

Part 5

Law and Education

Elizabeth Achinewhu-Nworgu

An Overview of Nigerian Education Law and Policy: A Case Study of University Admission Policy (JAMB) and Impact on Youth Educational Development

Abstract

The purpose of this paper is to present an analysis of the context for education law and policy making in Nigeria and its implementation on youth education. The key focus is on the laws guiding educational policy, along with a case study of the university admission policy and its impact on youth education. The work was first published in the 2018 Yearbook of Education Law in Ohio. The author of this work has always had passion for the Nigerian youth education and she wishes to seek a solution to support and boost education for the youths in Nigeria, youth education seen as currently declining due to the rigor of JAMB admission. A qualitative and quantitative approach to research was employed to seek the opinions of the educators and few of the youths affected in the system. The qualitative approach provided an insight on the history of the British and American educational policies introduced in Africa, which did not meet the needs and expectations of local Nigerian communities. As such, the government of Nigeria opted to develop its own national policy as the way forward to meet the educational needs of indigenous Nigerians. Employing both the quantitative and qualitative approach enabled the analysis and conclusion that the current implementation of policies to streamline the education system in Nigeria leaves room for improvement. The fact that many Nigerian young people leave the country to study abroad reveals a high demand for education, such that the government needs to devise solutions to make university education more reachable by the youths.

Keywords: education, youths, law, policy, rules and regulations, Westernisation and impact

Introduction

Nigerian education policy dates to the nineteenth century when the British colonized the entire region of Nigeria (Achinewhu-Nworgu, 2018). The British educational policies did not favour the peculiarities of Nigeria and the aspirations of its local people; hence a truly Nigerian educational policy was established during the military era from the mid-1960s. The current national policy is the first indigenous educational policy.

The leaders in Nigeria perceived education as the key to success and national development irrespective of some economic challenges confronting African

countries, including Nigeria, this led to the government and parents to invest heavily in education of the students both at home and overseas. The rapid growth and expansion of education programmes and activities in Nigeria since its independence in 1960, demonstrates the value that the country has placed on education. This effort is not just a pastime for political leaders who are trying to attract voters, but, a genuine desire of most, if not all members of the Nigerian community to help all to acquire the necessary knowledge and skill for nation building (Achinewhu-Nworgu, 2017; 2018).

As research indicates, the need for education is much greater since twenty years into independence, research reports were showing that in spite of the economic progress made as a result of the oil industry, there was a general sense of dissatisfaction with the progress made in education and other sectors (Achinewhu-Nworgu, 2018; Brownsberger, 1983; Joseph, 1983).

The government of Nigeria has always tried to bring its educational standards in line with commendable international standards, recently initiated higher education policy reforms intended to bring its university system more in line with international good practices. The reforms promoted increased institutional autonomy, greater system differentiation, strengthened governance, and mechanisms for quality assurance. They seek to create a more flexible and responsive system of university teaching and research that, over time, will contribute increasingly to national innovation capacities, productivity gains, and economic growth (Achinewhu-Nworgu, 2018).

The purpose of this paper is to present an analysis of the context for education law and policy making in Nigeria and a discussion of their implementation. The main focus for the preceding section will be on examining the laws guiding educational policy with a case study of the university admission policy and its impact on youth education. It presents some of the comments from the participants' perspectives on education law in Nigeria and its impact on youth education. This research was originally published in the 2018 Yearbook of Education Law in Ohio as an invitation to a contributory chapter and permission was sorted to publish and present the work in the 2019 BCES Conference.

Context for education law and policy in Nigeria

Brief history of the Nigerian education system

Missionary-led education under colonialism

Western education in Nigeria started in earnest from 1900 when the British colonized the country. Missionaries were allowed to establish churches along with schools. At that time up until Nigerian amalgamation of the Northern and Southern Protectorate 1914, there were no Government guidelines for education. The missionaries mostly from United Kingdom formed the British Pattern of education (Achinewhu-Nworgu, 2018).

The administration of education by the colonial masters was through the use of certain education ordinances and education codes, such as the 1882, 1887, 1916, 1926 and 1946 Education codes (Ijaduola, 1998; 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 of the Nigerian education system. There are thirty-six state governments and the federal government in Nigeria, each of which could legislate on education (Fabunmi, 2005).

After the amalgamation and up to the Nigerian Independence (1960), the colonial Nigerian government issued guidelines that governed education in primary and secondary schools. After that period, there was no formal nursery school and nor university education patterned on the British type of education. Education was a triangle with two broad bases and an apex. The triangle accommodated everybody in the system, the very brilliant, the brilliant and not so brilliant.

