonial educational policy did not address adequately the aspiration of Nigerians. Hence, the 6-3-3-4 educational policy was introduced. The policy sought to introduce a functional technology – based education, which could sustain the economy. The Nigerian experience has a lot of implications for planners, who should be conscious of our local peculiarities, particularly the heterogeneous nature of the Nigerian society and the gap in level of educational development amongst the different segments of the society. It is essential for policy formulators to begin to initiate policies that will promote unity, equity and even development of education in the country. The thrust of this paper therefore seeks to give a historical account of educational legislation in Nigeria since 1882 when the first educational ordinances applicable to Nigeria was enacted and describes the legal rights and responsibilities of parents, teachers, school administrators, students and others stakeholders in educational sectors.*

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**KEYWORDS:** *Historical Background, Educational Policy and Educational Planning*

## **Introduction**

Certain historical antecedents have impact on how educational policies are formulated and implemented in Nigeria. The Lagos Colony, Southern and Northern protectorates were British colonies, which were amalgamated in 1914 and named Nigeria. The territory remained a British colony till 1960 when it attained independence. The colonial administrators introduced an indirect rule policy. Indirect rule was an administrative system, which Lord Lugard introduced into Nigeria. It was a system of administration in which the tutelary power recognized the existing traditional administrative structure, and used such for the administration of the Lagos Colony, and the Southern and Northern Protectorates. The indirect rule policy recognized the Islamic education in the Northern Protectorate; hence the Christian missionaries were restricted from spreading both Christianity and Western education to the region. This accounts for the gap in the level of educational development between the North and the South. This has a lot of implications for the planning of education in Nigeria. Of recent, the Federal Government has put in place several educational policies (such as the quota admission, the educationally disadvantaged and less disadvantaged areas policies etc.) with a view to reduce the gap in North-South level of educational development.

The colonial administrators adopted British form of education in Nigeria, hence the following school systems: primary, secondary, sixth form and higher education were introduced. Consequent upon the attainment of independence, it was discovered that this system of education did not meet the aspiration of Nigerians; hence the current 6-3-3-4 educational policy was introduced in 1977. The policy sought to introduce a functional technology-based education, which could sustain the economy. The colonial administrators administered education through the use of certain education ordinances and education codes, such as the 1882, 1887, 1916, 1926, 1946 and 1926 Education codes, (Ogunu, 2000). These codes and ordinances were used as guidelines to administer education in the colony. They served as the basis for the modern day educational policies, education laws and techniques of educational administration in Nigeria. The Macpherson Constitution of 1951 put education in a concurrent list, hence both the central and regional governments could legislate on education. This has a lot of impact on the present arrangement. There are thirty-six state governments and the federal government in Nigeria, each of which could legislate on education.

## **The 1882 Education Ordinance**

Education legislation began in Nigeria with the introduction of the 1882 Education Ordinance for British West African territories of Lagos, Gold Coast (now Ghana), Sierra Leone and Gambia. It prescribed the following criteria:

- (i) Award of grants for organization and discipline, with special grants for schools, which obtained high percentage of, passes, and thus attained high standard of general excellence.
- (ii) A capitation grant for each subject

(iii) A capitation grant in proportion of the average attendance at school.

The other provisions of the ordinance are: annual evaluation of pupils, methods of granting teacher's certificates, a system of grant-in-aid, and the establishment of a General Board of Education with the power to establish local boards. The ordinance also recommended that one-third of the salary of the inspector of schools for the Gold Coast should be paid by the Lagos colony. Lagos and Gold were jointly administered.

### **The 1887 Education Ordinance**

Consequent upon the separation of Lagos colony from the Gold Coast in 1886, it became mandatory that a purely Nigerian Education ordinance be enacted. This paved way for the creation of a Nigerian based educational ordinance which was enacted in 1887. In addition to the created Education Board in the 1882 ordinances, the 1887 educational ordinances stipulated rates and conditions for the award of grants, standard of examination, classification of teachers certificates and the board's power to grant scholarship for secondary education.

