

REGULATION OF EDUCATIONAL OPPORTUNITIES IN NIGERIA: GIANT LEAPS AND GRAVE LAPSES*

Abstract

Nigeria, like many other developing countries faces significant challenges in ensuring that all of its citizens have access to quality education. The regulation of educational opportunities in Nigeria presents a complex landscape with both commendable achievements and critical challenges. This paper explores the multi-faceted nature of educational regulation in Nigeria, focusing on the giant leaps made in certain areas while acknowledging the grave lapses that demand urgent attention. This paper examines the legal framework for the regulation of education in Nigeria, including education regulatory bodies such as the National Universities Commission (NUC) and the Council of Legal Education. These bodies play a pivotal role in setting standards, ensuring quality, and promoting access to education. However, despite notable advancements, the Nigerian education system faces significant challenges, such as inadequate funding, insufficient educational resources, lack of qualified teachers, regional disparities, and socio-economic barriers. In order to gain a broader perspective and identify potential strategies for improvement, a comparative analysis was conducted between Nigeria and the United States. During the course of this work, the researcher adopted the doctrinal approach making use of articles, newspaper publications, statutes etc. Overall, the paper argues that Nigeria has made significant strides in expanding access to education in recent years, but that much more needs to be done to ensure that all Nigerians have the opportunity to access quality education. It suggests that a multi-stakeholder approach that involves the government, private sector, and civil society organizations will be key to achieving this goal. It concludes by emphasizing the need to prioritize policies and strategies to address key areas in education.

Keywords: Regulation, Educational opportunities, Giant leaps, Education, Access, Quality

1. Introduction

Nigeria is a country in West Africa with a population of over 200 million people, making it the most populous country in Africa and the seventh most populous country in the world¹. Education in Nigeria is under chapter two of the Nigerian constitution, that is, under directive principles of state policy in the guiding the government's policies.² It emphasizes equal and adequate educational opportunities for all Nigerians, reflecting its importance for personal development and nation-building. However, implementation depends on government actions, legislation, resources, and other factors. The government has made efforts to provide access to education for all its citizens, but there are still significant challenges to be addressed in ensuring that education is of high quality and accessible to all. The education system in Nigeria is structured into three tiers: primary, secondary, and tertiary education respectively. Primary education lasts for six years, while secondary education lasts for six years, divided into three years of junior secondary school and three years of senior secondary school.³ Tertiary education includes universities, polytechnics, and colleges of education, and typically lasts for four to six years depending on the programme of study.⁴

Despite the efforts made by the Nigerian government to improve access to education, there are still significant gaps in educational attainment and access to quality education in the country. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), Nigeria has the highest number of out-of-school children in the world, with an estimated 20.2 million children out of school in September 2022.⁵ In addition, there are significant disparities in educational access and attainment based on gender, geographic location, and socio-economic status. One of the key challenges facing the Nigerian education system is inadequate funding. The country has struggled to allocate sufficient resources to education, with education spending accounting for only about 7% of the national budget in 2019.⁶ This has led to a shortage of resources, including classrooms, teaching materials, and qualified teachers. In addition, many schools in Nigeria are in a state of disrepair, lacking basic facilities such as electricity, water, and sanitation.

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¹ Blake Angell and others, 'Population Health Outcomes in Nigeria Compared with Other West African Countries, 1998–2019: A Systematic Analysis for the Global Burden of Disease Study' (2022) 399 (10330) *The Lancet* 1117 <<https://www.sciencedirect.com/science/article/pii/S0140673621027227>> accessed 1 June 2023.

² Constitution of the Federal Republic of Nigeria 1999 (as amended), s 18(3).

³ Ogunode Jacob & A Lydia, 'Impact of COVID-19 on the Higher Institutions Development in Nigeria' (2020) 2(2) *Electronic Research Journal of Social Sciences and Humanities* 127.

⁴ *Ibid.*

⁵ United Nations Educational, Scientific and Cultural Organization, '244M Children Won't Start the New School Year (UNESCO)' (*Unesco.org*2022) <<https://www.unesco.org/en/articles/244m-children-wont-start-new-school-year-unesco?hub=701>> accessed 14 June 2023.

⁶ Doris Dokua Sasu, 'Nigeria: Expenditure on Education' (*Statista*2022) <<https://www.statista.com/statistics/1130218/expenditure-on-education-in-nigeria/>> accessed 1 June 2023.

Another challenge facing the Nigerian education system is the quality of teaching and learning. The quality of education in Nigeria has been a source of concern, with low student performance on standardized tests and high levels of student dropout rates.⁷ In addition, there are concerns about the quality of teacher training and professional development, with many teachers lacking the necessary skills and knowledge to effectively teach their students. In recent years, there have been various policy initiatives aimed at improving access to education, enhancing the quality of teaching and learning, and ensuring that education is more responsive to the needs of the economy and society. One notable policy initiative is the Universal Basic Education (UBE) programme, which was introduced in 1999 and seeks to provide nine years of free and compulsory education for all Nigerian children.⁸ The UBE programme has helped to increase school enrolment and reduce the number of out-of-school children in Nigeria, but there are still significant gaps in educational access and attainment. Another important policy initiative is the establishment of specialized schools and institutions aimed at providing vocational and technical education. These schools aim to provide students with practical skills that are relevant to the needs of the Nigerian economy and society. However, there are still challenges in ensuring that these institutions are adequately resourced and that the curriculum is responsive to the needs of employers and industry. In lieu of the above, this paper seeks to provide a comprehensive examination of the regulatory landscape, shedding light on the giant leaps made in certain areas while addressing the grave lapses that demand urgent attention.