There was introduction of technical and vocational education to accommodate everybody according to the person's ability. Those who reached the apex are those of the university material, who are prepared to seat for the higher school certificate or A level. Those very brilliant ones were those admitted into the university which was established at Ibadan in 1948. Other universities were established after the Nigerian Independence in 1960.

Independence, military rule and educational reform

As the colonial administrators adopted the British form of education in Nigeria, the result was an introduction of the primary, secondary, sixth form and higher education in existence to date in Nigeria. Consequent upon the attainment of independence, a system of education that did not meet the aspiration of Nigerians; hence the current 6-3-3-4 educational policy was introduced in 1977 (Fabunmi, 2005). The policy sought to introduce a functional technology-based education, which could sustain the economy.

Under the military government in the 1970s, the Nigerian government took over education from the missionaries. That action signaled the beginning of the fall in Nigerian education standard. The new education policy abolished the triangle pattern of education in Nigeria where all abilities were accommodated to that situation where everybody, struggled to reach the apex in struggling to reach which intensified competition that became deadly, people used examination malpractices and cultism to reach the apex and to be admitted into the University for Degree Programmes. The struggle to reach the apex reduced the standard of education in Nigeria. Those who reached the apex by foul and unfair means polluted the educational system as such group does did not add any value to the system, instead, malpractice continued as a norm.

New regulations, reforms and raising standards

In the 1980s, the Nigeria government abolished the A level system as a means of direct admission to the universities and established regulatory agencies to manage various levels of education. The state was delegated to manage primary schools and regulate the first primary school leaving certificates of six years duration. The West African Examination Council regulates and manages the Secondary education and sets the common external examination – West African Examination Certificate. The Teachers Registration Council regulates and manages the teachers training colleges. The polytechnic and colleges of Technology Council regulates and manages the

polygenic. The National Universities Commission (NUC) regulates and manages all Nigerian universities both public and private. The councils or boards determine the minimum standard of operations of these educational institutions and conduct accreditations from time to time. These councils, boards or commission had tremendously improved the educational standard in Nigerian education system as those programmes that are not accredited are all closed from the current system. In order to avoid closure of any programme, institutions get funding from the government or private sectors depending on whether they are public or private institutions. Private people are allowed to manage education from the primary to universities. Religious organisations are similarly allowed to own from primary to universities provided the minimum requirements are met.

Policy context: Nigeria's education system today

Nigeria has a federal system of government with 36 states and the Federal Capital Territory of Abuja. Within the states, there are 744 local governments in total. Education is administered by the federal, state and local governments. The Federal Ministry of Education is responsible for overall policy formation and ensuring quality control, but is primarily involved with tertiary education. School education is largely the responsibility of state (secondary) and local (elementary) governments. Nigeria's education system encompasses three different sectors: basic education (nine years), post-basic / senior secondary education (three years), and tertiary education (four to six years, depending on the program of study). As indicated in the Nigeria's latest National Policy on Education (2004), the modality of basic education covers nine years of formal (compulsory) schooling consisting of six years of elementary and three years of junior secondary education. Post-basic education includes three years of senior secondary education.

Basic education

The elementary education covers grades 1 through 6. As per the most recent Universal Basic Education guidelines implemented in 2014, the curriculum includes: English, mathematics, Nigerian language, basic science and technology, religion and national values, cultural and creative arts, Arabic language (optional). Pre-vocational studies (home economics, agriculture, and entrepreneurship) and French language are introduced in grade 4 (Imam, 2012).

The Nigerian national policy on education law makes it compulsory that the language of instruction for the first three years should be the "indigenous language of the child or the language of his/her immediate environment", most commonly Hausa, Ibo, or Yoruba. This policy may, however, not always be followed at schools throughout the country, and instruction may instead be delivered in English. English is commonly the language of instruction for the last three years of elementary school. Students are awarded the Primary School Leaving Certificate on completion of grade 6, based on continuous assessment.

Progression to junior secondary education is automatic and compulsory. It lasts three years and covers grades 7 through 9, completing the basic stage of education. The curriculum includes the same subjects as the elementary stage, but adds the subject of business studies.

At the end of grade 9, pupils are awarded the Basic Education Certificate (BEC), also known as Junior School Certificate, based on their performance in final

examinations administered by Nigeria's state governments. The BEC examinations take place nationwide in June each year and usually last for a week. Students are expected to take a minimum of ten subjects and a maximum of thirteen. Students must achieve passes in six subjects, including English and mathematics, to pass the Basic Education Certificate Examination (Imam, 2012).

