

## **CHAPTER 105 - PRIMARY SCHOOLS MANAGEMENT**

### **AN EDICT TO ESTABLISH A BOARD TO MANAGE PRIMARY SCHOOLS IN THE STATE**

[4 *July* 1988]

1. This Edict may be cited as the State Primary Schools Management Board Edict.

2. In this Edict:—

"Board" means the State Primary Schools Management Board established under section 3 of this Edict;

"Commissioner" means the State Commissioner charged with responsibility for Education matters;

"District Committee" means a District Education Advisory Committee established under section 34 of this Edict;

"financial year" means a period of twelve calendar months beginning from the 1st of January;

"Governor" means the Governor of the State;

"Government School" means a Primary School:—

(a) Established or taken over, maintained and run by the Government immediately before the commencement of this Edict;

(b) Established by or on behalf of or taken over by the Government thereafter and run by the Board under the provision of this Edict;

"Government" means the Government of the State;

"member" means a member of the Board and includes the Chairman;

"Local Government" means a Local Government established by law;

"Primary Committee" means a Local Government Primary Education Committee established

under section 30 of this Edict;

"staff of the Board" includes persons employed in any institution under the control and management of the Board;

"State" means the Gongola State of Nigeria;

"Village Committee" means a Village Education Advisory Committee established under section 38 of this Edict;

"year" means a period of twelve calendar months

## PART II—ESTABLISHMENT AND COMPOSITION OF THE BOARD

**3.—**(1) there is established for the State a Board to be known as the Primary Schools Management Board which shall exercise functions in accordance with the provisions of this Edict.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to sue or be sued in its corporate name.

**4.—**(1) The Board shall consist of a part-time Chairman and other members to be appointed by the Governor as follows:—

(a) one member each representing the State Ministries of Justice, Finance and Local Government;

(b) the Director of Primary Education in the State Ministry of Education; and

(c) five other members each representing one of the following voluntary organizations:—

(i) Nigeria Union of Teachers;

(ii) a Women's Organization;

(iii) Parents/Teacher Association;

(iv) the Business Community; and

(v) one representative of a Voluntary Agency School.

(2) A member holding office by virtue of paragraphs (a) and (b) is hereinafter referred to as an *ex-officio* member.

5. The Chairman and other members of the Board, other than *ex-officio* members shall hold office for a period of 4 years and, may be eligible for re-appointment.

6. There shall be paid out of the funds of the corporation to each member, not being an officer in the public service of the State, such remuneration whether by way of salary, fees or other allowances as the Governor may determine.

7. The Governor may revoke the appointment of a member if he is satisfied that such member:

(a) has been absent from three consecutive meetings of the Board without prior permission;

(b) has become bankrupt or made arrangements with his creditors with intention to deceive;

(c) has been convicted of an offence involving or necessarily implying fraud or dishonesty as a result of which he has undergone a sentence of imprisonment;

(d) is incapacitated by physical or mental illness from performing his functions as a member;

(e) has such financial or other interest in the operation of the Board or otherwise as in the opinion of the Governor is likely to affect prejudicially the discharge by him of his functions as a member; or

(f) is otherwise unable or unfit to discharge the functions of a member.

8. The Governor may at any time remove any member from office for any reasonable cause and in the public interest.

9. Notwithstanding anything contained in the instrument by which a member is appointed, a member may resign his appointment by notice in writing addressed to the Governor and upon the receipt of such notice by the Governor, the appointment of such member shall determine.

10. Where any member is temporarily incapacitated by illness or such other cause from performing the function of his office or is temporarily absent from Nigeria, the Governor may appoint any person to hold temporarily his office during the period of such incapacity or absence and all the functions of such member under this Edict shall devolve upon the person so temporarily appointed.

11. No act or proceeding of the Board shall be rendered invalid by reason of any vacancy among its members or by reason of any defect in the appointment of any member.

12. Whereupon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required and a person so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.