2. National Policy on Education in Nigeria

The National Policy on Education is a crucial policy document that serves as a roadmap for the advancement of education in Nigeria.⁹ It provides a comprehensive framework that outlines the government's goals, objectives, and strategies for the development of the education sector. One of the primary objectives of the policy is to ensure the provision of quality education across all levels.¹⁰ This includes promoting effective teaching and learning methodologies, enhancing educational infrastructure, and improving the overall learning environment. The policy recognizes that quality education is essential for empowering individuals, fostering intellectual growth, and preparing students for future challenges. Another important aspect of the National Policy on Education is its focus on promoting national unity.¹¹ Education is seen as a powerful tool for promoting social cohesion, cultural understanding, and national identity. The policy encourages the inclusion of diverse cultural perspectives, history, and values in the curriculum to foster a sense of unity and shared national consciousness among students. Furthermore, the policy highlights the importance of developing an educated and skilled workforce to drive national development. It emphasizes the need to align education with the demands of the labour market and the economy. Strategies outlined in the policy include the provision of vocational and technical education, entrepreneurship training, and career guidance to equip students with the necessary skills for employment and entrepreneurship. To achieve its objectives, the National Policy on Education emphasizes the importance of teacher training and professional development. It recognizes the pivotal role of teachers in delivering quality education and advocates for continuous professional development programmes to enhance their skills, knowledge, and teaching methodologies. Additionally, the policy emphasizes the need for equitable access to education, irrespective of gender, socio-economic background, or geographical location. The National Policy on Education also highlights the establishment of quality assurance mechanisms to monitor and evaluate the performance of educational institutions. It encourages the implementation of standardized curricula, assessment methods, and evaluation systems to ensure consistency and improve the overall quality of education.

3. The Legal Framework for the Regulation of Education in Nigeria

The following laws which are integral to the extensive legal framework for regulating education in Nigeria will be examined below.

Universal Basic Education Act

The Nigerian Universal Basic Education Act of 2004 was enacted to provide for free, compulsory, and universal basic education for every child in Nigeria.¹² As a pivotal legislation in the regulation of education in Nigeria, its primary objective is to ensure that every Nigerian child aged six to fifteen receives free and quality basic education.¹³ The Act establishes the Universal Basic Education Commission¹⁴ (UBEC), which will coordinate the programme's

⁷ Evans Austin Brew, Benjamin Nketiah & Richard Koranteng, 'A Literature Review of Academic Performance, an Insight into Factors and Their Influences on Academic Outcomes of Students at Senior High Schools' (2021) 8(6) *Open Access Library Journal* 4 <<https://www.scirp.org/journal/paperinformation.aspx?paperid=109636>> accessed 1 June 2023.

⁸ Joseph Maina Musa & Joshua Isa, 'Philosophical Assessment of Liberal Education and the Actualization of Free and Compulsory Basic Education in Nigeria' (2018) 2 *KIU Journal of Humanities* 141 <<https://ijhumas.com/ojs/index.php/kiuhums/article/view/166>> accessed 1 June 2023.

⁹ National Policy on Education, Federal Government of Nigeria, 2004.

¹⁰ *Ibid.*, s. 8 and s. 9.

¹¹ *Ibid.*, s. 1, s. 5 and s. 8.

¹² Compulsory, Free Universal Basic Education Act 2004, Repeal of Cap. 271 LFN 1990.

¹³ Universal Basic Education Act 2004, s. 2.

¹⁴ *Ibid.*, s. 7.

implementation at the state and local levels through the Local Government Education Authorities¹⁵ (LGEAs) and State Universal Basic Education Boards¹⁶ (SUBEBs) of each state. According to section 2 of the Act, the UBE Commission is responsible for the provision and maintenance of basic education facilities, including schools, classrooms, libraries, and instructional materials. The Commission is also responsible for the training and professional development of teachers, as well as the promotion of adult literacy and non-formal education programmes. The UBE Act is an important step towards providing universal access to basic education in Nigeria, but there are still significant challenges in implementing the Act, particularly in terms of funding and quality assurance. While the Act mandates that the government provide funding for basic education, in reality, there are still significant funding gaps in the education sector, with many schools lacking basic resources such as textbooks and teaching materials.¹⁷ To address this issue, the government has sought to increase investment in education through initiatives such as the Education Trust Fund and the Tertiary Education Trust Fund, as well as through partnerships with international organizations such as the World Bank.

