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EDUCATION DURING EMERGENCIES: NIGERIA'S BASIC EDUCATION LAW AGAINST HOME EDUCATION AS A RECOURSE

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Abstract

Emergencies will continue to happen; havocs will be wrecked and education will not be spared. This is the concern of the paper, reviewing the outbreak of Covid-19 as an eye-opener to the lack of preparedness for and against emergencies that are capable of halting continuous schooling and education in Nigeria. Various alternatives were explored during Covid-19 lockdown, ranging from all available social media tools such as WhatsApp, You Tube, Skype etc. for e-teaching and e-learning; more significantly was the extensive adoption and utilization of virtual options; including Zoom, Google Meet, Microsoft Teams, Google Classrooms, Yahoo Groups etc. for teaching and learning to continue. The paper showed that these were effective respite during the stagnation experienced, but their limitation in the eyes of the law and national education policy provisions constituted the barriers, particularly as it concerns the Universal Basic Education. Though, no one is conscious of this as a possible object of litigation. It is therefore found to be of concern that home education of pupils or students using the alternatives to schooling at UBE level is not sanctified for use in the times of emergencies for academic continuity. These impediments are the laws of Nigeria and the policy provisions which were extensively discussed in this paper. The conclusion indicates that all the legal instruments connected to education in Nigeria place emphasis on schooling, as it is only the legal means to be educated and certificated in the UBE. It is therefore recommended that UBE laws be revisited for the consciousness of emergency situations that can halt schooling and make official, home education and the deployment of electronic media, including virtual tools as pragmatic recourse to salvaging education during emergencies.

Keywords: Emergencies, Basic Education, Policy and Legal Barricades, Home Education, Recourse.

Introduction

It has become a known quality and the characteristic that Nigerians possess, when it comes to adaptation, adjustment, endurance or perseverance. When things happen, the response has always been to adjust and adapt, not to find solution in most cases. It is in the habit of the people, even to quickly surrender to faith, when alternatives can be searched to abate or douse situation. Occurrences that manifest without the readiness or preparedness for them are those considered or referred to as emergencies. As an emergency situation, people may at first be startled; but becoming quickly innovative, creative, resourceful and pragmatic will ease-off or salvage the situation. Many emergency situations had occurred in the past which defied solutions, but fizzled out with time; but the aftermath losses in terms of lives and properties are experiences that will linger for long before they can be forgotten.

In this case of emergencies in our world, Covid-19 seems to be an eye-opener to what was never envisaged or prepared for; during emergencies, particularly for continuous schooling. The outbreak of Covid-19 taught the whole universe the lesson of preparedness before emergencies. Ojeme (2021) recalls that the visible effects of Covid-19 in all sectors of nation building in Nigeria are enormous, including but not limited to frustration of pupils and students arising from school closure, and fear of loss of the entire academic session of 2019/2020 session, increase in poverty level, health problems, increase in cases of rapes, kidnapping, killings and burglary and mental health problems, amongst others.

In curtailing some of the ugly effects and safeguarding the health of everyone, governments all over the globe swiftly swung into actions, coming up with a lot of measures to forestall the spread of the virus, including washing of hands with soap under running water or use of alcohol-based hand sanitizers, using nose/face mask, maintaining physical and social distances, and above all, the locking down of the country, which kept everyone indoor. Perfectly encapsulated in his first speech as the Historians of Education Development Society of Nigeria's president (HOEDSON), At the 17th Annual Conference (virtual) in December 2020, Prof. Okorosaye-Orubite said as follows:

the Federal and State Governments responded promptly, and by the end of March, all educational institutions across Nigeria have been shut down, as one of the major non-pharmaceutical measures to fight the spread of the disease now christened Covid-19 by WHO (HOEDSON, 2020).

By implication, the authors' submission and HOEDSON's remark clearly indicate that no market was opened, encompassing all customary activities that people engaged in daily prior to the epidemic. The shutdown of schools at all levels, which stops or stagnates teaching and learning, is significant to this article.