13.—(1) The Board may meet at such times and places as may be necessary for the exercise of its functions under this Edict so, however, that the Board shall meet at least three times in a calendar year.

(2) At any meeting of the Board the Chairman shall, if present preside and, in the absence of the Chairman the members present shall choose one of their number to be the Chairman for that meeting.

(3) Every question at a meeting of the Board shall be decided by a simple majority of the members present and voting on the question, and in the event of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

(4) Any three members of the Board may by notice signed by them request the Chairman to call a special meeting of the Board for the purpose set out in such notice and the Chairman shall thereupon call a special meeting

14. The quorum of the Board shall be six members.

15. The Board shall have a common seal which shall be authenticated by the signature of the Chairman of the Board or some other member authorized in that behalf, and the signature of the Secretary.

16. The Governor may give the Board directions of general character or specific nature with regard to the exercise by the Board of its functions and it shall be the duty of the Board to comply with the directions.

17. A member shall not be personally liable for any act or default of the Board so long as the act or default is made in the course of the operation of the Board and in good faith.

18. The Board may, subject to the provisions of this Edict make standing orders for the purpose

of regulating its own procedure.

### **PART III—FUNCTIONS AND POWERS OF THE BOARD**

**19.** The functions of the Board shall be :—

- (a) to manage, control and operate all Government Schools in the State;
- (b) to provide information and advice to the State Ministry of Education to facilitate the development of realistic State primary education policies and plans;
- (c) to develop strategies for the execution of general primary education policies and programs devised by the State Ministry of Education;
- (d) to direct, motivate and control the performance of staff;
- (e) to ensure that progress of primary education in the State is in accordance with approved objectives targets and that service are being provided with efficiency and economy;
- (f) to ensure uniformity in conditions of service for teachers and other staff in Government schools throughout the State;
- (g) to employ, promote and discipline all teachers and other staff in institutions under its control on salary grade level 06 and above;
- (h) To induce a high level of morale and motivation among its staff throughout the State through promotion and implementation of sound personnel policies;
- (i) to receive, investigate and take action promptly upon all complaints from whatever source regarding matters within its powers under this Edict; and
- (j) to perform such functions and general directions as may be passed on to it in writing by the Governor.

**20.—(1)** The Board shall have power to do all such acts that may appear to it to be necessary, requisite or advantageous for the purpose of carrying into effect its functions under this Edict and, without prejudice to the generality of the foregoing may:—

- (a) in respect of any institution under its control accept gifts, legacies and any grants-in-aid or donations that may be made or given by individuals or organizations, but without obligations

to accept the same for any particular purpose unless the terms and conditions attached thereto are approved by the Governor;

(b) incur lawful expenditure within the limits of the finances of the Board;

(c) Charge and collect fees for any services or facilities rendered or provided by the Board subject to and in accordance with any regulations made in respect thereof by the Governor;

(d) with standing orders not inconsistent with the provisions of this Edict governing its own procedure and in particular with regard to the holding of meetings, the custody, production and use of common seal, opening, keeping, closing and auditing of accounts;

(e) delegate the performance of any duty or the exercise of any power conferred upon the Board under the provision of this Edict to a committee composed entirely of members of the Board and other members not being members of the Board.

Provided that no act of any such committee shall have any effect unless ratified by the Board

(2) The Board in exercise of its functions shall have power to enter into contracts relating to such functions.

(3) Except with the approval of the Governor the Board shall not have power:—

(a) to borrow money; or

(b) to charge fees for any facilities provided by or under arrangement with the Board; or

(c) to dispose of any immovable property.

#### PART IV—STAFF OF THE BOARD

**21.—**(1) The Board shall have power:—

(a) to appoint and promote such staff as it may determine;

(b) to transfer, dismiss or otherwise exercise disciplinary control over all persons in the employment of the Board;

(c) to pay its staff such remuneration as the Board may determine.

(2) Until new rules are made for the disciplinary control of the staff, such control shall be exercised in accordance with the provisions of the State Local Government Service Rules.

