

1994 - ADAMAWA STATE PRIMARY EDUCATION BOARD EDICT 1994

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(1st November, 1993)

THE MILITARY ADMINISTRATOR OF ADAMAWA STATE OF NIGERIA hereby makes the following Edict –

PART I – PRELIMINARY

1. This Edict may be cited as the Adamawa State Primary Education Board Citation and Edict 1994 and shall be deemed to have come into force on 1st November, Commencement. 1993.

2. In this Edict, unless the context otherwise requires – interpretation. "Board1*" means the Adamawa State Primary Education Board established under Section 3 of this Edict;

"Chairman" means the Executive Chairman of the Board;

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

"District Committee" means the Education Advisory Committee established under Section 31 of this Edict;

"Financial Year" means a period of twelve months beginning from the first day of January;

"Government School" means a Primary School – established or taken over, maintained and run by the

(a) Government immediately before the commencement of this Edict; established by or on behalf of or taken over by the

(b) Government thereafter and run by the Board under the provisions of this Edict;

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

"Government" means the Government of Adamawa State;

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

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

"Primary Authority" means a Local Government Primary Education Authority established under Section 27 of this Edict;

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

"State" means Adamawa State of Nigeria;

"Village Committee" means a Village Education Advisory Committee established under Section 35 of this Edict; "Year" means a period of twelve calendar months.

PART II – ESTABLISHMENT, COMPOSITION, FUNCTIONS AND POWERS OF THE BOARD

3. (1) There is hereby established for the State, a body to be known as the Adamawa State Primary Education Board, which shall exercise its 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 and be sued in its corporate name.

4. (1) The Membership of the Board shall be as follows –

- (a) An Executive Chairman who shall be an experienced educationist;
- (b) Two Permanent Members designated as Member I and Member II appointed by the Governor on the recommendation of the commissioner;
- (c) One ex-officio member to represent the Ministry of Education in the State;
- (d) Three ex-officio members to represent the Local Government Councils on biennial rotational basis;
- (e) One representative each of –
 - (i) the Parents/Teachers Association in the State;
 - (ii) the State Wing of the Nigerian Union of Teachers;
 - (iii) the State women group to be appointed by the Governor;
 - (iv) the Federal Ministry of Education, Inspectorate Division;
 - (v) the State Ministry of Justice; and
 - (vi) the State Ministry of Finance.
- (f) The Secretary of the Board who shall be an experienced educationist, shall be appointed by the Governor on the recommendation of the Commissioner.

(2) The Chairman and Members of the Board who are not public officers shall be appointed by the Governor on the recommendation of the Commissioner.

5. The Chairman and other members of the Board other than ex-officio members shall hold office for a period of four (4) years and may be eligible for reappointment. .

6. There shall be paid out of the funds of the Board to each member, not 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 with-out prior permission;
- (b) has become bankrupt or made arrangement with his creditors with intention to deceive;
- (c) has been convicted for an offence involving or necessarily implying fraud or dishonesty;
- (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 terminate.

10. Where any member is temporarily incapacitated by illness or such other cause from performing the functions 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 proceedings of the Board shall be invalid by reason of any vacancy among its membership 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 such person 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 it shall hold at least four (4) meetings every year;
(2) At any meeting of the Board, the Chairman shall, if present, preside and in his absence, the members present shall choose one of the two permanent members 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 that notice and the Chairman shall thereupon convene a special meeting.

14. The quorum of the Board shall be six (6) members consisting of the Chairman and/five other members.

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

16. The Governor may give the Board directions of a 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.

Functions of Board.

18. The Board may, subject to the provisions of this Edict, make Standing Orders for the purpose of regulating its own procedure.

