

**A LAW TO ESTABLISH THE KADUNA STATE  
SCHOOLS QUALITY ASSURANCE AUTHORITY, 2017**



Kaduna State of Nigeria

Law No. ....13..... 2017

( 1<sup>st</sup> July 2017 )

Date of Commencement

**BE IT ENACTED** by the House of Assembly of Kaduna State as follows:

Enactment

**PART I  
PRELIMINARY**

1. This Law may be cited as the Kaduna State Schools Quality Assurance Authority Law, 2017.

Short Title

2. This Law shall come into operation on the .....1<sup>st</sup>..... day of .....July..... 2017.

Commencement

3. In this Law:

Interpretation

"Authority" means the Kaduna State Schools Quality Assurance Authority established under Section 4 of this Law;

"Board" means the Governing Board of the Authority established under Section 5 of this Law;

"Code of Conduct" means prescribed ethics and standards of behaviour guiding quality assurance Evaluators;

"Commissioner" means the Commissioner responsible for Education, Science and Technology in the State;

"Division" means secondary schools under one or more Local Government Areas as may be specified by regulations issued by the Board;

"Evaluator" means a person accredited by the Board to carry out quality assurance evaluation;

"Government" includes Local Governments Areas of the State;

"Institution" means an approved Educational Institution and includes a Primary School, Secondary School, Commercial College, or Technical College;

"Ministry" means the Kaduna State Ministry responsible for matters relating to Education, Science and Technology;

"Private Institution" means an Institution which is established and maintained by individual(s) or corporate bodies;

"Quality Assurance Evaluation" means a unified and systematic evaluation process adopted by the Board to train, monitor, supervise and evaluate educational qualifications, inputs processes and outputs for the purpose of maintaining approved educational standards, accountability and credibility in the education system;

"Schools" means all public and private schools in the State;

"Whole School Evaluation" means self-school evaluation, community evaluation and external evaluation; and

"Zones" means Local Government Education Authorities consisting of one or more Local Government Areas as may be specified by regulations issued by the Board.

## **PART II**

### **ESTABLISHMENT, COMPOSITION AND FUNCTION OF THE AUTHORITY**

4. There is established for the State, the Kaduna State Schools Quality Assurance Authority which:
  - (a) shall be a body corporate with perpetual succession and a common seal;

Establishment of the Authority

- (b) can sue and be sued in its corporate name; and
- (c) may hold and acquire any moveable or immoveable property.

5. There is established a Governing Board for the Authority, which shall comprise the following members to be appointed by the Governor:

Establishment and  
Composition of the  
Board

- (a)
  - (i) a Chairman who shall be a retired seasoned educationist or administrator,
  - (ii) the Director-General of the Authority, and
  - (iii) three (3) members, one each from the three (3) Senatorial Zones at least one of whom shall be a woman;
- (b) One representative of the following:
  - (i) The Ministry responsible for matters relating to education in the State;
  - (ii) National Quality Assurance Commission;
  - (iii) State Universal Basic Education Board (SUBEB);
  - (iv) Teachers Service Board;
  - (v) Association of Proprietors of Private Schools in the State;
  - (vi) WAEC, NECO, JAMB and NABTEB for a maximum period of one year on rotational basis per tenure;
  - (vi) Local Government Education Secretaries in the State;
  - (vii) Schools Based Management Boards;
  - (viii) Schools Based Management Committees;

- (ix) International Donor Organizations supporting education in the State;
- (x) Kaduna State College of Education;
- (xi) Parents Teacher's Association, Kaduna State;
- (xii) Association of Principals of Secondary Schools; and
- (xiii) Local Government Chairmen in the State.

### **PART III FUNCTIONS AND POWERS OF THE AUTHORITY**

6. The Functions of the Authority shall be as follows:

Functions of the  
Authority

- (a) to ensure that, evaluators abide by the prescribed Code of Conduct in the Schedule to this Law;
- (b) coordinate all Quality Assurance Evaluations in the State as provided in the operational framework;
- (c) maintain appropriate policies, guidelines and instruments for Quality Assurance Evaluation in the State;
- (d) accredit and certify all Quality Assurance Evaluators in the state;
- (e) coordinate Quality Assurance Evaluation activities in the Divisional and Zonal Offices in the State;
- (f) coordinate the design, planning and implementation of the State Evaluation action plans;
- (g) provide technical support for training and retraining of Evaluators;
- (h) demand and obtain relevant data and report on matters relating to Quality Assurance from all parastatals and Schools;
- (i) institute compulsory self-evaluation practices in schools below tertiary level;