(3) All persons in the service of a Local Government who immediately before the coming into force of this Edict were employed in a Government School under the control of the Board shall from the commencement of this Edict become staff of the Board provided that:—

(a) no such person shall suffer any loss of rank or retiring benefit as a result of the transfer to the Board effected by this subsection; and

(b) any such person may within one year from the commencement of this Edict be given the option to decide whether or not he should continue with the service of the Board.

(4) The Board may make all such other appointments as the Board may think necessary for carrying out the purpose of this Edict fully and effectively and determine the wages, salaries and other conditions of service of other persons employed by the Board.

(5) The Board may grant pensions, gratuities and other retiring benefits to its employees or to the estates or to the dependents of deceased employees of the Board in accordance with the Local Government Service Pension Scheme for the time being in force.

**22.—**(1) The Governor may appoint a suitable person to be the Secretary to the Board.

(2) The Secretary shall be the Chief Executive of the Board and shall be responsible for the day to day routine administration of the affairs of the Board and in particular shall:—

(a) Keep records of the proceedings of the Board;

(b) Subject to the directions of the Chairman be in charge of the general administration of the Board; and

(c) Perform such other duties as may from time to time be assigned to him by the Board.

(3) The Secretary shall be responsible to the Board in the performance of his duties under this Edict.

## **PART V—FINANCIAL PROVISIONS**

**23.** The funds of the Board may include:—

(a) such sums as may from time to time be appropriated to it by the State Government and the Local Government on the following basis:—

(i) 70 per centum by the State Government and 30 per centum by the Local Government in respect of capital expenditure; and

(ii) 50 per centum by the State Government and 50 per centum by the Local Government in respect of recur-rent expenditure;

(iii) 50 per centum by the State Government and 50 per centum by the Local Government in respect of procurement of materials and administrative charges;

(b) legacies, grants-in-aid, endowment donations and other gifts received by the Board;

(c) fees charged by the Board for services provided in institutions under its control;

(d) all incomes derived from investment or property of the Board;

(e) any loans made to the Board; and

(f) such other monies or property as may lawfully accrue to the Board.

**24.** The Board shall, not later than the 30th day of June each year submit to the Governor the full report of its activities during that financial year together with the audited accounts of the Board for that financial year.

**25.** The Board may with the written approval of the Governor:—

(a) borrow money for the purpose of its functions;

(b) invest any monies belonging to the Board in such investment, including housing estates, as the Board may deem fit; and

(c) provide provident, superannuation, welfare and other benefits for its employees and other dependents.

## **PART VI—MISCELLANEOUS**

**26.** The Commissioner or any person authorized by him in writing may at all reasonable times enter a Government School for the purpose of supervision and inspection of professional and



ethical standards in the institution and may require to be produced to him all or any of the records, registers and other documents.

**27.—**(1) The Board may operate an account with such bank as the Board may approve.

(2) The Board shall:—

(a) Keep records of its transactions in each financial year, which account shall be audited by an auditor approved by the Board; and

(b) Prepare and submit to the Governor in respect of each financial year such audited accounts, maintained pursuant to this Edict and the Headmaster of the School, or in his absence any other person performing administrative functions shall take such steps as may be necessary to facilitate such supervision and inspection.

**28.** Subject to the provision of this Edict, but notwithstanding the provisions of any other Law to the contrary, there shall on the date of commencement of this Edict, be transferred to and vested in the Board by virtue of this Law the benefits and obligations under all contracts compatible with the powers of the Board existing on that date and entered into by the State Government in respect of or for the purpose of a school under the control of the Board and the rights and liabilities of the parties thereto shall in all respects be as if the Board were a party thereto instead of the State Government.