Education Tax Act

The Education Tax Act¹⁸ is a significant legislation that aims to support and enhance the educational sector in Nigeria.¹⁹ The fundamental objective of the Education Tax Act is to facilitate funding for the advancement and enhancement of educational infrastructure, research endeavours, and related initiatives throughout Nigeria.²⁰ By imposing a tax on eligible companies, the act strives to generate resources dedicated to the development of the educational sector. Under the provisions of the Act, eligible companies are required to remit 2% (two percentage) of their assessable profits as an education tax.²¹ The precise rate is determined by the Federal Inland Revenue Service (FIRS), allowing for flexibility and responsiveness to the evolving needs of the educational sector.²² The education tax encompasses incorporated entities engaged in various trade or business activities within Nigeria. Calculations for the education tax are based on the assessable profits of the company, determined in accordance with the guidelines set forth in the Companies Income Tax Act (CITA) or the Petroleum Profits Tax Act.²³ This ensures that the tax is levied fairly and in line with established principles of taxation. The legislation sets up a financial resource referred to as the "Education Fund," which is dedicated to the revitalization, recovery, and strengthening of the education sector in Nigeria.²⁴ The management of this fund is entrusted to the Board of Trustees established in accordance with the provisions outlined in section 4 of the Act. Additionally, proceeds from the education tax are specifically allocated to the Tertiary Education Trust Fund (TETFund), an agency responsible for disbursing funds to public tertiary educational institutions across Nigeria.²⁵ The allocated funds play a pivotal role in supporting various aspects of these institutions, including research initiatives, infrastructure development, staff training, and other educational programmes. The Education Tax Act encompasses mechanisms for the assessment, collection, and enforcement of the education tax. The act empowers the FIRS with the authority to assess and collect the tax,²⁶ while also outlining penalties and sanctions for non-compliance with its provisions.²⁷ This ensures the effective administration of the tax and encourages compliance from eligible companies.

Tertiary Education Trust Fund Act

The Tertiary Education Trust Fund Act²⁸ is a legislation enacted in Nigeria to provide funding and support for the development of tertiary education in the country. Its primary objective is to enhance the quality of teaching and learning, infrastructure development, research, and staff training in public tertiary educational institutions. The Act establishes the Tertiary Education Trust Fund (TETFund) as a body corporate with perpetual succession and a common seal.²⁹ TETFund is responsible for receiving and managing education tax levied on eligible companies, as well as other funds allocated or donated for the advancement of tertiary education.³⁰ According to section 1(2) of the Act, eligible companies are obligated to pay an education tax equivalent to 2% of their assessable profits to

¹⁵ *Ibid*, s. 13.

¹⁶ *Ibid*, s. 12.

¹⁷ Ogunode Jacob and A Lydia (n 3), 9.

¹⁸ Education Tax Act, CAP E4 Laws of the Federation, 2004.

¹⁹ *Ibid*.

²⁰ *Ibid.*, s. 1(1).

²¹ *Ibid.*, s. 1(2).

²² *Ibid.*, s. 2.

²³ *Ibid.*, s. 1(3).

²⁴ *Ibid.*, s. 3(1).

²⁵ J.A. Osaigbovo & J. A. Ikediashi, 'Challenges Confronting the Implementation of Tertiary Education Trust Fund (TETFund) In Nigerian Educational System: The Way Forward' (2022) 12(1) *African Education Indices*, 2.

²⁶ Education Tax Act, s. 6(a).

²⁷ *Ibid.*, s. 10.

²⁸ Tertiary Trust Fund Act, 2011.

²⁹ *Ibid.*, s. 3.

³⁰ *Ibid*.

TETFund.³¹ However, recent provisions in the Finance Act 2021 have revised the rate of the tertiary education tax for companies registered in Nigeria to 2.5%. The tax is collected by the Federal Inland Revenue Service (FIRS) and remitted to TETFund for disbursement.³²

TETFund utilizes the funds generated through the education tax and other sources to support public tertiary educational institutions in Nigeria. These funds are allocated for various purposes, including research grants, infrastructure development, library development, academic staff training and development, and other educational initiatives. To ensure effective administration and management of the funds, the act establishes a Board of Trustees for TETFund.³³ The board is responsible for the overall governance and disbursement of funds.³⁴ It consists of representatives from relevant government agencies, tertiary institutions, professional bodies, and the private sector.³⁵

National Universities Commission Act

The National Universities Commission³⁶ (NUC) Act is an important piece of legislation in Nigeria that governs the establishment, regulation, and accreditation of universities in the country. The act provides a legal framework for the functions, powers, and responsibilities of the National Universities Commission (NUC), which is the regulatory body for university education in Nigeria. The NUC is a regulatory body responsible for overseeing and coordinating the activities of universities in Nigeria.³⁷ It was established in 1962 as an advisory agency and was later granted regulatory powers in 1974.³⁸ The NUC is responsible for the accreditation and quality assurance of all university-level institutions in Nigeria.³⁹ One of the key functions of the NUC is to develop a set of guidelines and standards for the accreditation of universities, which includes criteria such as the availability of qualified academic staff, the provision of adequate facilities and resources, and the establishment of a sound academic system.⁴⁰ Before a programme can be offered, it must be reviewed and approved by the NUC to ensure that it meets the required standards in terms of curriculum, faculty qualifications, and facilities. The NUC also conducts periodic evaluations and assessments to monitor the quality and relevance of programmes offered by universities.⁴¹ The Commission is also responsible for the coordination and funding of research activities in Nigerian universities. It promotes research collaboration among universities, encourages innovation, and provides grants and funding opportunities for research projects. Additionally, the NUC encourages the dissemination of research findings and supports efforts to commercialize research outcomes for the benefit of society. The NUC collaborates with other regulatory bodies, government agencies, and stakeholders in the education sector to ensure the effective regulation and development of universities. It engages in policy formulation and provides advice to the government on matters relating to higher education.