In view of the above, what was never given attention has now become the only recourse; that is virtual learning and teaching. Adoption of virtual tools became a spontaneous response to an unexpected halt in schooling or educational activities occasioned by the outbreak of Covid-19. There are many emergencies that have been with us before Covid-19, but the magnitude never brought everyone to its knees or outrightly closing down everything, including schools. Only Covid-19 has given us lesson to plan ahead of any emergencies and not when they occur that solutions are now being sought for.

From the foregoing, it has to be noted that calmness and coolness cannot continue to be permanently experienced in the world, because nature has its own ways of exerting on the universe the spin-off, in the process of its mechanisms. It is understandable that man-made or human induced problems can be abated through same human efforts or understanding. However, there are problems which are natural and beyond human control when they happen, such that are in the category of *vis major*, that is, act of God (*earthquake, land tremor, tornadoes, flood, hurricane etc*). Also in the legal parlance, is a combination of naturally occurring or man-induced emergencies referred as *force majeure*, that is, acts of nature and acts of people. When it is considered acts of nature, Abdulrahman (2010) lists occurrences such as thunder-strikes, floods, earthquakes, land tremors, hurricanes tornadoes etc. when on the other it occurs as acts of people, these are therefore the conscious or unconscious actions spurred by man; including terrorism, pandemics, quarantines, curfew, plagues, protests, building collapse, auto-crash or accidents (road, air or river's mishaps), mob actions, riots, strikes, communal/tribal clashes or wars, epidemics, as well as the associated consequences of pollution, etc.

Whatever the mode of the unfortunate phenomena, whether human induced or natural, they are emergencies as their occurrences and escalations are never envisaged in terms of their magnitude (i.e. extent of the disaster) in which the victims are left to grapple with. Whether of man-made or human-induced disaster, even those that are natural; all nations on the planet earth, including Nigeria are bound to witness these at one time or other (Abdulrahman, 2010).

In Onyeike, Abdulrahman & Eseyin (2020), Nigeria is identified as one of the nations of the world that has been exposed to some level of man-made and natural disasters which are often unforeseen. Therefore, there is virtually no region in the country that has not faced or is being faced with one level of emergency or the other. These emergencies range from the cases of insecurity and natural disasters in the northern and central regions of the country, occurring in the forms of flood, conflicts etc. Also, there are other social ills in the Southern region of the country. These emergencies affect life in general, but most importantly; put the education system at risk. From the desk of International Centre for Investigative Reporting (ICIR), Uthman (2020) remarks that there are about 13.2 million out-of-school children in Nigeria and there are pointers to the fact that this figure is as a result of the increasing cases of emergencies in the country and is still on the increase. It is therefore considered imperative that a clear-cut education policy be put in place to focus on the working strategies with which continuous learning can take place unhindered, even in the face of any emergencies (Onyeike, Abdulrahman & Eseyin, 2020).

Emergencies have always come in various forms, ranging from physical or environmental, cultural, social, religious, political, even health emergencies. Of all these emergencies, mostly the physical or environmental emergencies as well as health emergencies occur naturally, while others are often man-made or human-induced. Emergencies are at times seen as crises, because when they happen; people and the societies are thrown off balance; as they are not prepared for. The normalcy or calmness of the society is temporarily eroded before solutions are sought to douse and ameliorate the scourge. In a clear term, emergencies are crises situation in the lives of people and the societies. When there are crises, everything is affected directly or indirectly; of course,

schooling in most studies has always been the worst hit, with the learners and their parents suffering the consequences (Abdulrahman, 2010).

Specifically, Onyeike, Abdulrahman & Eseyin (2020) maintain that:

the recent case of Corona Virus Disease (Covid-19) outbreak which has left no nation impervious remains a wakeup call to the entire world for a need to re-evaluate the curriculum and devise alternative methods of teaching on a national scale than the traditional physical classroom setting.

