

CHAPTER K51 - KWARA STATE TEACHING SERVICE COMMISSION LAW

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A Law to provide for the establishment of the Kwara State Teaching Service Commission.

[No. 4 of 2006, No. 5 of 1996.]

[Date of commencement: *29th September, 1992*]

1. Citation

This Law may be cited as the Kwara State Teaching Service Commission Law, 1992.

2. Interpretation

In this Law, unless the context otherwise requires—

"Chairman" means the Executive Chairman of the Commission;

"Commission" means the Kwara State Teaching Service Commission established under section 3 of this Law;

"Commissioner" means Commissioner charged with the responsibility for education matters;

"Governor" means Governor of State and includes the Military Administrator of the State;

"Member" includes the Chairman of the Commission;

"Military Administrator" means of the State includes the Governor;

"Secretary" means the Secretary to the Commission appointed pursuant to the provisions of sections 4 and 15 of this Law;

"State" means the Kwara State of Nigeria;

"Proprietor" means any person or group of persons who own an institution.

[No. 5 of 1996.]

3. Establishment of the Commission

There is hereby established a body to be known as the Kwara State Teaching Service Commission.

4. Composition of the Commission

The Commission shall consist of—

- (a) a Chairman;
- (b) three full-time members;
- (c) one part-time member;
- (d) a Secretary who shall not be below the rank of a Director;
- (e) a representative of the Ministry of Education;
- (f) a representative of the Nigerian Union of Teachers Association; and
- (g) a representative of the State Parents Teachers Association.

[No. 5 of 1996.]

5. Appointment of the Chairman and members

(1) The Chairman and other members, one of whom shall be a woman who shall be a retired and experienced educationist and who shall be appointed by the Military Administrator on the recommendation of the Commission.

[No. 4 of 2006, No. 5 of 1996.]

(2) *Tenure of Office* members.—The Chairman and the other members of the Commission shall hold office for a period of four years or for such period as the Governor may specify in the letter of appointment of each member, provided that the Governor may vary such period without giving any reason.

6. Termination of appointment

(1) The Governor may terminate the appointment of the Chairman or any member of the Commission notwithstanding the contents of the letter of appointment, if he is satisfied that the Chairman or the member—

- (a) is unfit or unable to discharge the functions of his office either for reason of infirmity of body or misconduct;
- (b) has been convicted by a court of law for any offence involving dishonesty or moral turpitude; or
- (c) is an undischarged bankrupt.

7 Remuneration of members of the Commission

The Chairman and other members of the Commission shall be paid such remuneration and allowances as the Governor may determine.

8. Assistance

(1) The Commission may be assisted in the discharge of its functions under this Law by such officers in the Public Service of the State as may be assigned by the Commissioner or administrator.

(2) The Commissioner may direct the deployment of officers from the Commission to the Ministry or vice versa.

[No. 5 of 1996.]

9. Revocation of appointment and appointment of an administrator

Notwithstanding anything contained in this Law, the Governor may at any time revoke the appointment of the Chairman and all other members of the Commission without giving reason, and appoint a sole administrator to carry out the functions of the Commission under this Law until such a time a new Commission is constituted.

10. Board of Governors in Schools

The Commission shall ensure that a Board of Governors is established for each School under its jurisdiction.

11. Powers and functions of the Commission

(1) The Commission shall have power to appoint, re-absorb, post, confirm appointment, promote, transfer, dismiss and discipline any teaching or non-teaching staff in the state teaching service in any secondary school, teachers or technical college controlled by the State Government or which is in receipt of Government grant-in-aid.

(2) The exercise of the powers contained in subsection (1) of this section by the Commission, in the case of any school principal shall be with due regard to the recommendations of the proprietor of such a school.

(3) The functions of the Commission shall be—

- (a) to maintain comprehensive and up to-date personal records for the State Teaching Service;
- (b) to ensure that annual reports are rendered on all heads of institutions under the jurisdiction of the Commission;
- (c) to handle welfare and training of all staff of schools under its jurisdiction;
- (d) to acquire or construct or purchase and maintain any equipment, teaching aids and furniture and other property including staff quarters for the purpose of all the schools and colleges;
- (e) to ensure that annual reports are rendered by its Zonal offices; referred to in paragraph (j) of this subsection while making use of available reports including reports submitted by heads of Secondary Schools, Teachers and Technical Colleges on teaching and non-

teaching staff;

- (f) to ensure that only qualified teachers are engaged to teach in Schools and Colleges within the State;
- (g) to prepare testimonials and certificates of service for teaching and non-teaching staff, if and when necessary;
- (h) to assess the qualifications and placement of teaching and non-teaching staff subject to the uniform guidelines made under section 13 of this Law;
- (i) to deal with leave matters including vacation leave, maternity leave, special or sick leave and study leave in conformity with the uniform guidelines made under section 13 of this Law;
- (j) to prepare annual estimates and establishments proposals;
- (k) to perform such other functions as may be conferred upon it from time to time by the Governor or the Executive Council in relation to teaching and non-teaching staff of institutions under the Commission;
- (l) to constantly review and propose to the Governor modifications in the operational methods and organisational structure of the State Teaching Service;
- (m) to serve as an appellate body for all petitions from all Schools and Colleges mentioned in section (1) of this section and all other matters assigned to the Commission;
- (n) to render monthly returns to the Ministry of Education on the progress and staffing situations in the Commission;
- (o) to carry out monitoring and supervision of all the schools and colleges under the control of the Commission and do all such things as are necessary or proper to enhance and sustain effective and efficient performance of teachers and to ensure good administration

and discipline in the school system.