National Board for Technical Education Act

The National Board for Technical Education Act⁴² (NBTE Act) is a significant legislation in Nigeria that establishes and provides a legal framework for the National Board for Technical Education (NBTE).⁴³ The NBTE is responsible for the regulation, accreditation, and promotion of technical and vocational education and training (TVET) institutions in the country. It ensures quality standards, curriculum development, and the overall advancement of technical education.⁴⁴ The Act establishes the NBTE as a statutory body and outlines its composition, which includes a Chairman, members representing various stakeholders such as government bodies, educational institutions, industry experts, and professional bodies.⁴⁵ The Act specifies the functions of the NBTE, which include the formulation and review of policies, guidelines, and standards for technical education in Nigeria.⁴⁶ It also covers the accreditation and approval of technical institutions, programme development, quality assurance, research, and fostering cooperation with relevant stakeholders. The NBTE Act empowers the NBTE to accredit and approve technical institutions and programmes offered by these institutions. It sets out the criteria and procedures for accreditation, ensuring compliance with established standards and guidelines. The Act emphasizes the need for collaboration and cooperation between

³¹ *Ibid.*, s. 1(2).

³² *Ibid.*, s. 2.

³³ *Ibid.* s. 4.

³⁴ *Ibid.*, s. 6.

³⁵ *Ibid.*, s. 4.

³⁶ National Universities Commission Act CAP. N81 Laws of the Federation of Nigeria, 2004.

³⁷ N Okoroma, 'The Supervisory Role of the National Universities Commission and the Management of Universities in the South-South Zone of Nigeria' (2007) 30 *Educational Research Quarterly*, 34-58.

³⁸ *Ibid.*

³⁹ 'ABOUT US | National Universities Commission' (*National Universities Commission*) <<https://www.nuc.edu.ng/about-us/>> accessed 2 June 2023.

⁴⁰ NUC Act, s. 4.

⁴¹ *Ibid.*

⁴² Established by the National Board for Technical Education Act CAP. N9 Laws of the Federation of Nigeria, 2004.

⁴³ NBTE Act, s. 1.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.* s. 2.

⁴⁶ *Ibid.*, s. 3.

the NBTE and other educational bodies, government agencies, industry, and professional associations to enhance the quality and relevance of technical education.

4. Regulating University Education: The Case of Legal Education and Faculty of Law

Legal education in Nigeria encompasses both the academic and professional aspects, with the former being conducted in law faculties within universities and the latter being provided by the Nigerian Law School.⁴⁷ This section delves into the regulatory landscape of Nigerian university education, focusing on legal education and the faculties of law, shedding light on the successes as well as the areas that require urgent improvement.

Nigerian Law School: Upholding Professional Standards

The Nigerian Law School (NLS) is a key institution that upholds professional standards in legal education in Nigeria. It plays a crucial role in preparing law graduates for the legal profession through comprehensive training and examinations. The NLS is governed by the Council of Legal Education, ensuring the maintenance of high standards in legal education.⁴⁸ To uphold professional standards, the NLS implements a rigorous admission process. Prospective candidates must possess a law degree from a recognized university and meet specific academic requirements.⁴⁹ This stringent selection process ensures that only qualified individuals with a solid foundation in legal knowledge are admitted to the NLS. The Bar Final Examinations conducted by the NLS serve as a comprehensive assessment of the knowledge and skills acquired by aspiring legal professionals during their legal education.⁵⁰ These examinations cover various areas of law, including substantive law, professional ethics, and legal practice skills. By evaluating students' capabilities, the NLS ensures that graduates meet the required standards for legal practice. In order to equip law graduates with the necessary skills and competencies for legal practice, the NLS provides practical legal training.⁵¹ This training includes activities such as moot court sessions, legal clinics, and courtroom simulations. By incorporating practical elements into the training, the NLS ensures that graduates have a practical understanding of legal principles and are well-prepared for the challenges they may face in the legal profession. Upholding professional standards also involves instilling a strong sense of ethics and professional conduct in law graduates. The NLS places significant emphasis on teaching ethics and professional responsibility, aiming to ensure that future legal professionals adhere to the highest ethical standards.⁵² By fostering ethical behaviour, the NLS contributes to maintaining the integrity and credibility of the legal profession in Nigeria. To ensure the relevance and effectiveness of legal education, the NLS collaborates with legal practitioners and experts in the field. This collaboration allows for the incorporation of real-world experiences and practical insights into the curriculum, ensuring that graduates are well-prepared to address the challenges of legal practice. Additionally, it helps align legal education with the evolving needs of the legal profession, equipping graduates with the necessary skills and knowledge to succeed in their careers.

National Universities Commission (NUC): Setting the Bar

The NUC plays a crucial role in regulating university education across Nigeria. It serves as the principal regulatory body, tasked with establishing guidelines and standards for the establishment and operation of universities.⁵³ In collaboration with the Council of Legal Education, the NUC evaluates and accredits law programs offered by universities, ensuring they meet the requisite benchmarks.⁵⁴ By evaluating factors such as faculty qualifications, curriculum, infrastructure, and library resources, accreditation guarantees the delivery of quality legal education. However, periodic re-evaluation and enforcement of compliance remain crucial for maintaining these standards.