- (j) manage and maintain database of Evaluation records in the State;
- (k) rank schools and publish the ranking and evaluation reports annually in the electronic and print media;
- (l) process all applications for the establishment of private educational institutions;
- (m) publish the requirements for the establishment of private schools and ensure that proprietors of all private schools adhere strictly to the provisions of the National and State policies, laws and guidelines on education;
- (n) recommend to the Commissioner for approval, all requests for the establishment and issuance of certificates of consent for all proposed schools;
- (o) monitor and regulate the activities of private and public schools towards making them contribute to the delivery of quality education;
- (p) register all private and public educational institutions according to their type and categories i.e. Nursery, Basic (Primary, Junior and, Senior Secondary);
- (q) keep adequate statistical records of all private and public schools operating in the State;
- (r) liaise with other agencies to ensure that the school environment of all registered schools is conducive and have adequate facilities for learning;
- (s) liaise with the unit or department responsible for inspectorate and education quality matters with a view to ensuring quality control;
- (t) prepare and conduct the selection of examinations for entry into junior and senior secondary schools in the State;
- (u) inspect and approve private and public schools as Test Centres;

- (v) enter into partnership with relevant establishments (public and private) within and outside Nigeria in pursuance of functions of the Authority; and
- (w) set and conduct mock and similar examinations in all public primary and secondary schools in the State.

**PART IV  
FUNCTIONS AND POWERS OF THE BOARD**

7. (1) The Board shall be responsible for:

Functions

- (a) appointments, promotions and discipline of employees of the Board;
- (b) coordinating the activities of all Quality Assurance Departments and Agencies in the State and in all schools below tertiary level;
- (c) providing oversight for matters pertaining financial procedures and regulations, and property of the Board;
- (d) establishing committees charged with specific responsibilities in pursuance of the performance of its functions under this Law;
- (e) ensuring that annual reports are rendered on Quality Assurance services/activities;
- (f) ensuring annual auditing of the Board's accounts;
- (g) ensuring that the Quality Assurance Educational system is effectively administered as contained in the Quality Assurance operational framework;
- (h) the closure of any institution public or private that is not in compliance with the provisions of this Law;
- (i) formulate policies for the establishment and operation of private and public schools in the State;

(j) implement policies on establishment of private schools as may be approved by government; and

(k) performing any other function as may be assigned to it by the Commissioner.

8. (1) There shall be appointed by the Governor a Secretary for the Board who shall not be below the rank of a Director from the Public Service

Secretary

(2) The Secretary shall:

(a) issue notices of meetings of the Board;

(b) keep records of the proceedings of the Board; and

(c) carry out such duties as the Chairman or the Board may direct from time to time.

9. (1) The Chairman and members of the Board shall hold office for a period of four (4) years and may be eligible for re-appointment for a further period of four (4) years only.

Tenure of Office

(2) Notwithstanding the provisions of subsection (1) of this section, the office of a member shall become vacant if he:

(i) resigns his membership in writing to the Governor;

(ii) is dismissed on grounds of misconduct;

(iii) becomes incapable of discharging his duties due to infirmity of mind or body;

(iv) is convicted of an offence involving fraud or dishonesty; or

(v) is adjudged bankrupt.

10. The Chairman and members of the Board shall be paid such allowances as the Governor may approve.

Remuneration of members

- |     |   |                    |
|-----|---|--------------------|
| 11. | Where the Board desires to obtain the advice of any person upon any matter, the Board may co-opt the person as a member for such meeting as may be required and the person whilst so co-opted, shall have all rights and privileges of a member save that he shall not be entitled to vote on any question or count towards a quorum. | Power to co-opt    |
| 12. | (1) The Board shall hold such number of meetings as may be for the due discharge of its functions provided that a meeting shall be held in each quarter of the year.  | Meetings           |
|     | (2) The Chairman shall preside at the meetings of the Board in his absence the members present may appoint a member amongst them to preside over that particular meeting.   |                    |
|     | (3) The quorum at a meeting of the Board shall be a simple majority of the total membership present.  | Quorum             |
|     | (4) Every question shall be determined by a simple majority of the members present and voting, and in the case of any equal division of votes, the Chairman of the meeting shall have a second or casting vote.   |                    |
|     | (5) The Board shall, if required by notice given by not less than two members, convene an emergency meeting of the Board to be held within 14 days from the date on which the notice is given.  | Emergency Meetings |
| 13. | No act or proceedings of the Board shall be invalid on account of any vacancy among its members or on account of the appointment of any member having been defective.   | Validity           |
| 14. | A member shall not be personally liable to be sued for any act or omission or default as long as such act, omission or default is in the course of the operation of the Authority.  | Immunity           |
| 15. | (1) The Board, may where necessary, appoint from among its members Ad-Hoc Committees to carry out specified functions of the Board and the decisions of the Committee shall be of no effect until the Board adopts it.  | Ad-hoc Committees  |