[No. 4 of 2006, No. 5 of 2006.]

(4) Any decision taken by the Commission in the discharge of its functions under subsection (3) (m) of this section shall be binding on all Schools, and Colleges mentioned under subsection (1) of this section.

12. Commission is only subject to the Governor in exercise of its powers under Section 11 (1)

In exercising its power under section 11 (1) of this Law, the Commission shall not be subject to the directive and control of any other authority or person except the Commissioner and Governor.

[No. 5 of 1996.]

13. Power of Commission to make guidelines

The Commission shall make its own uniform guidelines on promotions, appointments, discipline, and other matters under its purview in line with what obtains in the State Civil Service and subject to the Governors approval.

[No. 4 of 2006.]

14. Proceedings and quorum

(1) The Commission shall have power to regulate its own proceedings, and the quorum of the Commission at any of its meetings shall be three members including the Chairman, one of whom shall be a full-time member.

(2) The Chairman shall preside at all meetings when he is present, and when he is not present, other members of the Commission present at the meeting may appoint from that meeting, one of the members present to preside.

(3) Decisions of the Commission shall be by majority votes.

(4) The Commission shall regularly meet to carry out business at such times and in such places as the Chairman may from time to time appoint; but such times shall not be less than four times in a calendar year.

15. Appointment of Director-General

(1) There shall be a Secretary to the Commission who shall be appointed by the Administrator on the recommendation of the Commission.

[No. 5 of 1996.]

(2) The Secretary shall be responsible for—

- (a) making arrangements for the meetings of the Commission including preparing the agenda;
- (b) keeping permanent records of the members present and the business transacted at every meeting of the Commission;
- (c) offering professional advice to the Commission when the need arises;
- (d) conveying decisions of the Commission to members of the Commission, and,
- (e) performing all other duties affecting the Commission as may be directed from time to time by the Commission.

[No. 5 of 1996.]

16. Chief Executive and Accounting Officer

The Chairman shall be the Chief Executive and Accounting Officer of the Commission.

Establishment of Finance and General Purposes Committee

17. Finance and General Purposes Committee

- (1) There shall be a Committee of the Commission to be known as Finance and General Purposes Committee.
- (2) The Committee shall consist of—
 - (a) the Chairman of the Commission who shall be the Chairman of the Committee;
 - (b) three full time members;
 - (c) the Secretary;
 - (d) the three Directors of Personnel, Finance and Supply Department; Schools and Colleges Department; and Planning, Research and Statistics Department.
- (3) An Administrative Officer a rank not less than Assistant Director shall serve as the Secretary.
- (4) The Committee shall have power to—
 - (a) exercise control over the revenue and expenditure of the Commission;
 - (b) deal with, on behalf of the Commission, any matter requiring decision in the intervals between the meeting of the Commission; and
 - (c) perform such other functions of the Commission as the Commission may from time to time assign to it.

[No. 4 of 2006.]

18. Finance

The funds and resources of the Commission shall consist of—

- (a) all such sums as may be allocated to it as monthly subvention from the State Government or any other government;
- (b) all operational grants given to it by any government or agency for its operations.

[No. 4 of 2006.]

19. Funds for monitoring and supervision of schools and colleges

Ten percent of School Improvement Programme, examination levies and administrative charges on examination shall be earmarked for monitoring and supervision of schools and colleges and investigation.

[No. 4 of 2006.]

20. Accounts

(1) The Commission shall submit to the Governor not later than 30th September in each financial year or such other date as the Governor may appoint in respect of the first year of existence of the Commission an estimate of its income and expenditure during the next succeeding financial year.

(2) The Commission shall keep proper records in relation to its accounts and shall prepare in respect of each financial year a statement of accounts in such form as the Governor may direct.

(3) The Accounts of the Commission for each year shall be audited as soon as possible after the end of that year by auditors appointed by the Commission with the approval of the State Auditor-General and the fees of the auditors and general expenses shall be paid by the Commission.

(4) As soon as may be after the end of every financial year, the Commission shall prepare a general report of its proceedings during the year and submit same to the Governor.

21. Repeal of Law No. 8 of 1984

The Kwara State Education Management Board Law No. 8 of 1984 is hereby

repealed.

220. Dissolution of the Education Management Board

The Kwara State Education Management Board is hereby dissolved.

230. Assets and liabilities of the dissolved Board

By virtue of this Law all the assets, funds, resources and liabilities which immediately before the commencement of this Law were vested in the dissolved Education Management Board are hereby without further assurance vested in the Commission.

CHAPTER K51

KWARA STATE TEACHING SERVICE COMMISSION LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