Curriculum Development: Aligning Legal Education

To adapt to the evolving legal landscape, the NUC and the Council of Legal Education collaborate to develop a comprehensive curriculum for legal education.⁵⁵ The curriculum encompasses foundational legal principles, substantive areas of law, legal skills, ethics, and professional responsibility. Regular review and updates enable

⁴⁷ NJ Madubuike-Ekwe, 'Challenges and Prospects of Legal Education in Nigeria: An Overview' (2017) 8(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 128.

⁴⁸ Section 1(1) of the Legal Education (Consolidation, etc.) Act, Cap L10, LFN 2004.

⁴⁹ Nasiru Tijani and Gbemi Odusote, 'Accreditation of Law Programmes in Nigeria: A Case for Review' (2022) 5(4) *International Journal of Law and Society* 351.

⁵⁰ JO Fabunmi & AO Popoola, 'Legal Education in Nigeria: Problems and Prospects' (1990) 23(1) *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America* 34.

⁵¹ *Ibid.*

⁵² Joe-Kyari Gadzama, 'Ethics of the Legal Profession for Aspirants to the Nigerian Bar' (Being the Text of the Lecture Delivered at the 1st Special Guest Lecture Series of Baze University on Tuesday, September 25, 2018) <<https://jkgadzamallp.com/images/Newsletters/ETHICS%20OF%20THE%20LEGAL%20PROFESSION%20FOR%20ASPIRANTS%20TO%20THE%20NIGERIAN%20BAR.pdf>> accessed 17 June 2023.

⁵³ Section 4(b) (iii) of the National Universities Act, Cap N81 LFN 2004; Section 10 of the Education (National Minimum Standards, Etc.) Act, Cap E3, LFN 2004.

⁵⁴ Nasiru Tijani & Gbemi Odusote (n 49) 350; See also *NUC v Alli and Anor* (2013) LPELR-21444 (CA); (2014) 3 NWLR (pt. 1393) 33.

⁵⁵ *Ibid.*

Nigerian law programmes to remain relevant and prepare students for the complexities of legal practice. Despite the commendable efforts in regulating legal education, grave lapses persist. Inadequate funding for law faculties, limited infrastructure and resources, scarcity of qualified faculty members, and the need to incorporate emerging areas of law pose significant challenges. Concerted efforts, such as increased funding, infrastructure development, and capacity building, are imperative to address these issues and elevate the quality of legal education in Nigeria.

5. Promoting Access to Education in Nigeria: Roles of Stakeholders

Access to education in Nigeria remains a significant challenge, particularly in the northern part of the country where poverty rates are high and security concerns have disrupted educational activities. Addressing this challenge requires concerted efforts from a wide range of stakeholders, including the government, civil society organizations, the private sector, and individuals. This is discussed thus:

- i. **The Government:** The Nigerian government has a critical role to play in promoting access to education in the country. This includes providing funding for education, developing policies and programmes to improve access to education, and ensuring that educational institutions are equipped with the resources and infrastructure they need to provide quality education. The government can also work to improve the quality of teacher training and professional development to ensure that educators are equipped with the skills and knowledge they need to effectively teach students.
- ii. **Civil Society Organizations:** Civil society organizations (CSOs) can play an important role in promoting access to education in Nigeria. They can work to raise awareness about the importance of education, particularly in marginalized communities, and advocate for policies and programmes that promote access to education. CSOs can also provide support to families and communities to ensure that children are enrolled and remain in school, and provide education and training opportunities for adults who may have missed out on formal education. Examples of such organizations include the Civil Society Action Coalition on Education for All (CSACEFA) and Education as a Vaccine (EVA).
- iii. **Private Sector:** The private sector can also contribute to promoting access to education in Nigeria. Private companies can provide funding for education programmes and support initiatives that promote access to education, particularly in underserved areas. Private companies can also provide training and employment opportunities for graduates of vocational and technical schools, helping to bridge the gap between education and employment.
- iv. **Individuals:** Individuals can also play a role in promoting access to education in Nigeria. Parents and guardians can ensure that their children are enrolled and remain in school, and provide support to their children to ensure that they are successful in their educational endeavours. Individuals can also volunteer in their communities to provide educational support and mentoring to children and adults who may be struggling with education.

Overall, promoting access to education in Nigeria requires a collective effort from a wide range of stakeholders. By working together, stakeholders can help to ensure that all Nigerians have access to high-quality education and the opportunity to reach their full potential.

6. Improving the Quality of Teaching and Learning in Nigerian Education

Improving the quality of teaching and learning is crucial for promoting better educational outcomes in Nigeria. In this section, we will discuss some strategies that can be used to improve the quality of teaching and learning in Nigerian education.

Professional development for teachers: Teachers are a key factor in improving the quality of teaching and learning in Nigerian education. Providing professional development opportunities for teachers is supported by the provisions of the Teachers Registration Council of Nigeria Act.⁵⁶ This ensures that teachers are equipped with the necessary skills and knowledge to effectively teach students. Professional development programs can include training on new teaching methodologies, subject-specific content knowledge, and classroom management strategies.

Curriculum development: Developing a relevant and up-to-date curriculum is essential for improving the quality of teaching and learning. Curriculum development should adhere to the guidelines set forth in the Nigerian Educational Research and Development Council (NERDC) Act.⁵⁷ This includes considering the needs of students, the demands of the job market, and the broader economic and social context. Curriculum development should also align with international best practices and standards.