These alternative strategies were admonished to be enforced on regional and national basis in the face of unforeseen emergencies. During the Covid-19 pandemic, different nations were forced to devise alternative means of keeping schools operational in order to minimize the social implications of teaching-learning stagnation across all levels of education. Basic education in Nigeria is the critical foundation upon which other levels of education can be built, since it is the foundational tier in the hierarchy of schooling. There is a dictum that goes by the expression and prediction of a doom for any superstructure which its foundation is defective. In this regard, a structural combination of 2 levels of schooling, that is, 6 years of primary and 3 years of junior secondary education tagged 9-Year Basic Education is an important foundation. Getting it right is a ray of hope for successful senior secondary and tertiary levels of education.

However, the remark of Onyeike, Abdulrahman & Eseyin (2020) that alternative strategies should be enforced on regional and national basis in the face of unforeseen emergencies cannot be actualized. It is actually a noble call, but its practice will only remain informal, as the laws and policy of Nigerian education do not allow education out of schools, particularly for those pupils/students captured for Universal Basic Education. Free and compulsory schooling is legally sanctioned for 9 years of continuous schooling.

How and where we have come to find ourselves in the world today, particularly in Nigeria; with this Covid-19 is very worrisome and disturbing. Schools have closed down just for the consciousness that will ensure protection of the teachers, students and other school personnel, as well as the parents; from being infected. To this extent, and unexpectedly; our educational system became grounded, even to re-open schools after cases subsided still was an issue. At a time when government directed schools to re-open, a segment of the UBE, that is, primary level was not even in this consideration. Primary school pupils in Nigeria were still to remain at home. The concern is expected to be beyond reopening of schools, as other countries who reopened schools were still returning to schools' closure again; because of the surge in cases or emergence of the variants of Covid-19 virus, resulting from their initial reopening; but how best can learning be sustained in this regime of Covid-19 and beyond, with the protocols for protection observed? This question is pertinent because the practice of social distancing may not be possible among certain categories of pupils/students, particularly at primary and junior secondary (UBE) where social interaction and mingling cannot be prevented, controlled or regulated.

Also, germane and of serious concern is that there are many other problems peculiar to the different regions, not pandemic, but endemic. It is not only Covid-19 that can require the need for

planning ahead against emergencies that may halt schooling, such as cases of Boko Haram insurgency in the North-East, flooding and kidnappings in the South-South and South-East; farmers-herders crisis in the middle belt; different forms of rivalry and tribal conflicts in the South-West. These are a few of cases of emergencies, where schools were even sacked and a large number of students kidnapped (Onyeike, Abdulrahman & Eseyin, 2020). These are the situations which have made it difficult for teachers and students to converge for physical and meaningful teaching and learning. The North-East accounts for 60% of the 13million out of school children and thousands of students have been forced out of school as perennial floods overtake schools in the South-South region of Nigeria. This era of Corona Virus Disease (Covid-19) has also complicated this situation and raised the difficulty for classroom teaching and learning to a larger scale.

Formalizing the Alternatives

Alternatives in this paper are the various means, mostly electronic; used for teaching and learning. In other words, these are recognized as e-teaching and e-learning, but more advanced in the technology is the one involving audio-visual and live interaction which are the virtual options; aided or powered by virtual tools like Google Meet, GoToMeeting, Connectals, yahoo group, DingTalk, Google Classroom, WeChat Work, Microsoft Teams, Team Viewer, Skype, WhatsApp, Dialpad Meeting, Telegram, BlueJeans, Skype, Cisco Webex Meetings, Zoom Meeting, Join.me etc. Lokie in Olibie, Ezoem & Ekene (2014:49) states that Virtual learning is defined as instruction that takes place outside of a classroom and increases access to online resources, platforms, satellite connections and associated systems for creating, analysing, exchanging, and utilising data and information and knowledge in ways which until recently, were almost unimaginable.

Seeing how these alternate methods of teaching and learning might be formalized and sustained during emergencies is concerning and crucial. especially when the scourges of these emergencies ravage throughout the years a child should spend in school to finish his or her education. A case in mind is the Nigerian civil war which lasted almost the entire duration of primary and secondary education, i.e., from 1967 to 1970. In many other countries, alternative means are employed for teaching and learning, even examination and certification. In some others, teaching and learning are entirely home affairs, only examinations (public) that take the child out of the house. Home education is formalized in those countries.