**29.** The Governor may make regulations:—

(a) for securing the due performance of any duty imposed and the effective exercise of any power conferred upon the Board under the provision of this Edict;

(b) For securing the proper efficient and economic maintenance, organization and operation of the institutions under the control of the Board, and or of any facilities or services provided under this Edict;

(c) For the preservation of all property under the control of the Board and for the proper and economic use of such property;

(d) For the maintenance of discipline among students in any of the institutions controlled by the Board;

- (e) Providing for the allocation of duties among the employees and for the efficient performance of those duties;
- (f) prescribing the responsibilities and duties of the principal officers of the Board;
- (g) prescribing the fees payable in respect of services or any materials provided by or at the expense of the Board or providing for the manner in which the fees shall be collected, accounted for or disposed of;
- (h) Generally for the purpose of carrying into effect the provisions of this Edict.

#### PART VII—ESTABLISHMENT OF THE LOCAL GOVERNMENT PRIMARY EDUCATION COMMITTEES

**30.** There is established at each Local Government Area a Committee to be known as the Local Government Primary Education Committee.

**31.** Every Primary Committee shall consist of the following members:—

- (a) the Supervisory Councilor for Education as Chairman;
- (b) the Divisional Inspector of Education;
- (c) a representative of the National Union of Teachers;
- (d) a representative of a Women's organization;
- (e) all the District Heads in the Local Government Area;
- (f) representatives of religious organizations; and
- (g) the Education Secretary of the Local Government who shall be the Secretary to the Committee.

**32.** A Primary Committee shall have the following functions:—

- (a) the day to day administration of primary schools within its area of jurisdiction;
- (b) the appointment, posting, transfer, promotion and discipline of non-teaching staff on salary grade levels 01 to 05;

- (c) making recommendation to the Board on promotion and discipline of teaching and non-teaching staff on salary grade level 06 and above;
- (d) payment of salaries and allowances and other benefits to all the teaching and non-teaching staff under its jurisdiction;
- (e) submission of annual estimates, accounts and monthly returns to the Board;
- (f) acquisition and distribution of materials and equipment to all primary schools in its area;
- (g) performing such other functions as may, from time to time be assigned by the Board.

**33.** A Primary Committee shall meet at such times and places as it may from time to time determine.

#### PART VIII—ESTABLISHMENT OF DISTRICT EDUCATION ADVISORY COMMITTEES

**34.** There is established at every district level a committee to be known as the District Education Advisory Committee.

**35.** Every District Committee shall consist of:—

- (a) the District Head who shall be the Chairman;
- (b) two religious leaders in the district;
- (c) representatives of Parent/Teacher Association;
- (d) two village heads;
- (e) a representative of Nigerian Union of Teachers;
- (f) a principal of a post-primary school in the district;
- (g) women representatives;
- (h) representatives of the business community; and
- (i) a headmaster who will be secretary to the committee

**36.** The functions of the District Committee shall be:—

- (a) to recommend to the Primary Committee repairs and renovation of primary schools in the district;
- (b) to promote and encourage communal interest and participation in the running of primary education in the district;
- (c) to ensure good enrolment and full attendance in all the schools in the district; and
- (d) to perform such other functions as may be assigned to it by the Primary Committee.

**37.** A District Committee shall meet at such times and places as the District Committee may from time to time determine.

#### PART IX—ESTABLISHMENT OF VILLAGE EDUCATION ADVISORY COMMITTEE

**38.** There is established at the village level a committee to be known as the Village Education Advisory Committee.

**39.** A Village Committee shall be composed of the following:—

- (a) the village head as the Chairman;
- (b) two religious leaders;
- (d) headmaster of a school in the village;
- (d) women representatives;
- (e) any school teacher as the Secretary to the Committee.

**40.** A Village Committee shall have the following functions:—

- (a) to promote and sustain communal interest and participation in the running of primary education in the village area;
- (b) to ensure good enrolment and full attendance in all the schools in the area;
- (c) to identify needs of schools in the area and make recommendations to the District

Committee;

(d) to perform such other functions as may be assigned to it by the District Committee.

**41.** A Village Committee shall meet at such times and places as it may determine.