Technology integration: The use of technology in teaching and learning is encouraged by the provisions of the National Information Technology Development Agency (NITDA) Act.⁵⁸ Technology can be leveraged to deliver

⁵⁶ Teachers Registration Council of Nigeria Act, CAP. T3 Laws of the Federation of Nigeria, 2004.

⁵⁷ Nigerian Educational Research and Development Council (NERDC) Act, CAP. N105 Laws of the Federation of Nigeria, 2004.

⁵⁸ National Information Technology Development Agency (NITDA) Act, 2007 NO. 28 ACT 2007.

content in innovative and engaging ways, provide access to resources and information, and facilitate communication and collaboration among students and teachers. The integration of technology in education should follow best practices and consider the unique challenges and opportunities of the Nigerian context.

Assessment and evaluation: Effective assessment and evaluation practices are important for improving the quality of teaching and learning. Assessments should be aligned with the curriculum and designed to measure student learning outcomes, in accordance with the Nigerian Educational Research and Development Council (NERDC) Act. Teachers should be provided with training and support to effectively use assessments to guide instruction and provide feedback to students.

Community involvement: Community involvement is vital for improving the quality of teaching and learning in Nigerian education, as emphasized in the provisions of the Education Tax Fund Act. Parents and community members can provide support to schools, advocate for quality education, and participate in school governance. Schools can also collaborate with local businesses and organizations to provide real-world learning opportunities for students, fostering community engagement in line with the Education Tax Fund Act.

Overall, improving the quality of teaching and learning in Nigerian education requires a multi-faceted approach that involves the government, educators, parents, and the broader community. By working together and abiding by the relevant Nigerian laws and regulations, stakeholders can ensure that Nigerian students receive a high-quality education that prepares them for success in the future.

7. Responding to the Needs of the Nigerian Economy and Society

Education is a critical tool for responding to the needs of the Nigerian economy and society. Some strategies that can be used to ensure that Nigerian education is responsive to the needs of the economy and society includes the following:

Aligning education with economic needs: Nigerian education should be aligned with the needs of the economy. This can be achieved by developing curricula that prepare students for the demands of the job market, and by providing training and support to educators to ensure that they can effectively teach these skills.⁵⁹

Fostering entrepreneurship: Entrepreneurship is a critical driver of economic growth in Nigeria. Nigerian education should therefore foster an entrepreneurial mind-set and provide opportunities for students to develop their entrepreneurial skills.⁶⁰ This can be achieved through entrepreneurship education and by providing access to resources and support for starting and running businesses.

Encouraging innovation: Innovation is key to responding to the challenges facing Nigerian society. Nigerian education should therefore encourage innovation by providing opportunities for students to develop their creativity and problem-solving skills.⁶¹ This can be achieved through project-based learning, design thinking, and other innovative teaching methodologies.⁶²

Promoting social cohesion: Education can play a key role in promoting social cohesion in Nigeria. Nigerian education should therefore promote values such as respect, tolerance, and inclusion.⁶³ This can be achieved through the development of a values-based curriculum and through activities that promote intercultural dialogue and understanding.⁶⁴

Developing digital skills: Digital skills are increasingly important in the modern economy. Nigerian education should therefore provide opportunities for students to develop their digital skills, including coding, digital literacy, and online

⁵⁹ U.C. Okolie, H. E. Nwosu & S. Mlanga, 'Graduate Employability: How the Higher Education Institutions Can Meet the Demand of the Labour Market' (2019) 9(4) *Higher Education, Skills and Work-Based Learning*.

⁶⁰ Adeniyi Olarewaju, 'Entrepreneurship Education and Student Entrepreneurial Mindset: A Study of Students in Federal Government Tertiary Institutions in Lagos, Nigeria' (*Social Science Research Network* 30 April 2019) <<https://ssrn.com/abstract=3627664>> accessed 6 June 2023.

⁶¹ U.C. Okolie and others, 'Entrepreneurial Competencies of Undergraduate Students: The Case of Universities in Nigeria' (2021) 19 *The International Journal of Management Education* 100452 <<https://www.sciencedirect.com/science/article/pii/S147281172100001X>> accessed 6 June 2023.

⁶² Abid Haleem and others, 'Understanding the Role of Digital Technologies in Education: A Review' (2022) 3 *Sustainable Operations and Computers* 275 <<https://www.sciencedirect.com/science/article/pii/S2666412722000137>> accessed 6 June 2023.

⁶³ Hasan Aydin, 'Educational Reform in Nigeria: The Case of Multicultural Education for Peace, Love, and Tolerance' (2013) 33(1) *South African Journal of Education* 1.

⁶⁴ Ravichandran Moorthy and others, 'Sustainable Societal Peace through the Integration of Bioethics Principles and Value-Based Education' (2021) 13(6) *Sustainability* 3266 <<https://doi.org/10.3390/su13063266>> accessed 6 June 2023.

collaboration. This can be achieved through the integration of technology in education and through partnerships with the private sector to provide access to technology and digital resources.

By responding to the needs of the Nigerian economy and society, education can play a key role in driving economic growth, promoting social development, and preparing students for success in the future.

8. Grave Lapses: Persistent Challenges

Despite the commendable achievements in expanding educational opportunities in Nigeria, the education system continues to grapple with persistent challenges and grave lapses. These issues pose significant obstacles to the realization of an inclusive and high-quality education system for all Nigerians. This section highlights some of the key challenges that persist within the regulatory framework of educational opportunities in Nigeria.

