

Illegality of Homeschool Education in Nigeria and the Clarification on Icher's Comparative Review of Homeschool Articles on Nigeria and South Africa

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Abstract— This paper is written to reveal the illegality of homeschooling in Nigeria, particularly at the Basic Education level; while it also aimed at providing clear explanation and rendering analytical interpretation of the review of an article entitled homeschooling in Nigeria for sustainable development authored by Abdulrahman Yusuf Maigida which the reviewer's appraisal misconstrued and overturned the thrust of the article. Basically, the contentious article was written to advocate for official practice of Homeschool in Nigeria; because the existing laws and instruments of Government forbid its practice - it is illegal. The reviewer, Milton Gaither of the International Centre for Home Education Research Review (ICHER) portrayed the article as that which failed to address his expectation in the case of Nigeria, where the practice is non-existent; but in comparison, praised the one authored from South Africa where the law recognizes and allows its practice. This paper has therefore provided information about Homeschool situation in Nigeria which is by laws, forbidden and not captured in the Nigeria's national education policy framework, making it officially illegal and very unconstitutional. Basically, this clarifying rejoinder is aimed at broadening the understanding of, not only Gaither (ICHER's Reviewer), but other readers or reviewers about homeschool situation in Nigeria.

Index Terms— Homeschooling Clarification, ICHER's Comparative Review, Illegality of Homeschool Education, Nigeria and South Africa

I. INTRODUCTION

The best article, paper, book, review is yet to be written in the world. This statement is a clear description of what has been the situation with the many write ups existing, whether in the online or offline resources. Corroborative of this is in a copyblogger's remark, Flaxman (2020) who says:

We all sometimes make a typo that omits or changes a letter in a word. A typo like that is difficult to spot when the mistake is still an actual word (or words). Just last week, I wrote "headlice" instead of "headline." Again, two completely different things.

A writer may have put all energies, efforts, concentration, resources and many other inputs, to ensure that the outputs are perfect and devoid of any noticeable errors. These unintentional errors may be those of grammar, ideas, information or contexts, even those that may be resulting from the process of production which are often technical or mechanical. Whatever these errors are, they must have been seriously attended to, through a careful proof-reading or copy editing; yet the end-products are still plagued with, at times

pardonable errors. If there are no errors relating to grammar, ideas or information provided; the errors may be those pertaining to the opposing ideas, notion or based on the expectation of the reader or reviewer. The expectations of the readers or reviewers that the book or write-up have not met or addressed will then form the judgment in denigration of the products and vilifying the authors. What this background is subtly driving at is that no author or writer would deliberately ignore errors till it becomes manifest in the published books, journals, online's resources or other readable documents.

In a study conducted by Nath, Marcus & Druss (2006), entitled 'Retractions in the research literature: Misconduct or mistakes', which the data synthesis reveals that of the 395 articles retracted between 1982 and 2002, 107 (27.1%) were retracted because of scientific misconduct; 244 (61.8%) because of unintentional errors and 44 (11.1%) could not be categorized. This study therefore shows that errors or mistakes in published works are not always deliberate or interpreted to mean carelessness. In the retraction from the above study, the highest recorded of the retraction were 244 research articles that had unintentional errors; close to 62% of the overall samples in the study. This can be summarized to mean that errors may be inevitable in write ups.

However, from the foregoing; some readers or reviewers whose minds are not represented or reflected in the finished works of other authors may not even be right in their own thoughts about other people's work, as their own ideas are only to them and not opened to the third party's assessment. This is a fact attested to, when Campbell, Whitehead & Finkelstein (2009) conclude that:

Decision making lies at the heart of our personal and professional lives. Every day we make decisions. Some are small, domestic, and innocuous. Others are more important, affecting people's lives, livelihoods, and well-being. Inevitably, we make mistakes along the way. The daunting reality is that enormously important decisions made by intelligent, responsible people with the best information and intentions are sometimes hopelessly flawed.

In most cases, the understanding of the context or line of argument of a writer by the reviewers or readers may even be weak, consequent upon which the reviewers or readers may goof. The thoughts or direction of the write up must be well digested, articulated and assimilated without any iota of bias or sentiments, before conclusion is drawn. One thing that must be appreciated in ICHER, particularly Gaither is the identification and selection of the paper entitled Homeschooling in non-formal education: A mechanism for sustainable educational development, which was reviewed,

but with a negative appraisal which has given the author of the named article a singular opportunity to understand how his 'advocacy article' has been so misconstrued.

On the other hand, the negative review is a blessing, because, NEILPATEL (2020) once avers on his page that 'your business needs more negative reviews'. It did not end there, but further provided the importance of negative review and how best they can help business grow. However, in the case of this paper, the negative appraisal has ultimately given way for this clarifying effort, to further broaden the understanding of, not only Gaither, but other subsequent readers or reviewers about homeschool situation in Nigeria.