In Nigeria, home education is under the law, illegal and not even officially recognized. The reason is that there are legal impediments, constituting the barriers that are associated with the dream of formalizing education outside the schools, particularly for the primary and junior secondary school aged children; which in order words, is referred to as homeschooling. The Nigerian law does not recognize education outside the school, particularly for the 9-year continuous Universal Basic Education (UBE), therefore, education outside the school and during emergencies can only remain temporary and cannot lead to examination and certification.

Forms of Emergencies and their Effects on Education in Nigeria

At times, we see society growing and developing with a number of visibly attractive projects and other pleasurable manifestations that are occasioned by the breakthroughs in science and technology. These manifestations are on the other hand come with its attendant

consequences that are in most cases negative and devastating. Having observed that our generation has witnessed unprecedented changes in the balance of nature, this may be why Arokoyu & Weli (2004) recount that many, no doubt, benefitted from the resulting economic growth and technological progress, but the society has continued to suffer from increasing degradation and pollution. These are environmental occurrences which may be categorized in the group of man-made or human induced disaster. They sometimes constitute emergency situation, as a result of the magnitude with which they occur. These emergencies are no more endemic, as it used to be, but now a pandemic; as the world is now considered to be a village in global sense.

Generally, environmental problems caught the attention of the whole world and have been seen as a global concern. It is upon this reality that a world conference was convened in 1972 at Stockholm, Sweden. Still 20 years after, United Nations saw environmental problems as a global challenge; therefore, it convened another world Conference on Environment and Development in 1992 at Rio in Brazil; to consolidate on the achievement of Stockholm conference. Arokoyu & Weli (2004) remark that the outcome of the conference was the signing of Agenda 21 which is a plan of action for the 21st century, incorporating more than 100 different programmes in the field of sustainable development. Unfortunately, Glasbergen & Corvers (1998) mentioned that funding which represents USD 675 billion per annum became a glaring problem to the implementation.

Nigeria as a country has her peculiarities in these emergencies discourses, but good to highlight these various global emergencies from which Nigeria has her own shares, directly or indirectly; having a toll on the educational progress as a concern. In this consideration are:

Ozone Depletion

Ozone depletion is an unstable form of oxygen that is known to readily give up its third atom, particularly to chlorine atoms. . Neal (1992) explains that the typical chemical reactions in the lower atmosphere do not destroy chloro-fluorocarbon (CFC) gases; rather, the gases climb to the upper atmosphere, where ultraviolet radiation releases free chlorine atoms. This is one of the oxygen atoms that combine to generate oxygen and chlorine monoxide. Neal goes on to explain that in a subsequent process, the chlorine atoms are released, which allows them to again destroy ozone in a chain reaction. whose effects include sun exposure, sea level rise, etc. As a result of additional occurrences that come with sea level rise, attending school may become unfeasible.

Climate Change

Climate Change is also connected to ozone depletion; however, climate change is the result of continuous emission of greenhouse gases into the atmosphere (Arokoyu & Weli, 2004). Climate Change is a major environmental problem the world is now contending with, because of the anthropogenic factors such as burning of fossil fuels, deforestation that causes carbon dioxide, methane, chlorofluorocarbon and nitrous oxide to be released in large quantities into the atmosphere. Consequent upon this, Madu (2001) and Watson, et al. (1998) conclude that the earth is warmed up. This is what has been established as global warming and the consequences are so enormous and daring. Among the effects global warming are the changes in the amount of precipitation; leading in many areas to rise in sea level, floods and drought, increase in heat waves, geographic range and incidence of diseases,

risk of hunger and famine. The list of these consequences is endless and schooling cannot be spared.

Flooding

This is one of the natural phenomena resulting from sea level rise, as already mentioned. As described by Earthnetworks (2021), flooding is the deadliest type of severe weather. Flooding therefore is an overflow of water that submerges land that is usually dry.