- i. **Inadequate funding:** One of the persistent challenges in Nigeria's education system is inadequate funding, which hampers the growth and development of the sector. Insufficient financial resources limit the government's ability to invest in infrastructure, instructional materials, teacher training, and other essential components of quality education. According to the United Nations Development Programme (UNDP), Nigeria's education sector has been grappling with low funding levels, with the country spending less than the recommended 26% of the national budget on education.⁶⁵ This lack of financial investment negatively affects the quality of education and hinders the implementation of necessary reforms.
- ii. **Insufficient resources:** Insufficient resources, including textbooks, learning materials, and technological tools, create significant barriers to effective teaching and learning in Nigeria. Many schools, particularly those in rural areas and underserved communities, lack the necessary resources to provide a conducive learning environment. A substantial number of schools in Nigeria lack basic learning materials, such as textbooks, science laboratory equipment, and computers.⁶⁶ This shortage limits students' access to quality education and hinders their ability to acquire necessary knowledge and skills.
- iii. **Shortage of qualified teachers:** A critical challenge in Nigeria's education system is the shortage of qualified and trained teachers. The inadequate number of qualified teachers, especially in remote and rural areas, affects the quality of education and student learning outcomes. According to the National Policy on Education, Nigeria faces a significant shortage of qualified teachers, particularly in subjects such as mathematics, science, and special education.⁶⁷ This shortage results in larger class sizes, reduced individual attention, and lower quality of instruction.
- iv. **Regional disparities:** Regional disparities in educational opportunities pose a considerable challenge to achieving educational equity in Nigeria. Disparities exist in terms of infrastructure, teacher quality, curriculum availability, and access to educational resources between urban and rural areas, as well as across different states and regions. There are significant variations in educational outcomes across different states in Nigeria, with some regions having higher enrolment rates and better learning outcomes than others.⁶⁸ These disparities perpetuate educational inequalities and hinder social mobility.
- v. **Socio-economic barriers:** Socioeconomic barriers present challenges to accessing education in Nigeria. Poverty, child labour, early marriage, and cultural factors contribute to low enrolment rates and high dropout rates, particularly among vulnerable and marginalized groups. For instance, children from low-income households are more likely to face barriers to accessing education in Nigeria.⁶⁹ Poverty often leads to the inability to afford school fees, uniforms, and other related expenses, forcing many children to forgo education. Additionally, cultural norms and practices, such as early marriage, disproportionately affect girls' education. Addressing socioeconomic barriers requires comprehensive interventions that tackle poverty, promote gender equality, and create supportive environments for learning. It involves implementing targeted policies and programs that provide financial support, scholarships, and incentives for vulnerable populations to ensure their access and retention in the education system.

9. Comparative Analysis between the United States and Nigeria

The above will be discussed under the following sub-heads as follows:

Legal Framework

In the United States, the legal framework for the regulation of educational opportunities primarily rests on federal laws and regulations, as well as state-level statutes. One of the key federal laws is the Higher Education Act⁷⁰ (HEA)

⁶⁵ Samuel O Ekaette, Valentine Joseph Owan & DI Agbo, 'External Debts and the Financing of Education in Nigeria from 1988–2018: Implication for Effective Educational Management' (*Social Science Research Network* 21 September 2019) <<https://ssrn.com/abstract=3457810>> accessed 9 June 2023.

⁶⁶ LO Odia & SI Omofonmwan, 'Educational System in Nigeria Problems and Prospects' (2007) 14 *Journal of Social Sciences* 86.

⁶⁷ National Policy on Education (n 9).

⁶⁸ Ikechi Nwogu, 'Barriers to Equality of Access to Educational Opportunity in Nigeria: A Philosophical Perspective.' (2015) 6(4) *Journal of Education and Practice* 148.

⁶⁹ *Ibid.*

⁷⁰ Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219 (20 U.S.C. 1001 et seq.).

of 1965, which has undergone several reauthorizations and amendments. The HEA establishes the framework for federal student aid programs, including grants, loans, and work-study opportunities, aiming to expand access to higher education and ensure educational quality and accountability. Additionally, the Individuals with Disabilities Education Act⁷¹ (IDEA) is a federal law that guarantees students with disabilities the right to a free appropriate public education (FAPE) in the least restrictive environment. The IDEA sets forth guidelines for the evaluation, identification, and provision of special education services to eligible students, emphasizing the importance of individualized education plans (IEPs) and procedural safeguards for students and parents. In Nigeria, the legal framework for the regulation of educational opportunities is based on various laws and regulations. The National Universities Commission (NUC) Act of 1974 establishes the NUC as the regulatory body responsible for the coordination, regulation, and accreditation of universities in Nigeria. The NUC Act empowers the NUC to set standards, ensure quality assurance, and promote the development of higher education in the country. Furthermore, the Education Tax Act imposes an education tax on certain companies in Nigeria, with the proceeds allocated to the Tertiary Education Trust Fund (TETFund). TETFund provides funding for the development and improvement of infrastructure, teaching, and research in Nigerian tertiary institutions, aiming to enhance the quality of education and increase access to educational opportunities.

