

**EKITI STATE AGENCY FOR QUALITY  
ASSURANCE IN EDUCATION LAW.**

**NO. 1 OF 2013.**

**EKITI STATE OF NIGERIA**

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**A LAW TO ESTABLISH EKITI STATE AGENCY FOR QUALITY ASSURANCE IN  
EDUCATION (EKSAQAE) TO AMONG OTHER THINGS MONITOR THE  
NATIONAL MINIMUM STANDARDS FOR EDUCATION AND REPORT ON  
QUALITY PERFORMANCE OF ALL SCHOOLS BELOW TERTIARY EDUCATION  
LEVEL AND OTHER RELATED MATTERS.**

Commencement (                      )

BE IT ENACTED by the House of Assembly of Ekiti State as follows:-

**1. Establishment of Ekiti State Agency for Quality Assurance.**

1. There is established a body to be known as the Ekiti State Agency for Quality Assurance (in this Law referred to as "the Agency") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
2. Subject to the Land Use Act, the Agency may acquire, hold or dispose of both movable and immovable property.

**2. Objectives of the Agency**

The Agency shall:-

1. Ensure Education Quality Assurance in schools and institutions below the tertiary education level;
2. Monitor education quality assurance in all other agencies whose functions are related to quality assurance;
3. Develop a system to ensure harmonization of education quality assurance service throughout the state.

**3. Powers of the Agency:**

The Agency shall have power to:

- 1) Require the authorities of any institution or any employee thereof to produce any book, register or document relating to any institution

- under evaluation and to inspect any such book, register or documents as evidence of contravention of any provision of this Law or of any subsidiary legislation made there under;
- 2) Require the authorities of any institution or any employee thereof to provide any information which in the opinion of the evaluator would assist in the exercise and ascertainment of compliance with the standards prescribed by or pursuant to this Law;
  - 3) Enter the premises of any institution which is suspected to have contravene this Law or of any subsidiary legislation made there under and to do all such other things as may be necessary or expedient for the purpose of any quality assurance service;
  - 4) Bring to the attention of the Commissioner, areas where educational policies and programmes are hampered or violated;
  - 5) Recruit, promote and discipline all officers of the Agency;
  - 6) Appoint such number of staff as it deems necessary to carry out its functions;
  - 7) Visit all institutions within its jurisdiction under this Law for the purpose of education quality assurance;
  - 8) Institute compulsory self evaluation practice in schools;
  - 9) Accredite and certify all quality assurance evaluators;
  - 10) Clearly define relevant indications made on the basis of stakeholders roles;
  - 11) Create programme databases at all levels to facilitate follow up evaluation and management;
  - 12) Consider all aspects of training needs-instrumental to development related and to make necessary recommendations to the appropriate authorities;

- 13) Coordinate, with other stakeholders, the activities of Local and State Governments to ensure harmony in quality related policies;
- 14) Direct on any remedial action to be carried out to bring defaulting schools to attain National minimum standards;
- 15) Provide incentives and reward outstanding performance; and
- 16) Close down any school or institution, public or private, that is adjudged to be in default of the national minimum standards or apply other measures that are considered appropriate by the Commission.

#### **4. Establishment of the Governing Board:**

- 1) There shall be established Governing Board (in this Law referred to as "the Board").
- 2) The Board shall consist of the followings:-
  - (a) A full time Chairman who shall be a seasoned educationist, a scholar of repute whose educational qualification shall not be lower than a University degree.
  - (b) Two part-time members, and:
  - (c) Nine (9) Ex-officio members as follows:-
    - (i) The Permanent Secretary, Ministry of Education, Science & Technology or his representative
    - (ii) The Permanent Secretary, Teaching Service Commission or his representative
    - (iii) The Permanent Secretary, Ministry of Planning and Budget or his representative;
    - (iv) Representative of Parent and Teachers' Association;
    - (v) Representative of School Based Management Committee (SBMC);

- (vi) Representative of NAPPS (Private Schools)
  - (vii) The Permanent Secretary, State Universal Basic Education Board or his representative
  - (viii) The Administrative Secretary, Board for Technical and Vocational Education or his representative
  - (ix) The Administrative Secretary of the Agency who shall be the secretary of the Board.
- 3) Members of the Board shall be persons of proven integrity; knowledgeable and familiar with the tradition and affairs of the Education Sector;
- 4) The Chairman and such other members, other than ex-officio shall be appointed by the Governor and ratified by the House of Assembly.