Senior secondary education

Senior secondary education lasts for three years and covers grades 10 through to 12. In 2010, Nigeria reportedly had 7,104 secondary schools with 4,448,981 pupils and a teacher to pupil ratio of about 32:1. Reforms implemented in 2014 have led to a restructuring of the national curriculum. Students are currently required to study four compulsory "cross-cutting" core subjects, and to choose additional electives in four available areas of concentration. Compulsory subjects are: English language, mathematics, civic education, and one trade/entrepreneurship subject. The available concentration subjects are: humanities, science and mathematics, technology, and business studies. The new curriculum has a stronger focus on vocational training than previous curricula, and is intended to increase employability of high school graduates in light of high youth unemployment in Nigeria.

In addition to public schools, there are a large number of private secondary schools, most of them very expensive and located in urban centres. Many private schools include U.S. K-12, International Baccalaureate or Cambridge International Examination curricula, allowing students to take international examinations like the International General Certificate of Secondary Education (IGSCE) during their final year in high school.

Senior School Certificate Examination

At the end of grade 12 in May/June, students sit for the Senior School Certificate Examination (SSCE). They are examined in a minimum of seven and a maximum of nine subjects, including mathematics and English, which are mandatory. Successful candidates are awarded the Senior Secondary Certificate (SSC), which lists all subjects successfully taken. Students can sit for a second SSC annual exam if interested or if they need to improve on poor results in the May/June exams.

SSC examinations are offered by two different examination boards: the West African Examination Council (WAEC) and the National Examination Council (NECO). The examination is open to students currently enrolled in the final year of secondary school, as well external private candidates (in the November/December session only). The SSCE grading scale is as follows for both WAEC and NECO administered examinations. Nigerian education system extends to Vocational education and training, however, for the purposes of this chapter, more emphasis is focused on the implications of the joint admission policy and impact of the protocol on youth education (Imam, 2012).

Tertiary education

At the tertiary level, the system consists of a university sector and a non-university sector. The latter is composed of polytechnics, monotronics, and colleges of education. The tertiary sector as a whole offers opportunities for undergraduate, graduate, and vocational and technical education (Imam, 2012).

The academic year typically runs from September to July. Most universities use a semester system of 18 – 20 weeks. Others run from January to December, divided into 3 terms of 10 –12 weeks.

University admissions

Until the 1970s, Nigerian universities set their own admissions standards. Due to the growing number of universities in Nigeria's sprawling higher education system, this practice became problematic, and, in 1978, the Nigerian government established the Joint Admissions and Matriculation Board (JAMB) to oversee a centralized admissions test called the Unified Tertiary Matriculation Examinations (UTME). The fiscal crisis of the Nigerian government has recently led to discussions about abolishing the JAMB as a cost-cutting measure. In November of 2016, the JAMB announced that it did no longer have adequate funds to effectively conduct the nation-wide UTME. Despite these financial difficulties, all public universities are presently mandated to use the governmental admissions test in their admissions decisions, even though some universities have additional requirements going beyond the UTME (Osipian, 2013).

Case study: admission to university – JAMB admission policy in Nigeria

Admission to public universities in Nigeria is very competitive and it is based on scores obtained in the Unified Tertiary Matriculation Examination as well as the SSC results. The Nigerian university education entry policy (JAMB) was examined in competing for talent and criticised (Achinewhu-Nworgu, 2009) as rigorous and therefore affects the youth talents as they find it difficult to gain entry to university through the JAMB system. This is because most universities require passes in at least five SSC subjects and take in consideration to the average score. Students must score an average grade of at least 'credit' level (C6) or better to be considered for admission to public universities; some institutions may require higher grades.

It is possible to access student results through the West African Examinations Council (WAEC) or National Examination Council (NECO) websites. The student must provide the PIN number that they purchase for the equivalent of approximately USD \$3 (available at banks, WAEC regional offices and online). With the PIN number it is possible to retrieve a printable copy of the WAEC results. This is the fastest and most reliable way of verifying a student's results from Nigeria (Achinewhu-Nworgu, 2018).

Methodology

A qualitative and quantitative approach to research was employed to seek the opinions of the teachers and few of the youths affected in the system. The qualitative approach provided an insight on the history of the British educational policies introduced in Africa, which did not meet the needs and expectations of local Nigerian communities. It was important for the researcher to seek the perceptions of the participants in relation to literature reviewed. The small-scale research draws on qualitative data, gathered from telephone interviews, with Nigerian 20 undergraduate students studying Law and 5 University Professors all residing in Nigeria. I originally planned to visit the participants to in their university to conduct

a face to face interview, but due to some unforeseen circumstances and costs, the plan did not materialize, hence, an alternative methodology was employed which was sufficient for the small scale research.