- i. River Flood: This happens when water levels surpass the tops of the banks of a river.
- ii. Coastal Flood: defined as the inundation of sea water with ordinarily dry land areas along the coast.
- iii. An unusual rise in sea level in coastal locations that surpasses the ordinary astronomical tide is known as a storm surge.
- iv. Inland Flooding: Takes place inland rather than near a coast. The primary source of inland flooding is rain, especially when it falls steadily over several days.
- v. Flash Flood: This kind starts six hours after a significant downpour, and frequently within three hours, due to another source (very intense rainfall from severe thunderstorms over a brief period).

The consequences of floods are the most recorded in Nigeria, where school buildings and assets are destroyed, pupils at times swept away and killed by flood, especially in the riverine communities of Nigeria.

However, as natural as this may be, it is also a man-made or man induced disaster sometimes; mainly because of altering the natural pathways or routes for water escape, through human activities of erecting structure on the natural paths for water or blockage of drainages and canals that channel water run-off. Flooding is an overflow of water from the natural sea or the run-off water which comes in any form, mild, heavy or in a very devastating degree. It has high potential of destruction to lives, properties in building, materials, heavy or light; farmlands etc. which carries along with it in its speed of the runoff.

Pollution

Pollution is simply defined as the contamination through substances that alter the natural state of the environment, consequent upon which living organisms and some cases, the inanimates are equally affected. This pollution has typology that include air, water, sound, etc. dumping of nuclear and toxic wastes has consequences that are not limited to the damages resulting from radioactive effects which alter the genetic material (DNA) within a living cell, leading to gene mutation or change in the generic heritage of an organism (Arokoyu & Weli, 2004).

Deforestation

This is a human practice of altering the natural order of the forests by felling the trees to give ways for land preparation for crops farming. Quite a number of times, forests are cleared; removing the trees for construction of houses and other edifices, so also to open up new roads. In some cases, trees are brought down and sliced for use as fire woods. This does not happen with its attendant consequences, one of which is erosion and windy experiences that the forest trees are naturally controlling by slowing down the possible speed of running water and serving as wind breakers, to forestall the consequences of blowing off properties, especially the rooftops.

There are still many other emergencies that are somewhat peculiar to different societies and endemic to a number of countries which Nigeria is not exempted. Most of these emergencies in this category are man-made and human induced. Today on the lips of Nigerians, are cases of insurgency, banditry, militancy, kidnapping, ritual killing, intercommunity clashes, socio-economic unrest (farmer-herders), etc. All the aforementioned have the capacities to force schools closed, for safety or forestalling casualties.

In times of emergencies, safety first comes to the mind of everyone. The thought about safety goes with restraints or adoption of strategies that will either reduce the calamities or prevent its consequences. When this situation arises, particularly for education, closure of schools is one of the known strategies to abate the consequences of the emergency situations. Children are kept back in their houses; teachers and other school personnel are also keeping away from schools. For the length of time the emergency is experienced, the closure of school also remains.

The Policy and Practice of UBE in Nigeria, and 2004 UBE Act

Prone to emergencies as victims, and having a toll on their education are those in primary and junior secondary schools, that is, pupils and students in the UBE. Universal Basic Education is a foundation for acquisition of knowledge, skills and competencies. It is also a foundation for physical, social, economic, political, mental, spiritual and all other forms of human development. It aims at making an individual fits and contributes positively to socio-economic and political transformation of the society. In Nigeria, Basic Education is free, universal, and compulsory. It is a nine-year programme for all school-age children. That is, the children are to be in school for six year-primary and three year-junior secondary education. Basic Education also includes Early Childhood Care and Development Education (ECCDE) at creche, nursery and kindergarten sections of primary schools.