**5. Tenure of members and Removal from office:**

- 1) A member, other than ex-officio, shall hold office for a term of four years only.
- 2) Notwithstanding the provision of subsection (1) of this section, a member may at anytime be removed from office by the Governor on the recommendation of the Commissioner, subject to ratification by the House of Assembly.
- 3) A member may resign his/her membership by a written notice addressed to the Governor and that member shall, on the date of the acceptance of the resignation by the Governor, cease to be a member.

**6. Functions of the Board**

The Board shall:-

- 1) Oversee the operations of the Agency.

- 2) Give policy direction to the Quality Assurance Agency.
- 3) Provide oversight for all matters pertaining to the staff (appointment, promotion and discipline); financing and property of the Agency.
- 4) Discipline the Administrative Secretary, only with the approval of the Head of Service;
- 5) Report annually on the state of education under this Law;
- 6) Give such directives as necessary for the effective functioning of the Agency;
- 7) Determine the conditions of service of its employees as appropriate.

## **7 Functions of the Agency**

The Agency shall:-

- 1) Be charged with the overall responsibility for quality assurance for basic and post-basic levels of education in Ekiti State in line with TRCN.
- 2) Maintain minimum standards and maintain quality of education at the basic and post basic levels inclusive of Teachers Education not carried out as part of higher Education in accordance with Teachers' Registration Council of Nigeria Act.
- 3) Maintain standards for the establishment and operation of schools.
- 4) Disseminate and publish information on National Minimum standards in a form that is understandable and useable for all stakeholders.

- 5) Monitor, supervise and evaluate the implementation of standards.
- 6) Publish periodic reports and scorecards on schools so as to keep the public informed of the quality and performance of schools in the state.
- 7) Review and evaluate the operations of the education system through programmes quality review.
- 8) Provide annual report of the state and quality of education in the state.
- 9) Collaborate with other agencies and coordinate the quality assurance activities of all related agencies.

## **8. Other functions of the Agency**

The Agency shall:-

- 1) Advise the Commissioner and coordinate all aspects of Quality Assurance in Education below tertiary level.
- 2) Regulate education quality assurance practices.
- 3) Inquire into, on a regular basis:-
  - (a) The nature of instruction given and instruction delivery in all approved formal and non-formal institutions of learning;
  - (b) The nature and conduct of public examinations below tertiary level as approvals are given by Ministry of Education for the award of Certificate.
  - (c) Ensure continuous capacity building and professional development of human resources for teaching, administration and quality assurance service;

- (d) Identify, design, produce and disseminate good practices in teaching, administration, examination and certification using appropriate media in collaboration with the stakeholders;
- (e) Ensure effective linkages with the Local Governments through establishment of State Education Quality Assurance Information System (SEQAIS); and
- (f) Carry out other relevant duties as may be directed by the Commissioner or in pursuit of its mandate.

## **9. Establishment of Departments**

- 1) The Governing Board on the recommendation of the Administrative Secretary, may establish such number of departments for the carrying out of its functions under this Law. Such Departments shall include:
  - a) Finance and Accounts;
  - b) Admin and Supply;
  - c) Planning, Research and Statistics;
  - d) Basic Education;
  - e) Secondary Education and
  - f) Science and Technology.
- 2) Each department above shall be headed by a Director, based on the seniority of the existing officers.
- 3) The Agency shall be established at the 16 Local Government Areas, the offices of the Agency in each Local Government shall be headed by a Director on the recommendation of the Administrative Secretary.