- (2) Every Committee appointed under subsection (1) of this section shall be presided over by a member of the Board and may co-opt such other person(s) in a specialised area on advisory capacity as it may be required to assist the Committee.
16. (1) A member of the Board or a Committee who has personal interest in any contract or arrangement entered into or proposed to be considered by the Board or the Committee shall forthwith disclose his interest in relation to the contract or arrangement. Proceedings of the Board
- (2) Where a member fails to disclose any interest as required and its present at a meeting of the authority or in any manner participate in the proceeding, such proceedings in relation to the relevant matter shall as soon as such non disclosure is discovered, be reviewed and varied or set aside by the authority without the participation of the member concerned. Duties to Disclose Interest
17. The fixing of the Seal of the Board shall be authenticated by the signature of the Secretary with the approval of the Board. Seal of the Board

**PART V  
STRUCTURE, MANAGEMENT AND STAFF  
OF THE AUTHORITY**

18. (1) There shall be a Director General for the Authority who must be a seasoned educationist to be appointed by the Governor, subject to confirmation by the State House of Assembly. Director-General
- (2) The Director-General shall be:
- (i) The Chief Administrative and Accounting Officer of the Board;
  - (ii) Responsible for the day-to-day administration of the Authority.
  - (iii) The Director General shall hold office for a term of Five (5) years and may be reappointed for another term of Five (5) years only.

19. The Authority shall consist of such number of departments, to be established by regulations, as may be considered necessary for the effective discharge of its functions from time to time. Departments of the Authority
20. (1) The Board may, subject to approval of the Commissioner, issue staff regulations relating generally to the conditions of service of the employees of the Authority and without prejudice to the generality of the foregoing, such regulations may provide for: Regulations
- (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Authority; and
- (b) appeals by such employees against dismissal or other disciplinary measures.
- (2) Until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the State shall be applicable to the employees of the Authority, with such modifications as may be necessary.
21. The staff of the Authority shall be entitled to the payment of pension and gratuity in accordance with the Pensions Law. Pension Gratuity

## PART VI FINANCIAL PROVISIONS

22. (1) There is hereby established a fund for the Authority from which shall be defrayed all expenditure incurred by the Authority. Funds of the Authority
- (2) There shall be credited to the Fund established in pursuance of subsection 1 of this section such payments as may be made to it by the State Government for the running of the Board and other assets accruing to the Board.
23. The Authority shall be financed: Source of Funding
- (a) from funds appropriated to it by the State House Assembly;

- (b) local and international donor grants;
- (c) Grants, gifts and donations from individuals local and international organizations and agencies, and
- (d) Other sources as may from time to time be approved by the Governor.

24. The Authority subject to the approval of the State Executive Council, may from time to time apply proceeds of the fund established for the activities of the Authority:

Expenditure of the Board

- (i) for such expenses as may be expressly authorised by the Board;
- (ii) to publicise and promote activities of the Authority, train and accredit Quality Assurance Education; and
- (iii) to undertake all activities connected with its functions under this Law and operational framework.

25. (1) The Board shall cause to be prepared and submitted to the Commissioner not later than 30<sup>th</sup> September of each year an estimate of expenditure and income of the Board for the following year.

Annual Estimates and Accounts

(2) The Authority shall keep proper records and accounts in respect of each Financial Year and shall cause its accounts to be audited within six months after the end of each year by Auditors appointed from the list and in accordance with the guidelines submitted by the Auditor General of the State.

Exemption from Payment of Income Tax

26. The Authority shall prepare and submit to the Governor, through the Commissioner not later than 30<sup>th</sup> June in each year a report, in such form as the Commissioner may direct, on the activities of the Authority during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Board for that year and the Auditor General's Report thereon.

Annual Reports

**PART VII  
QUALITY ASSURANCE EVALUATION**

27. For the purpose of carrying out the functions of the Authority under this Law, the Chairman or any other officer of the Authority authorised on his behalf:
- Power to Obtain Information
- (a) shall have right of access to all records of an Institution, Department or Agency to which this Law applies for the purpose of discharging his duties under this Law; and
  - (b) may by notice in writing served on any person in charge of such Institution, Department or Agency to furnish information on matters as may be specified in the notice.
28. (1) It shall be the duty of any person or institution required to furnish information in pursuance of this Law to comply with the notice within a specified period of time.
- Powers of Quality Assurance Evaluators
- (2) Failure to comply with sub section (i) of this section shall be an offence, punishable with imprisonment for one month or a fine of N100,000.00.
- (3) Accredited Quality Assurance Evaluators shall have the power to enter the premises of any institution below tertiary level for the purposes of evaluation.