During emergencies, just like Covid-19; that decision on lockdown became a necessity, schooling was affected. A thought is that formalizing the emergent alternative patterns for continuity of teaching and learning outside the schools, even to be approved for examination and certification, while learners will not even be expected in the schools; as it is the case in many countries where homeschooling is legally operational. However, under the Nigerian law, no child can be kept away from school and be fielded for public examinations; because it is illegal. There are a number of frameworks that forbid these practice in Nigeria, especially in the UBE and its special and compensatory education components, such as education for the nomads, migrant fisherfolk and farmers, girl-child and women education, Almajiri, street children and disabled groups which ordinarily; one would think that they would be exempted from the restraining laws and policy. For instance, there are policy and legal frameworks that are on ground to prevent the formalization of education outside the schools, using all the electronic means or tools of e-teaching and e-learning.

Home Education Status in Nigeria and its Hindering Legal Frameworks

It needs to be made very clear that it is against the law in Nigeria to teach a child at home in preparation for an exam or certification, especially the Universal Basic Education (UBE). No formal practise by any Nigerian family, to the extent that it is unlawful, other than when it is offered to support the curriculum in schools. Education legislation, such as Acts of Parliament and articles of the Constitution, which are derived from the national education policy of Nigeria, prohibit home schooling for children enrolled in the

UBE programme (Abdulrahman, 2020). Private education is still offered in schools, although it is permitted and supported by law.

Nigeria is a republic where all decisions are made in accordance with the provisions of the Constitution, including those regarding education. Therefore, anything that is not covered by national law is prohibited. This is true with regard to homeschooling. The Constitution recognises both formal and modified organised education as non-formal, available at a higher level to improve educational qualifications or as compensation for individuals who, for various reasons, were unable to attend classes regularly. One example of these changes is the shift from correspondence education to open and distance learning. Certain establishments provide it digitally, while others require students to physically gather at specific locations or establishments. Official distant learning providers in Nigeria include the National Teachers' Institute (NTI), National Open University of Nigeria (NOUN), and the several Universities distant Learning Centres of Nigeria's post-secondary educational establishments.

Nigeria's Constitution

Formal homeschooling is not allowed under the Federal Republic of Nigeria's 1999 Constitution (as modified). The Federal Republic of Nigeria's Constitution's educational objectives, as stated in Chapter 2, Section 19, Sub-sections 1, 2, and 3, represent the government and people of Nigeria's top priority in education. More significantly, sub-section 3 (a, b, c, and d) focused on the formal and informal arrangements and clearly displayed the priority areas in Nigerian education, as follows:

- 1) The government's policies should be focused on making sure that all levels of education have sufficient and equitable chances for learning.
- 2) The government will advance technology and science.
- 3) The government will work to abolish illiteracy, and to do so, it will, whenever possible, provide:
 - a) universal, free, and required elementary education;
 - b) free secondary education;
 - c) free university education; and
 - d) free programme for adult literacy.

Considering these constitutional provisions, which in no way include homeschooling as part of the nation's educational goals, it is sufficient to say that formal homeschooling in Nigeria has remained unconstitutional and has never been legalised, particularly at the Basic Education level, where emphasis is placed on it being mandatory.

Child Right Act, 2003

The Convention on the Rights of the Child, often known as the CRC, CROC, or UNCRC (Wikipedia, 2016 & Office of High Commissioner for Human Rights – OHCHR, 2016), was adopted by the UN General Assembly on November 20, 1989, with support from 196 signatory states and States parties. This may be found in Article 28, 1a–e, which states that States Parties acknowledge children's rights to an education and that they would, among other things, (a) make primary education universally available and free to gradually fulfil these rights based on equal opportunity. The Child Right Act, also known as An Act, to Provide and Protect the Right of the Nigerian Child and Other Related Matters, 2003, was passed into law, domesticating a more direct policy attempt to

recognize a child's right to education. Specifically, subsection 15(1–7) states that:

- 1) Every child has the right to free, universal, and obligatory basic education, and the Nigerian government is responsible for ensuring that this education is provided.
- 2) Every parent or guardian shall ensure that his child or ward attends and completes his—
 - a) primary school education; and
 - b) junior secondary education.
- 3) With the exception of situations as specified in this Section's Sub-section (4), every parent, guardian, or other person with care and custody of a child who has finished his basic education should make every effort to enrol the kid in a senior secondary school.
- 4) If a kid covered by this section's Subsection (3) is not sent to senior secondary school, the employer is required to offer the tools the child needs to learn the profession. Additionally, the child should be encouraged to acquire an acceptable trade.
- 5) If a young girl gets pregnant before finishing her education, she will have the chance to finish it after giving birth, depending on her particular skills.
- 6) When a parent, guardian, or other person with custody of a child neglects to fulfil the obligations placed upon them by this section's Subsection (2), they are guilty of an offence and subject to penalties.
 - a) on first conviction to be reprimanded and ordered to undertake community service
 - b) on second conviction to a fine of two thousand Naira or imprisonment for a term not exceeding one month or to both such fine and imprisonment; and
 - c) Upon any successive conviction, the offender faces a maximum fine of 5,000 Naira, a maximum sentence of two months in jail, or both.
- 7) The provisions of this section shall not apply to children with mental disabilities.

Analysis of the Child's Right Act

With the domestication of Child's Right Act in Nigeria, the practice of home education is negligible in the scheme of things. Each Section of the Act points to the fact that home education is illegal in Nigeria.

- i. For instance, if the Act declares the right to basic education as free, compulsory and universal, even considers its provision as the duty of Government; this therefore means that schooling is compulsory in Nigeria and exclusively the mandate of government, with equal mandate to even control and superintend over those that are providing private schooling.
- ii. Similarly, Sections 2 and 3 also made it mandatory for parents to enroll their children in school; failure of which Section 6 stipulates the punishment for not enrolling their children in school. If punishment is prescribed for refusal to send ones child to school, it means whatever that is done outside this provision, including home education is illegal.

- iii. Note that that Section 5 does not relax the school attendance, even if a girl child gets pregnant; school attendance is still made compulsory after delivery; for basic education.

The quoted provision of the above Act and its analysis are corroboratory testimonies to the fact that the practice of education in any form outside the school, at UBE level is illegal in Nigeria.

National Policy on Education

National policy on education according to Abdulrahman (2020) is often referred to as the Bible or Qur'an of education in the country, from where its provisions for country's education system are somewhat believed and religiously adopted. The journey of this document began in 1969, as a product of national curriculum conference held in Lagos, to chat a new course or move away from colonial educational contents and characteristics. In 1973, a seminar involving all states ministries of education led to a draft policy which was eventually adopted and approved in 1977 as an education policy document for the country and tagged the first National Policy on Education (NPE).

This paper underwent numerous revisions or reviews in order to address new demands in Nigerian education while continuously demonstrating and articulating the pattern of her education as institutionally based rather than home-based. Federal Republic of Nigeria (2014) illustrates the innovations and changes, not just those that affect all educational levels, in addition to the exposition on the succession of innovations that the document witnessed.

- a. In this regard;
 - i. In the pre-primary school, there shall not be more than 20 pupils to a teacher and a helper (assistant)
 - ii. In primary and secondary schools, there shall not be more than 35 and 40 pupils respectively to a class.
 - iii. In technical and vocational colleges, there shall not be more than 20 pupils for practical work.
- b. Primary, post-primary and tertiary education shall be the responsibility of the local, state and federal governments.
- c. Education boards or similar authorities shall be responsible for the management of schools and appointment, posting and discipline of teachers within defined areas of authority.

The above has clearly shown that the focus on education in Nigeria is regular schooling and not homeschooling and everything revolves around schooling at all levels, with the government in control.

According to Abdulrahman (2020), in carrying out these national policy measures, education must be set up to foster the habit of self-learning, as stated in Section 1, Sub-section 9 (i & j). In this context, the government will keep pushing for the formation of Young Readers Clubs in schools. Sub-section 9(j) specifically states that an individual may choose to continue full-time studies, combine work and study, or begin full-time employment at any point during the educational process following junior secondary education, without preventing them from later returning to school.