Implications for youth education

The participants' comments are in line with the discussions in the literature, concluding that in the past, education in Nigeria was managed by the missionaries from the Western world. Unlike today, education is now subject to general governmental guidelines for primary and secondary schooling, with examinations as discussed in the literature review. In the past, education was orderly until the military radicals in the government took control of schooling from the missionaries, thereby destroying what was seen as an efficient and effective educational system of Nigeria (Ex-VC). With the introduction of the education boards discussed above, many changes have occurred as the Nigerian educational system strives to be in line with Western norms. However, majority of the participants agreed that, laws in the Nigerian system need to be corrected through clear education laws and policies for planners and educators in Nigeria to follow (P4 – P15 agreeing to the comments). It is also accepted from five of the participants that since 1900, in the midst of the colonial era, the Nigerian government has demonstrated a significant commitment to education to keep it in line with the British and American standards (P3, P16, P18, P19, P20), eradicate illiteracy, embrace accelerated national development and to keep abreast of the advanced standards of education in Nigeria, education in Nigeria viewed as important to the development of its citizens. Yet, even as the Nigerian government seeks to improve education standards for its citizens, challenges have hampered the goal of providing quality education equally and fairly due to the educational gap between the cities, dwindling financial resources, and inadequate infrastructures. These challenges have continuing implications on the effectiveness of the Nigerian educational system, hence resulting to the nation's youth continuing to experience difficulties in gaining access to a university education.

Conclusion

This paper examined educational laws and policy formulation in Nigeria from the British colonial days to the present. The British and American educational policies introduced in Africa did not meet the needs and expectations of local Nigerian communities. This dissatisfaction resulted to the government opting to develop its own national policy as the way forward to meet the educational needs of indigenous Nigerians, mostly that of youth education.

The mini research indicates that current implementation of policies to streamline the education system in Nigeria still leaves room for improvement. As literature reviews and comments from participants, many Nigerian youths leave the country to study abroad; this obviously reveals a high demand for education, such that the government needs to review the current university admission policy (JAMB) to provide solutions to make university education more accessible for the youths and to keep them engaged in developing their career dreams.

References

- Achinewhu-Nworgu, E. (2009): Talent Exclusion Case Nigeria. In L. V. d. Sluis & S. V. D. Bunt-Kokh (Eds.) *Competing for Talent* (pp. 96-99). Assen: Van Gorcum.
- Achinewhu-Nworgu, E. (2017): Integrating Art and Creative Practices into a Programme of Support for Nigerian Students Studying in UK Higher Education Institutions. In *Current Business and Economics Driven Discourse and Education: Perspectives from Around the World* (pp. 181-187). BCES Conference Books, Vol. 15. Sofia: BCES.
- Achinewhu-Nworgu, E. (2018): Nigeria. In C. J. Russo & E. Shaver (Eds.) *2018 Yearbook of Education Law* (pp. 109-161). Cleveland, OH: ELA.
- Brownsberger, W. (1983): Development and Governmental Corruption – Materialism and Political Fragmentation in Nigeria. *The Journal of Modern African Studies*, 21, 215-233.
- Buchmann, C. (1999): Educational Inequality and Poverty in Sub-Saharan Africa. *Prospects. Quarterly Review of Comparative Education*, 29, 503-515.
- Fabunmi, M. (2005): Historical Analysis of Educational Policy Formulation in Nigeria: Implications for Educational Planning and Policy. *International Journal of African and African American Studies*, 4(2), 1-7.
- Federal Republic of Nigeria (1977): *National Policy on Education*. Lagos: Government Printer.
- Federal Republic of Nigeria (2006): *Education Sector Report*. Abuja: Federal Ministry of Education.
- Ijaduola, K. O. (1998): *Education in Nigeria: An Historical Perspective*. Ijebu-Ode: Lucky Odoni Enterprises.
- Imam, H. (2012): Educational Policy in Nigeria from the Colonial Era to the Post-Independence Period. *Italian Journal of Sociology of Education*, 1, 181-204.
- Joseph, R. (1983): Class, State, and Prebendal Politics in Nigeria. *The Journal of Commonwealth & Comparative Politics*, 21(3), 21-38.
- Ogunu, M. (2000): *Introduction to Educational Management*. Benin City: Mabogun Publishers.
- Osipian, A. (2013): Recruitment and Admissions: Combating Corruption and Fostering Transparency on the Path to Higher Education. In Transparency International: *Global Corruption Report: Education*. New York: Routledge.

Dr. Elizabeth Achinewhu-Nworgu, QAHE in partnership with Ulster University, Northumbria University, Roehampton University, Middlesex University & Southampton Solent University UK & Ireland