19. (1) The functions of the Board shall be–

- (a) Management of Primary Schools in the State;
- (b) Recruitment, appointment, promotion and discipline of teaching and non-teaching staff on Grade Level 07 and above;
- (c) Posting and deployment of staff, including interstate transfers;

- (d) Disbursement of funds provided to it from both Federal and State sources.
 - (e) Setting up an effective, functional supervisory unit;
 - (f) Retirement and re-absorption of teachers;
 - (g) Undertaking new capital projects;
 - (h) Responsibility for approval of training and retraining of teaching and non-teaching staff;
 - (i) Assessment and funding of salaries and allowances of teaching and non-teaching staff based on the Scheme of Service drawn up by the State Government;
 - (j) Ensuring that annual reports are rendered by Heads of Schools on teachers appointed to serve under them;
 - (k) Preparing testimonials and certificates of service for teaching and non-teaching staff whenever necessary;
 - (l) Dealing with leave matters including annual vacations;
 - (m) Ensuring annual auditing of accounts; and
 - (n) Performing such other functions as may be assigned to the Board by the Commissioner or National Primary Education Commission.
- (2) The Board shall establish and maintain a separate account into which shall be paid and credited all payments made to it.
- (3) There shall be disbursed from the fund all expenses relating to the management of primary education in the State.

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 grant-in-aid or donation that may be made or given by individuals or organisations, but without obligation 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 facility rendered or provided by the Board subject and in accordance with any regulations made in respect thereof by the Governor;
- (d) make standing orders not inconsistent with the provision of this Edict governing its own procedure and in particular with regard to the holding of meetings, the

custody, production and use of the common seal, opening; keeping, closing and auditing of accounts;

- (e) delegate the performance of any duty or exercise the power conferred upon the Board under the provisions of this Edict to a Committee composed entirely of members of the Board; provided that no act of any such committee shall have any effect unless rectified 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 facility provided by or under any arrangement with the Board; or
 - (c) to dispose of any immovable property.

PART III – STAFF, FUNCTIONS OF CHAIRMAN, SECRETARY AND PERMANENT MEMBERS OF THE BOARD

21. (1) The Board shall have power –

- (a) to appoint and promote such staff as it may determine from time to Board' time;
 - (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 Civil Service Rules.
- (3) All persons in the service of a Local Government Council who immediately before the coming into force of this Edict were employer) 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 by reason of his transfer to the Board; 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 in the service of the Board.
- (4) The Board may make all such other appointments as the Board may deem necessary for

carrying out the purpose of this Edict fully and effectively and determine salaries and other conditions of service of all 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 Civil Service Scheme for the time being in force.

22. (1) The Governor shall appoint an experienced educationist to be the Chairman of the Board.

(2) The Chairman 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) subject to the direction of the Board, be in charge of the general administration of the Board;
- (b) perform such other duties as may from time to time be assigned to him by the Board;
- (c) be responsible to the Board in the performance of his duties under this Edict.

(3) The functions of the two permanent Board members shall be –

(a) Member I –

- (i) acting alternatively for the Chairman with Member II in the absence of the Chairman;
- (ii) supervising at least two Directorates of the Board;
- (iii) assisting the Chairman in the day-to-day routine administration of the Board; and
- (iv) performing such other duties as may from time to time be assigned by the Board.

(b) Member II–

- (i) acting alternatively for the Chairman with Member I in the absence of the Chairman;
- (ii) supervising at least two Directorates of the Board;
- (iii) assisting the Chairman in the day-to-day routine administration of the Board; and
- (iv) performing such other duties as may from time to time be assigned by the Board.

(4) The functions of the Secretary shall include –

- (a) Taking minutes of Board and Committee meetings;
- (b) Taking attendance and maintaining checks at Board and Committee meetings;
- (c) Maintaining of Minute Books of the Board and Committee meetings and indexes of these minutes;
- (d) Preparation and compilation of annual calendar of dates for Board and Committee meetings and time table of events; and
- (f) Monitoring and follow-up actions on Board and Committee resolutions.