Universal Basic Education (UBE), Its Act and Home Education

UBE is free, compulsory and universal. This is one scheme that integrates the non-formal and vocational training as its components. The UBE legal framework is referred to as "Universal Basic Education Act 2004, and other Related Matters". To become an Act, it was passed by the two houses of the Nigeria's National

Assembly, that is House of Representative and Senate on the 9th December 2003 and 18th March 2004 respectively, and eventually signed into law by the then President of the Federal Republic - Chief Olusegun Obasanjo on 12th May, 2004; hence, the UBE Act, 2004. This enabling law made it possible for Government to execute UBE programmes and operationally forbids homeschooling, as every child is required to be in school; under the scheme and the law.

The Act provided for a number of things, among which:

- i. the mid-day meal should be given to the pupils, that is, *pupils in schools*
- ii. the imposition of fines on parents refusing their children education in the first instance
- iii. the imposition of fines or and imprisonment of parents refusing their children schooling on the second and third convictions
- iv. disarticulation principles etc. were enshrined therein (separation of junior and senior secondary school from same premises).

It is good to mention here that the curriculum for the UBE eventually came out in 2008, having subjects like introductory technology, primary science etc. restructured as Basic Technology, Basic Science. Computer Studies also became an integral part of the primary education curriculum, introduction of Civic education at the upper basic level etc.

Prior to the UBE receiving official legal recognition in 2004 and following its launch in 1999, there was another international endeavour that focused on making sure that everyone on the planet had access to education. In 2000, the United Nations Development Programme (UNDP), an agency of the UN, established the Millennium Development Goals (MDGs), a set of eight well-thought-out objectives to address global developmental concerns. The MDGs' second target, which is to make primary education universal, is one of these eight objectives.

UBE as a Phenomenon in Home Education

The UBE's objectives make it clear that there is no need for further justification in terms of the program's potential to address current issues while also resolving some of our country's educational and societal problems. Accordingly, the program's specific goals are as follows, and they are outlined in the Federal Ministry of Education's (2000) and Federal Republic of Nigeria's (2014) implementation guidelines.

- Developing in the entire citizenry a strong consciousness for education and a strong commitment to its vigorous promotion;
- Provision of free universal basic education for every Nigerian child of school going age
- Reducing drastically the incidence of drop out from the formal school system through improved relevance, equality and efficiency;
- Catering for the learning needs of young persons who for one reason or another have had to interrupt their schooling through appropriate forms of complementary approaches to the provision and promotion of basic education and,
- Ensuring the acquisition of the appropriate levels of literacy education, ethical, moral and civic values needed for laying a solid foundation for life-long learning.

The Almajiri Education Programme is noteworthy because it shows the government's commitment to achieving UBE goals. A committee on madrasah education, with roughly 10 million students, was established by the government. The group was tasked with integrating Quranic schoolchildren into the UBE project by identifying the following models, and it was eventually known to as the National Implementation group on Almajiri Education project:

- i. Integrating Quranic school into UBE school;
- ii. Integrating UBE school into Quranic school; and
- iii. Establishing Model Al-majiri school to serve a group of Quranic schools (UBEC 2011).

In all of the provisions of these legal and policy frameworks for UBE, schooling is the emphasis.

Conclusion

It is rather evident that the goals of UBE, even as stated in the Act that created it, heavily focus on formal education. There is no mention of a waiver or home education as an alternative. The UBE Law is consistent with the domestication of the Child Rights Act, which stipulates that failure on the part of parents or guardians to bring their wards or children to school may result in penalties and/or jail. According to Nigerian regulations and the country's education policy, adopting these alternatives can only be done temporarily and cannot result in certification.

Recommendation

If the different approaches that saved our education from educational stagnation brought on by COVID-19 and possibly subsequent emergencies are to be acknowledged and codified for handling emergencies. Legislation on implementing the alternatives is essential, and policy barriers and the several legal instruments that define primary and junior secondary (UBE) education must be reexamined. There can be a scenario where the child's emergency lasts the whole school year. There may be legislation eliminating the anxiety and suffering associated with a child being forced to learn at home, taking tests, and receiving a certificate, as well as the worry of schools closing during emergencies.

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