### **The 1916 Education Ordinance**

The 1916 Education Ordinance and the Code were approved on 21 and 24 December, 1916 respectively. They were the results of Lord Lugard's efforts to cater for the whole country as education was based on good character and usefulness to both the individual and the community. The ordinance tried to reorganize the school system in Nigeria. It also recommended that grant-in-aid be offered in the following percentages:

- (1) Tone of the school, discipline, organization and moral instruction – 30 percent.
- (ii) Adequacy and efficiency of the teaching staff – 20 percent
- (i) Periodical examination and general progress - 40 percent
- (ii) Buildings, equipment, sanitation – 10 percent

The ordinance paved way for increased financial participation by Government, full cooperation between the government and the missions and asserted government's firm control over education. The Amended Ordinance No. 8 of 1919 gave more powers to the inspector by allowing them to inspect any school, whether assisted or non-assisted and also empowered the Education Board, upon the recommendation of inspectors, to close nonperforming schools.

### **The 1926 Education Ordinance**

In March 1925, a memorandum on Education Policy in British Tropical Africa was dispatched to the colonies as the basis for the British colonial education policy. The need to provide a *modus operandi* for this memorandum and the necessity to stop the mushroom primary schools from operating in Southern Nigeria provided the impetus for this ordinance. The ordinance proved to be a landmark in the modern development of education in Nigeria. The ordinances provide for among others;

- (i) Required that teachers must be registered as a condition for teaching in any schools in Southern Nigeria.
- (ii) Forbade the opening of schools without the approval of the Director of Education and the Board of Education.
- (iii) Authorizing the closure of any school, which was conducted in a way that was in conflict with the interest of the people or the host community.
- (iv) Define the functions and duties of supervisors or mission school inspectors.
- (v) Expanding and strengthening the existing Board of Education by including the Director and the Deputy Director of Education, the Assistant Director, ten representatives of the mission and other educational agencies
- (vi) Regulating the minimum pay for teachers who were employed in an assisted school (Osokoya, 2002 and Ogunu, 2000).

### **The 1948 Education Ordinance**

The report of the Director of Education who was appointed in 1944 to review the ten years plan and that of Sir Sidney Phillipson on the procedure for assessing grants-in-aid for 1948 was the basis for the promulgation of the 1948 Education Ordinance. The ordinance decentralized educational administration. It created a Central Board of Education and four Regional Boards, that is, those of East, West, Lagos and North. It also recommended the establishment of Local Education Committees and Local Education Authorities.

### **The 1952 Education Ordinance**

The 1952 Education Ordinance was introduced so as to enable each of the three newly created (Eastern, Western and Northern) regions to develop its educational policies and systems. The ordinance became an education law for the country. The membership of the central board and the regional boards were modified, while the Colonial Board was abolished. All schools, whether public or private, were to be subjected to inspection by the Regional Director or his representatives and the Inspector General or his representatives. The ordinance emphasized the overall responsibility of the central government.

### **The Regional Education Laws**

In 1954, Nigeria became a federation of three (i.e. Eastern, Western and Northern) regions and the Federal Territory of Lagos (which was the Federal capital) as a result of the adoption of the 1954 constitution. Each region had the power of making laws for its territory and citizens.

The constitution contained three lists. These are:

- (i) Exclusive legislative list, which contained items upon which only the federal legislature or parliament could legislate, i.e. make laws.

(ii) Concurrent legislative list, which consisted of items upon which both the federal and regional legislatures could make laws.

(iii) Residual legislative list, which comprised items which were within the exclusive legislative competence of the regions.

The regions quickly exploited this constitutional provision and made regional laws.

The outcome of this exercise was the Education Law of 1955 in Western Region, the Education Law of 1956 in Northern Region and the Lagos Education Ordinance in 1957.

### **The Ashby Report of 1959**

In April, 1959, the Federal Government of Nigeria constituted the Ashby Commission to investigate and report Nigeria's manpower needs for a period of twenty years (1960-1980). The Commission led by Sir Eric Ashby, comprised three Nigerians, three Americans and three Britons. The Commission reported:

- i. The imbalance between one level of education and the other
- ii. Limited admission opportunities for primary school leavers
- iii. Few school teachers were qualified and certificated
- iv. That the Nigerian education was parochial and literary
- v. Imbalance in the development of education between the North and South.