II. THE PROBLEM

Homeschooling as an official practice, favoured by laws, is not known to Nigeria. What this means is that the practice of homeschooling is illegal, in the eyes of its many restraining or forbidden instruments; including the Universal Basic Education Act, 2004; Nigeria's National Policy on Education, The Constitution of the Federal Republic of Nigeria and Child's Rights Act; as domesticated in the country. However, for what the country stands to gain from the practice of homeschooling in the face of many daunting challenges in the provision of formal education, the option of what non formal education can provide for sustainable education development in Nigeria; homeschooling was identified and an article was written to advocate for the adoption and practice of homeschool officially in Nigeria.

Unfortunately, the article was reviewed by ICHER and the appraisal in the review showed that the thrust of the paper has been misconstrued and less understood. If the understanding of the context of the article is being misunderstood, as revealed in the published review; it may mean that other readers tend to have the same problem of recognizing that the article was purely on advocacy. It must be said that no paper was ever written on homeschooling in Nigeria, except the one that is now contentious; therefore, substantial clarifications necessary. Since the title of the article, believed to be explicit cannot even be properly interpreted; clarifying academic efforts are required.

III. PURPOSE OF THE STUDY

To achieve the overall aim of showing illegal it is, for homeschool in Nigeria, the purpose of the paper is therefore, to:

1. X-ray how contentious and misconstrued the ICHER's appraisal of the reviewed article on homeschooling in Nigeria is.
2. comparatively make clarifying and juxtapository analysis of homeschooling practice in Nigeria and South Africa.
3. amplify homeschooling status in Nigeria and its prohibiting legal frameworks.

IV. RESEARCH QUESTIONS

1. How contentious and misconstrued is the ICHER's appraisal of the reviewed article?
2. What are the comparative clarification and juxtaposition in the analysis of homeschooling practice in Nigeria and South Africa?

3. What is the homeschooling status in Nigeria and which are its prohibiting legal frameworks?

V. METHODS

The choice of method adopted for this, as a qualitative study is historical-comparative in design; relying heavily on two main sources of information which are (i) primary sources (writer is a Nigerian national, who is familiar with happenings on non-formal education, therefore having first hand information; Constitution of the Federal Republic of Nigeria, UBE Act, 2004 and National Policy on Education document); and (ii) secondary sources (books, journals, online resources, encyclopedia and periodicals). The article that generated this discourse had stayed 12 years in public domain before its review. Historical research design therefore appraises the events of the past, bringing out the underlying fundamentals of historical investigations which Osokoya (1996) regards as the systematic and objective location, evaluation, and synthesis of evidence in order to establish facts and draw conclusions concerning the past. It should be noted that past can be in the 'immediate'. Comparative component of the design is expressed in the examination in comparison of Nigerian and South African characteristics, since the reviewer raised the issue of homeschooling as a concern in the two countries.

The instrument is purely documentary, having the data and its sources treated with internal and external criticisms of historical data evaluation. Both the external criticism and internal criticism are those activities that are considered in historical research as validity and reliability respectively, to establish the genuineness, authenticity and worth of the data and its sources.

VI. METHOD OF ANALYSIS

Being a qualitative research, the method of analysis is *a content analysis*; done by presenting respective and corresponding information (constituting the findings) and answering the generated research questions through presentation, interpretation and explanation (synthesis) of data content by the author; since Sarumi (2002) has maintained that data cannot speak for themselves.

VII. ANALYSIS AND DISCUSSION

This aspect shall be based on content analysis, undertaken by attending to each of the research questions for analysis and discussion, thus:

A. Research Question One: How contentious and misconstrued is the ICHER’s appraisal of the reviewed Article?

The Contentions and Misconstrued Appraisal of the Reviewed Article

This author originally wrote a 22 page article in 2008, entitled: Homeschooling in the Non-formal Education of Nigeria: A Mechanism for Sustainable Educational Development. This article was published in International Journal of Literacy Education, housed in the Department of Adult Education, University of Ibadan – Nigeria. The article was published in volume 5, Number 1; pages 18 to 40. This article can be found online via Google Scholar, Academia, Research Gate, Nigerian Researchers etc.

The contentious and misconstrued issues in the ICHER’s reviewed article which are intended by the author of the said article to analyse and clarify are replicated here, that is, the published abstract of the original article and the ICHER’s review. Without an access to the full text of any paper, an abstract is expected to provide an overview of what message the study is passing or what the study intends to achieve or what the outcomes of the study are. The reviewed article by ICHER has an abstract, captured in Box 1, below:

Many families today in Nigeria have opted out of public schooling fearing plethora of social and moral decadences that have overtaken the present public schooling, not excluding the fear of their children being maimed or killed by cultists; unsecured and porous atmosphere presenting females to dastard act of rape or related harassments have **caused some parents finding alternatives for their children abroad and some not even allowing their children go to school**, especially the rural people. **For a sustainable educational development, homeschooling has been identified as an antidote**, it avails the homeschoolers’ parents the opportunity to regulate, guide and monitor the kind of education desired for their children from their formative years and will potentially grow up with them to become responsible and God-fearing in life. **Basically, the paper examines the place of homeschooling in the context of the Nigerian Non-Formal Education (NFE); discusses the reasons for homeschooling among those already practicing it, using the U.S. theory and practice; the magnitude and its legal status globally. The benefits of homeschooling to the homeschoolers, their parents, government and the general public; the various challenges in Nigeria were all highlighted.** It however concluded by **clarifying that the writer’s advocacy for homeschooling in Nigeria is targeted on the educated families, consequently assisting the government solve the problems of inadequate facilities and equipment, huge salary bill;** because home is the school and parents are the teachers. **The recommendations sensitized the parents, government, education strategists and policy formulators of their parts in actualizing homeschooling in Nigeria.**