PART IV – FINANCIAL PROVISIONS

23. (1) The funds of the Board may include –

- (a) such sums as may from time to time be appropriated to it by the Federal, State and Local Government Councils;
- (b) the funds of the Board shall be disbursed as follows –
 - (i) 50% on the basis of equality of Local Government Education Authorities;
 - (ii) 30% on the basis of school enrolment; and
 - (iii) 20% to all educationally disadvantaged Local Government Councils in the State.

(2) the Board shall establish and maintain a fund separate from the National Fund from which shall be defrayed all expenditures incurred by the Board except such expenditure as may be incurred by it pursuant to Section 23 of this Edict.

(3) There shall be paid and credited to the said separate fund established, such payments as may be made to it by the Federal, State and Local Government Councils for the running expenses of the Board and all other assets accruing from time to time to the Board.

(4) The Board may from time to time apply the proceeds of the fund established in pursuance of Sub-section 23(2) of this Edict –

- (a) to the cost of administration of the Board;
- (b) .for reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorised by the Government;
- (c) to the payment of the salaries, fees or other remuneration or allowances and gratuities payable to the officers and staff of the Board, so however that payment of any kind under this paragraph (except as may be expressly authorised as aforesaid) shall not be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;

- (d) for the maintenance of any property vested in the Board; and
- (e) for and in connection with all or any of its functions under this Edict.

24. (1) The Board may operate an account with such banks as the Board may approve.

(2) The Board shall-

- (a) keep records of its transaction in each financial year, which accounts 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.

25. The Board may with the written approval of the Governor -

- (a) borrow money for the purpose of its functions;
- (b) invest money standing to its credit and not for the time being required for its functions in any viable venture, especially housing estates, as the Board may deem fit; and
- (c) provide provident, superannuation, welfare and other benefits for its employees and other dependents.

26. The Board shall, not later than 31st day of December 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.

PART V - ESTABLISHMENT OF LOCAL GOVERNMENT EDUCATION AUTHORITIES

27. There is hereby established for each Local Government Area a body to be known as the Local Government Education Authority which shall be subject to the control of the Board. .

28. (1) The Local Government Education Authority shall comprise -

- (a) a part- time Chairman who shall be a seasoned educationist and who shall be appointed by the Chairman of the Local Government Council;
- (b) a representative of the Ministry of Education in the area;
- (c) a representative of the Nigerian Union of Teachers;
- (d) a representative of the women group in the Local Government Area;
- (e) not more than two representatives of religious organizations in the Local

Government Area;

- (f) a representative of Parents/Teachers Association in the Local Government Area;
- (g) a traditional ruler or District Head;
- (h) two eminent persons, Who are normally/ordinarily domiciled in the Local Government Area and shall represent special interest and shall be appointed by the Chairman of the Local Government Council; and
- (i) the Executive Secretary, who shall be a seasoned educationist, shall be appointed by the Local Government Chairman.

(2) The Secretary shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for a further period of five years.

(3) The Chairman and Members of the Local Government Education Authority who are not public officers and were not specified in this Edict, shall be appointed by the Local Government Council Chairman on the recommendation of the bodies they represent.

29. (1) The functions of the Local Government Education Authority shall be-

- (a) the day-to-day administration of the Primary Schools in its area of jurisdiction;
- (b) the appointment, posting, transfer, promotion and discipline of teaching and non-teaching staff on Grade Level 01 to 06 in its area of jurisdiction;
- (c) making recommendation to the Board on promotion and discipline of teaching and non-teaching staff on Grade Level 07 and above in its area of jurisdiction;
- (d) collection of approved dues;
- (e) payment of salaries, allowances and other benefits to all teaching and non-teaching staff;
- (f) submission of annual estimates, annual accounts, and monthly returns to the Board;
- (g) acquisition and distribution of materials and equipment to all primary schools in its area of jurisdiction;
- (h) undertaking capital projects and general maintenance of primary school buildings and infrastructure; '
- (i) stimulating, promoting and encouraging communal participation in the running of primary schools in its area of jurisdiction;
- (j) taking all reasonable steps to ensure full enrolment and attendance in all primary schools in its area of jurisdiction;