The commission recommended the expansion and improvement of primary and secondary education, the upgrading of the University College at Ibadan to a full-fledged university and the establishment of three other universities at Nsukka, Ife and Zaria. It also recommended the establishment of University Commission in Nigeria so that the universities will maintain uniform academic standard. The post-secondary school system was to produce the post independence high-level manpower needs of Nigeria.

### **The Education Edicts of 1966-1979**

The Federal Military Government of Nigeria enacted Decree No. 14 of 1967, with which it created twelve states out of the existing four regions (West, Mid-West, North and East). Lagos remained the federal capital. The number of the legislatures increased to thirteen, twelve state and one federal legislatures. In 1976, the states were increased to nineteen, thus making the legislative bodies to be twenty. Each state promulgated an edict for the regulation of education, and its provision and management. Examples include East Central States Public Education Edict No. 5 of 1970, Lagos State's Education Law (Amendment) Edict/No. 11 of 1970, South Eastern State's Education (School's Board) Edict/No. 20 of 1971 and Mid-Western State's Education Edict, No. 5 of 1973. Each state amended its education law when necessary. All the edicts had common features, such as state take-over of schools from individuals and voluntary agencies, establishment of school management boards and a unified teaching service.

### **The Education Laws of the School Republic (1979-1983)**

The first era of military rule (1966-1979) in Nigeria was followed by the second republic, which had a presidential system of government. The 1979 constitution was the legal basis of education in the period. The objectives of education as provided in chapter II, Section 18, Sub-Sections 1-3 of the 1979 constitution are:

- (i) The government policy shall be directed towards ensuring equal and adequate educational opportunities at all levels.
- (ii) The government shall promote science and technology,
- (iii) The government shall strive as and when practicable, provide
  - (a) Free, compulsory and universal primary education
  - (b) Free secondary education, and
  - (c) Free adult literacy programme

The 1979 constitution put education in the concurrent legislative list. This implies that responsibilities and authority in the provision of education ought to be shared among the three tiers of government, that is, federal, state and local governments. Chapter 11 of the constitution gave the federal government more powers than the states in the areas of post primary, professional, technological and university education under its control. The states had total control of primary; post primary, technical, technological, university and other forms of education within their territories. In states like Ogun and Bendel, the organization and administration of primary education were transferred to their respective Local Government Councils.

### **The Education Edicts of 1983-1999**

Consequent upon the return of military administration in 1983, several decrees were promulgated by the Federal Military Government to guide and regulate the conduct of education. Such include, Decree No. 16 of 1985, which was promulgated on National Minimum Standards and Establishment of Institution's Decree No. 20 of 1986 which changed the school calendar from January to December to October to September, Decree No. 26 of 1988, which proscribed and prohibited the Academic Staff Union of Universities (ASUU) for participating in trade union activities and Decree No. 36 of 1990, which revoked the proscription of ASUU, and many other decrees.

### **The Education Plan of 1999-2004**

This was the educational plan that led to the re-introduction of Universal Basic Education (UBE) as a replacement of the initial Universal Free Primary Education Scheme of 1976 under the administration of the same president Olusegun Obasanjo. The UBE programme was launched on the 30<sup>th</sup> September, 1999 in Sokoto state. The programme went on for over 3 years without enabling law to back its implementation. It was in may, 2004 that the UBE programme

bill was signed into law by the president following its passage by the National Assembly. The UBE blueprint cited in Akpan (2000) states that the broad aim of the Basic Education is to enable the individual to acquire knowledge, skills and attitude that will assist them;

1. Live meaningful and fulfilling lives
2. Contribute to the development of the society
3. Drive maximum social, economic and cultural benefits from the society; and
4. Discharge their civic obligations competently.

This aims indicated that the programme is people- oriented and problem solving-centered. Therefore, the operating philosophy for the programme has to accommodate citizen involvement, sharing of decision making and total community participation.