## **10. The Secretary and other staff of the Agency.**

- 1) The Governor on the recommendation of the Commissioner shall appoint an Administrative Secretary for the Agency who shall:-
  - a) Be the Accounting Officer of the Agency;
  - b) Be responsible for the day-to-day administration of the Agency;
  - c) Represent the Agency at State and National levels in all matters relating to education quality assurance under this Law;
  - d) Hold office for a term of four (4) years which may be renewed subject to satisfactory performance, for another four (4) years and no more;
  - e) Have other terms and conditions of service as specified in his letter of appointment.
- 2) The Administrative Secretary shall:-
  - (a) Be the Secretary of the Board;
  - (b) Keep records of proceedings of the Board; and
  - (c) Carry out any other duty as assigned by the Board.
  - (d) Be a registered teacher.

## **11. Other Staff**

- 1) The Agency shall employ staffs directly or on secondment from any civil or public service or any other body in the state or local government, such number of employees as may be

necessary for the effective discharge of its functions under this Law and pay to persons employed approved remuneration including allowances.

- 2) There could be employed Neighbourhood Inspectors who shall be attached to the Area Quality Assurance offices.

## **12. Financial Provisions**

- 1) There shall be established by the Agency a fund to be known as the Ekiti State Agency for Quality Assurance in Education Fund (EKSAQAEF).
- 2) The fund shall be paid and credited to the (EKSAQAEF) established in pursuant to sub-section (1) of this section:
  - (a) Annual Budgetary Allocation for both Re-current and capital expenditures as may be approved in the state Annual Budget;
  - (b) Such sums as may be granted by the State Government;
  - (c) Such sums as may from time to time be credited to the fund by way of payment in respect of any loan made out of the fund, and also any interest from investment made from the fund;
  - (e) Such sums as may be allocated to the fund by the Universal Basic Education Board in accordance with the disbursement formula;
  - (f) All monies shall be raised for the purpose of the Agency by way of gifts, grants-in-aid and publications, or royalties.
- 3) The Agency shall apply the fund established by this section to:-

- (a) Payment of wages and salaries, allowances, pensions and any other monies approved by the State Government for the Agency's staff;
- (b) Payment of allowances of Board members and pension;
- (c) The maintenance of any property vested in the Agency in connection with all or any of its functions under this Law;
- (d) Pensionable staff and officers seconded to the Agency shall not be entitled to further pensions from the Agency.

**(13) Power to borrow**

The Agency may with the consent of or in accordance with the general authority given by the Governor on such terms and conditions as the Agency may determine such sums of money borrow as the Agency may require in the exercise of the functions under this Law.

**(14) Annual Estimates**

- 1) The Agency shall submit to the Commissioner not later than 31<sup>st</sup> December, in each financial year, an estimate of its expenditure and income (including payments) for the next financial year;
- 2) The Agency shall keep proper accounts in respect of each financial year audited by the Auditor-General of the State;
- 3) The Agency shall prepare and submit to the Governor through the Commissioner not later than 31<sup>st</sup> December in each financial year a report in such form as the Governor may direct on the activities of the Agency during the preceding financial year, and shall include in such reports a copy of the audited accounts of the Agency, for the year in review and the Auditor General's report therein.

**(15) Power to accept gifts.**

The Agency may accept any gift of land, money or any other property on such terms and conditions as may be specified by the person making the gift, provided that it shall not accept any gift, if the conditions attached are prejudicial to its function.

**MISCELLANEOUS AND SUPPLEMENTARY**

**(16). Directives by the Governor.**

Subject to the provision of this Law, the Governor may give the Agency directives of a general character or relating to matters of policy with regard to the exercise of its functions and it will be the duty of the Agency to comply with such directives.

**(17). Directives by the Commissioner**

The Commissioner may give the Agency directives of a general character or relating generally to particular matters, with regard to the exercise by the Agency of its functions under these Law, and it shall be the duty of the Agency to comply with such directives.

**(18). Regulations**

The Board with the approval of the Commissioner may make regulations to give effect to the provision of this Law.