Focus on Accessibility and Affordability:

In terms of accessibility and affordability of educational opportunities, both the United States and Nigeria have legal frameworks in place to address these issues. In the United States, the Higher Education Act (HEA) plays a crucial role in promoting accessibility and affordability. The HEA provides federal student aid programs, including grants, loans, and work-study opportunities, to support students in pursuing higher education. These programs aim to make college education more affordable and accessible, particularly for students from low-income backgrounds. Additionally, the HEA includes provisions for financial literacy education and loan repayment options to assist students in managing the cost of their education. In Nigeria, the legal framework includes various measures to improve accessibility and affordability of educational opportunities. The Universal Basic Education Act of 2004 guarantees free and compulsory basic education for all Nigerian children, promoting access to education at the primary and junior secondary school levels. The Act also establishes the Universal Basic Education Commission (UBEC) responsible for coordinating and ensuring the implementation of basic education programs across the country. Furthermore, the Tertiary Education Trust Fund Act (TETFund Act) in Nigeria addresses affordability by providing funding for the development and improvement of infrastructure, teaching, and research in tertiary institutions. This fund helps reduce the financial burden on students and promotes access to quality higher education. It is important to note that while these laws aim to enhance accessibility and affordability, challenges still exist in both countries, such as socioeconomic disparities, limited resources, and regional variations.

Special Education:

Both the United States and Nigeria have legal frameworks in place to ensure the provision of special education services. In the United States, the Individuals with Disabilities Education Act (IDEA) is the primary legislation governing special education. IDEA guarantees the right to a free appropriate public education (FAPE) for students with disabilities, requiring schools to provide specialized instruction and related services to meet their individual needs. It outlines the process for identifying, evaluating, and determining eligibility for special education services, as well as the development and implementation of individualized education programs (IEPs) for eligible students. In Nigeria, special education is regulated by various laws and policies. Discrimination Against Persons with Disabilities (Prohibition) Act⁷² and the National Policy on Education⁷³ provide a foundation for the inclusion of students with disabilities in the educational system. The National Commission for Persons with Disabilities Act also addresses the rights and protection of persons with disabilities, including access to education. Additionally, both countries have established mechanisms to ensure the implementation and monitoring of special education services. In the United States, the Office of Special Education Programs (OSEP)⁷⁴ within the Department of Education oversees the enforcement of IDEA and provides guidance and support to states and local education agencies. In Nigeria, the Federal Ministry of Education and the State Universal Basic Education Boards (SUBEBs) collaborate to promote and monitor the implementation of inclusive education policies.

Quality Assurance:

Both the United States and Nigeria have legal frameworks in place to address quality assurance in their respective education systems. In the United States, the accreditation process plays a significant role in ensuring quality education. Accreditation is carried out by independent accrediting agencies recognized by the U.S. Department of Education. These agencies assess educational institutions and programs based on predetermined standards of quality. The Higher Education Act (HEA) provides the legal basis for accreditation in the United States and establishes the criteria and

⁷¹ Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1482 (1975).

⁷² Discrimination Against Persons with Disabilities (Prohibition) Act, No. 17, 2018, Laws of the Federation of Nigeria

⁷³ National Policy on Education, Federal Republic of Nigeria (Revised 2013).

⁷⁴Geoffrey Rhodes, 'Office of Special Education Programs (OSEP) - Home Page' (www2.ed.gov5 May 2023) <<https://www2.ed.gov/osers/osep/index.html>> accessed 17 June 2023.

procedures for accrediting agencies. Institutions that are accredited by recognized agencies are deemed to meet certain quality standards. In Nigeria, the National Universities Commission (NUC) is responsible for quality assurance in the higher education sector. The NUC sets standards and guidelines for the establishment and operation of universities in Nigeria. It conducts accreditation exercises to assess the quality of academic programs and facilities in universities. The NUC Act empowers the commission to ensure compliance with these standards and take appropriate measures to enhance quality in higher education. Additionally, both countries have mechanisms in place to monitor and evaluate the quality of education. In the United States, the Department of Education conducts periodic evaluations and assessments of educational programs to ensure compliance with federal regulations. State education agencies also play a role in monitoring the quality of education at the local level. In Nigeria, the National Board for Technical Education (NBTE) and the National Commission for Colleges of Education (NCCE) oversee quality assurance in technical and vocational education and teacher education, respectively. These bodies establish standards, conduct accreditation exercises, and provide guidelines for the operation of institutions in their respective sectors.

10. Conclusion: The Way Forward for Nigerian Education

In concluding, Nigerian education has come a long way over the past few decades, with significant progress made in expanding access and improving the quality of education. However, there are still many challenges that must be addressed if Nigeria is to realize its vision of a strong and vibrant education system that meets the needs of students, society, and the economy. To move forward, it is essential to prioritize policies and strategies that promote access to education, improve the quality of teaching and learning, respond to the needs of the economy and society, address funding and resource allocation issues, and prioritize teacher training and professional development. It is also crucial to engage a broad range of stakeholders in the education system, including students, parents, teachers, employers, and community members, to ensure that the education system is inclusive, relevant, and responsive to the needs of all. Finally, it is essential to continue to monitor and evaluate progress in the education sector and to prioritize ongoing improvement and innovation. This may involve experimenting with new approaches to teaching and learning, incorporating technology into the curriculum, and exploring new models for funding and resource allocation. By working together to address these challenges and seize opportunities for improvement, Nigeria can build a stronger, more equitable, and more vibrant education system that prepares students for success in the 21st century and beyond.