#### **The 4 year Strategic Plan for the Development of Educational sector, 2011-2015**

The Federal Republic of Nigeria launch a 4 years strategic plan for the development of educational sector ranges from 2011-2015. The educational plan focused on tackling the challenges hampering the Nigerian educational system from playing its role in national development. The plan do not only represent the educational component of the transformation agenda of President Goodluck Jonathan but also clearly stated for the next four years, the activities aimed at addressing specific challenges. The six focal areas of the plan include;

1. Strengthening the institutional management of education
2. Access and equity in education
3. Standard and quality assurance
4. Teacher education and development
5. Technical and vocational education and training
6. Funding, partnership and resource mobilization

The plan was in line with the goal of the transformation agenda and set the stages so that at the end of the plan period, the Nigerian educational system would be able to effectively support Nigerian human capacity needs and meet the development objective. Hence, access, equity, standard and quality assurance are the fundamental basic challenges in the Nigeria educational system.

#### **The 2016-2019 Strategic Plan for Education**

While the 2011-2015 strategic plan for the development of educational sector was aimed at assisting the Federal Government of Nigeria to achieved her transformation agenda, the 2016-2019 plan aimed at repositioning the Nigeria educational system to play a central role in the Federal Government philosophy of change. The plan tagged “Education for Change” is focused on strengthening the institutional structures and creating innovative strategies aim at revamping

the educational sector (Akpan, 2018). However, this strategic plan recognizes paucity of funds as a major challenge for the development of educational sector. Perhaps, this is one reasons the plan is aim at promoting public-private partnership and collaboration with donor agencies to fill the funding gap

### **Implications for Educational Planning and Policy Implementation**

This historical analysis of educational policy formulation in Nigeria has a lot of implications for both educational planning and policy. Most of the colonial educational policies had the shortcoming of not taking into account our local peculiarities and not involving Nigerians in their formulation. It is also essential to integrate all the good parts of earlier education policies, whether colonial or post-colonial, into any proposed education policy. The participatory model of planning education and formulating educational policies is the most appropriate for a multi-ethnic nation like Nigeria. Nigeria has about three hundred and fifty four ethnic nationalities. Each of these groups strive to get the best and a fair share of the available educational services (Fabunmi, 2013). In order to minimize conflict and protest, it is good for both educational planners and policy makers to involve adequate representatives of the society, particularly stakeholders in education, in educational planning and policy formulation. The historical background of the country educational policies also has implication on educational planning in area of school inspection and supervision. The 1882 and 1887 educational ordinances are regarded as the foundation of modern school supervision in Nigeria educational system. This implies that in planning for school inspection or supervision, supervisor/planners must take into account modern supervisory principle and approaches (both scientific and democratic principle) to ensure effective stimulation and improvement in the process of teaching and learning in the school system. The historical analysis also has implication on the planning for manpower development in general and teachers training and education in particular. Effective management and administration of teachers training institutions (universities, colleges of education and others) will guarantee the production and subsequent utilization in the educational system. Okwori and Ede (2012) noted that effective education system is the most potent instrument for our salvation and teacher education is the pivot of control. While we can improvise teaching aids, we cannot improvise teachers because to do so will amount to academic suicide. The time in Nigeria where the management and control of education was the exclusive preserves of the missionaries and government has gone. The period of dual control came into being after the 2<sup>nd</sup> education ordinances in 1887. The major focus of the 2<sup>nd</sup> National Development Plan of 1970-1974 was to reconstruct, rehabilitate and reconcile the war torn nation, which education has a major role. Generally, individual, communities and other stakeholders now venture into the business of education. With public Private Partnership Initiative (PPPI), it will ensure the effectiveness of bringing together stakeholders in education system to deliver innovative solution to the problem of poor management, poor academic performance and insufficient use of public financial resources (Okwori and Ede, 2012). The implication of the above to this paper is that with PPPI, the educational planner will initiate change in the funding of the educational system for national development in the country Nigeria.

## Conclusion/Summary

This paper trace the historical background of Nigeria educational policy with it implication to educational planning. View from all perspective, the writers stressed that the essence of history is to recall the past into the present and use the present in forecasting the future (planning). This paper is of the view that educational policy formulation in Nigeria dates back to the colonial era when the British colonized the region. The adopted British educational policies did not meet the local peculiarities of Nigeria and the aspirations of the local people. Hence, the need for a truly Nigerian Educational Policy to achieve national goals and philosophy of the country. The re-current editions of the National Policy on Education are as a result of the current challenges face by the country educational system which are discovered by the educational planners. The Nigeria educational planner and policy formulation bodies must continue to advance planning strategies on educational development based on the current trends and challenges of the education.

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