**(19). Amendment to CapE3 LFN 2004**

The Education (National Minimum Standards and Establishment of Institutions) Act, CapE3, LFN 2004 is amended by substituting the word 'Minister' anywhere it appears in Sections 1 and 4 with the words "Ekiti State Agency for Education Quality Assurance".

## **(20) Interpretation**

In this Law, unless the context otherwise requires,

**“Education Quality”** means a measure of the extent to which the vision, mission, inputs, processes and outputs of the education system fit their specified or prescribed purposes, aspirations and expectations of the customers, the nation, state and the individual citizens.

**“Education Quality Assurance”** means systematic quality management and evaluation measures adopted by schools or education providers and external validation agencies to monitor, supervise and evaluate educational inputs process and the outputs for the purposes of:

- maintaining approved educational standards,
- ensuring appropriate education development of learner;
- providing public accountability/transparency;
- ensuring the credibility and integrity of the education system; and
- Ensuring constant review, improvement and renewal policies and practices.

**“House of Assembly”** means Ekiti State House of Assembly.

**“Stakeholders”** means Agencies actively involved in the development of the education sector and where the context permits would include Agencies of Federal, State or Local Government or any of their departments or representatives in similar stead.

**“the Commissioner”** means the State Commissioner charged with the responsibility for Education.

**“TRCN”** means Teachers’ Registration Council of Nigeria.

## **(21). Short Title**

This Law may be cited as the Ekiti State Agency for Quality Assurance in Education Law 2013.

## **SCHEDULE**

### **PART 1: PROCEEDINGS OF THE BOARD OF THE AGENCY**

- (a) Proceedings of the Board as subject to this Law and Section 8 (a) of the Law, the Board may make standing orders regulating the proceedings of the Board or any committee thereof.
- (b) The chairman shall preside at every meeting of the Board and in his absence, the members present at the meeting shall appoint one member to preside at the meeting;
- (c) Subject to the provisions of this Law and any Standing orders made under it, the quorum of any committee of the council shall be the Chairman and two third ( $\frac{2}{3}$ ) of other members and the quorum of any committee of the council shall be determined by the Board;
- (d) The Board shall meet not less than four (4) times in each year and subject thereto, the Board shall meet whenever it is summoned by the chairman and if the Chairman, is required to do so by notice given to him by not less than two third ( $\frac{2}{3}$ ) of other members, he shall summon a meeting of the Board to be held within fourteen (14) days from the date on which the notice is given;
- (e) Where the Board desires to obtain the advice of any person on any particular matter it may co-opt that person as a member for such period as it may necessary;
- (f) A person so co-opted shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum formation.

## **PART 2: COMMITTEES**

- (a) Subject to its standing orders, the Board shall appoint such number of committees as it deems fit to consider and report upon any matter with which the Commission is concerned.
- (b) A committee appointed under the provisions of this Law shall be presided over by such person as the Agency may appoint and shall be made up of such member of persons, all of whom may not necessarily be members of the Agency, as the Agency may determine in each case.
- (c) A person who is a member of a committee by shall hold office on the committee in accordance with the terms of his appointment by the Agency.
- (d) A decision of a committee set up by the Agency shall have no effect until it is confirmed by the Board.
- (e) Any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered the committee shall forthwith disclose his interest to the committee and shall not vote on any question relating to the contract or arrangement.
- (f) The fixing of the seal of the Agency shall be authenticated by the signature of the chairman and the Administrative Secretary or any other person generally or specifically authorized by the Board to act in that behalf.
- (g) Any contract or instrument which, if made or executed by a person being a corporate body would not be required to be under seal, may be made or executed on behalf of the agency by the Administrative Secretary or any other person generally or specifically authorized to act for the purpose by the agency.

- (h) The validity of any proceedings of the agency or committee thereof shall not be affected by;
  - i. Any vacancy in the membership of the Agency or
  - ii. Any defect in the appointment of a member of the Agency or committee.