- (k) payment for any land acquired for/educational development in its area of jurisdiction;
 - (l) supervising all District Education Committees in its area of jurisdiction.
 - (m) providing regular feedback to the Board on people's reaction to Government education measures in its area of jurisdiction;
 - (n) ensuring that annual reports are rendered to the Board on all activities of the Authority during the preceding year, especially on teaching and non-teaching staff in its area of jurisdiction;
 - (o) performing such other functions as may be delegated to it by the Board.
- (2) Each Local Government Education Authority shall establish and maintain a fund into which shall be paid and credited such payments as may be made to it by the National Commission through the Board.
- (3) There shall be disbursed from the fund all expenses relating to the management of primary school education in the Local Government Area.

30. The Local Government Education Authority shall meet at such times and places as it may from time to time determine.

PART VI – ESTABLISHMENT OF DISTRICT EDUCATION COMMITTEES

31. There is hereby established at every District level, a Committee to be known as the District Education Advisory Committee.

32. Every District Education Committee shall consist of –

- (a) the District Head who shall be the Chairman;
- (b) two religious leaders in the District;
- (c) a representative of Parents/Teachers 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) a representative of women group in the District;
- (h) a representative of the business community; and
- (i) a Headmaster who shall be the Secretary of the Committee.

33. The District Education Committee shall, subject to the control of Local Government Education Authority of its Local Government Area, have the responsibility for –
- (a) recommending to the Local Government Education Authority –
 - (i) necessary repairs and renovations to Primary school buildings in the District;
 - (ii) the adequacy of teaching and non-teaching staff; and
 - (iii) adequacy of teaching equipment and materials required for the District;
 - (b) promoting and encouraging communal interest and participation in the running of primary education in the District;
 - (c) ensuring good enrolment and full attendance in all primary schools in the District;
 - (d) keeping the Local Government Education Authority informed of all educational problems in the District; and
 - (e) performing such other functions as the Local Government Education Authority may from time to time assign to it.
34. A District Committee shall meet at such times and places as the District Committee may from time to time determine.,

PART VII – ESTABLISHMENT OF VILLAGE EDUCATION ADVISORY COMMITTEE

35. There is hereby established at the Village level a Committee to be known as the Village Education Advisory Committee.
36. A Village Committee shall be composed of the following –
- (a) the Village Head as the Chairman;
 - (b) two religious leaders;
 - (c) Headmaster of a school in the village;
 - (d) a representative of women group in the village;
 - (e) a school teacher, who shall be the Secretary to the Committee.
37. A Village Committee shall perform the following functions –
- (a) to promote and sustain communal interest and participation in the running of

primary education in the village;

- (b) to ensure good enrolment and full attendance in all the schools in the village;
- (c) to identify requirements of schools in the village and make recommendations to the District Committee; and
- (d) to perform such other functions as may be assigned to it by the District Committee.

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

PART VIII – MISCELLANEOUS PROVISIONS

39. (1) The Commissioner or any person authorised 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, registered other documents.

(2) Pursuant to the provisions of this Edict, 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.

40. Subject to the provisions 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 Edict, 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.

41. 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 provisions of this Edict.
- (b) for securing the proper, efficient and economic maintenance, organisation and operation of the institutions under control of the Board, / and or 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 these 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; and
- (h) generally for the purpose of carrying into effect the provisions of this Edict.

Made at Yola this 8th day of December, 1994

POLICE COMMISSIONER MUSTAPHA ISMAIL

*Military Administrator,
Adamawa State of Nigeria.*

EXPLANATORY NOTE

(This Note does not form part of this Edict and has no legal effect, but it is intended to explain its purpose).

The purpose of this Edict is to establish the Adamawa State Primary Education Board, that is charged with the responsibility of controlling and managing all Government Primary Schools in the State.