**PART VIII  
MISCELLANEOUS**

29. Subject to the provisions of this Law, the Governor may give to the Board such directions of a general or special nature in relation to the performance by the Board of any or all its functions under this Law, and it shall be the duty of the Board to comply with such directives.
- Directions by the Commissioner
30. The Board may with the approval of the Governor make such regulations as may be necessary or expedient for carrying into effect the provisions of this Law.
- Regulations
31. (1) Subject to the provisions of this Law, no suit shall be commenced against the Board before the expiration of thirty (30) days after written notice of intention to
- Pre-action notice

commence such suit has been served upon the Board by the intending plaintiff or his agent clearly stating the:

- (a) cause of action;
- (b) particulars of claim; and
- (c) relief sought.

(2) No member or staff of the Board shall be sued in his personal capacity for any act done or omitted to be done in the lawful performance of his duties.

32. Whoever contravenes the provisions of this Law, shall be liable on conviction to a fine of not less than One Hundred Thousand Naira (₦100,000.00) or imprisonment of not less than three months or both.

Offences/Punishment

33. (1) The Kaduna State Private School Board Law No. 7 of 2007 and the Quality Assurance Board Law No. 6 of 2012 are hereby repealed.

Repeals/Savings

(2) The statutory functions, rights, interest, obligations and liabilities of the Educational Resource Centre, the Kaduna State Private Schools Board, and the Quality Assurance Board before the commencement of this Law under any contract or instrument by virtue of this Law shall be deemed to have been assigned to and vested in this Board.

## **SCHEDULE**

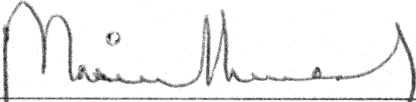
### **CODE OF CONDUCT**

Quality Assurance Evaluators shall act in accordance with the Code of Conduct as follows:

- (1) Not to ask or accept any form of gratification in the course of their assignment.
- (2) Be punctual and time conscious.
- (3) Evaluate objectively.
- (4) Have no connection with the school which could undermine their objectivity and report honestly.
- (5) Carry out their work with integrity, treating all those they meet with courtesy and sensitivity.
- (6) Do all they can to minimise the stress on those involved in the evaluation, and act with their best interests and well-being as priorities.
- (7) Maintain all purposeful and productive dialogue with those being evacuated, and communicate judgements clearly and frankly.
- (8) Respect the confidentiality of information, particularly about individuals and their work.
- (9) Have a good knowledge of relevant education and quality standards.
- (10) Be a good team player; co-operate and support each other.
- (11) Be appropriately dressed.
- (12) Be tolerant, patient and resourceful at all time.
- (13) Be a keen observer and a good listener.
- (14) Instil confidence, minimise disruption and ensure cooperation of staff and learners.
- (15) Be impartial and ensure that their judgements are:

- (a) Secured – based on evidence,
- (b) First hand – largely based on evidence,
- (c) Reliable – based on agreed and consistent assessment procedures,
- (d) Valid – Should reflect what is actually achieved and provided by the school,
- (e) Comprehensive – covering all aspect of the school evaluated,
- (f) Prognostic – predictive of the future performance of a school in providing quality education if the recommended interventions are put in place, and
- (g) Corporate – the conclusions of the school’s report reflect the collective view of the members of the external evaluation team and hopefully, the whole school community itself.

**DATED AT KADUNA** this .....<sup>1<sup>st</sup></sup>..... day of .....<sup>July</sup>..... 2017


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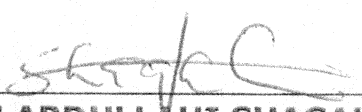
**Malam Nasir Ahmad el-Rufa'i,**  
 Governor of Kaduna State.

### EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect.)

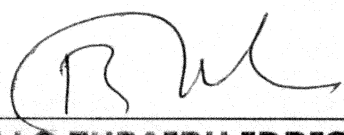
The purpose of this Law is to establish the Kaduna State Quality Assurance and Private Schools Board.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.


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**HON. AMINU ABDULLAHI SHAGALI**  
 (Speaker)


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**BELLO ZUBAIRU IDRIS Esq.**  
 (Clerk to the Legislature)