[Abstract here](https://www.academia.edu/12808911/HOMESCHOOLING_IN_THE_NON-FORMAL_EDUCATION_OF_NIGERIA_A_MECHANISM_FOR_SUSTAINABLE_EDUCATIONAL_DEVELOPMENT)
https://www.academia.edu/12808911/HOMESCHOOLING_IN_THE_NON-FORMAL_EDUCATION_OF_NIGERIA_A_MECHANISM_FOR_SUSTAINABLE_EDUCATIONAL_DEVELOPMENT

Box 1: Abstract and its web link for the Reviewed Paper on Homeschooling in Nigeria – Abdulrahman, Y. M. (2008).

*Note the texts in **Bold**.

ICHER’s Reviewed Article: Homeschool for Sustainable Educational Development in Nigeria, by *Milton Gaither* of the International Centre for Homes Education Research Reviews; published online: <https://icher.org> on June 8, 2020. Details according to the review are in Boxes 2, 3, 4 and 5 below:

Abdulrahman Y. Maigida, “Homeschooling in the non-formal education of Nigeria: A mechanism for sustainable educational

Box 2: Author’s Name & Article’s Title

Dr. Abdulrahman Maigida is a *professor of educational foundations* at the University of Port Harcourt in Nigeria. He *won a competition for research in Islamic education* in 2018.

Box 3: ICHER's provided Citation on the Author of the Homeschooling in Nigeria

In this article Maigida provides what is to my knowledge the first English-language academic piece on homeschooling in Nigeria. He begins by noting that correspondence education was popular in the early colonial period for individuals trying to pass the London Matriculation Examination, but homeschooling has never been widely known as an educational option in the country. However, given the sorry state of Nigerian formal schooling, most notably the widespread sexual harassment and rape of girls by male teachers and students, it might be something more parents should consider.

As there is little to no information about Nigerian homeschooling, Maigida spends most of the article defining terminology, summarizing some of the older U.S. literature, describing various curricular options popular in the U.S., providing brief descriptions of the legal climate in several countries around the world, and outlining potential benefits of homeschooling.

Near the end of the article Maigida turns to Nigeria. He notes that the country faces several challenges that might limit homeschooling adoption, including lack of formal curriculum, lack of support from media and government, lack of parent education in pedagogy, lack of a legal category for homeschooling in Nigeria, widespread illiteracy among adults, and the fact that many mothers work full time.

He concludes by recommending that highly educated Nigerians would perhaps be best fitted to homeschool, and he'd like to see the government recognize homeschooling as a legitimate option and for parents who choose it to take their responsibilities seriously and to make sure their children are given wide experiences outside of the house to learn more about the broader world and its people.

Box 4: Statements of Milton Gaither's Review of the Article

Like Michael [Olatunji noted](#) in the South African context, the danger Nigerian schools pose to girls seems like it could be a real push motive for Nigerian families. Unfortunately, there wasn't really any information about homeschooling in Nigeria at all in this article. Maigida didn't mention a single family doing it. He basically just summarized some of the more dated U.S. literature and made some recommendations. Olatunji's article on South Africa gave us much helpful information about the history and present state of home education in that African country. It would be wonderful if Maigida or other African researchers in other countries on that continent could do the same. - *Milton Gaither*

Box 5: Gaither's Appraisal of the Review

Follow up to the above contexts on Maigida's article, captured in boxes, as reviewed by ICHER; the following riposte shall provide and generate clear-cut information, arguments and analysis in connection with this international review, particularly from the stable of ICHER and directly from Milton Gaither. The author of that article and this riposte shall treat the ICHER's review with clarifying analysis and discussion. The review was perfectly running from the beginning, though with few inconsistencies that meant no harm to the author of the contentious paper, but the appraisal showed that the paper has been so misconstrued.

B. Research Question Two: What are the comparative clarification and juxtaposition in the analysis of homeschooling practice in Nigeria and South Africa?

Comparative Clarification and Juxtaposition in the Analysis of Homeschooling Practice in Nigeria and South Africa.

Clarifications and Analysis that are considered necessary in the juxtaposition of what are obtainable in Nigeria and South Africa, as regards the practice of homeschooling can now be attended to; based on the Gaither's appraisal. The appraisal section of the review seems to portray the reviewer as having no clear understanding of what the article was written to achieve, when s/he submitted that:

Unfortunately, there wasn't really any information about homeschooling in Nigeria at all in this article. Maigida didn't mention a single family doing it. He basically just summarized some of the more dated U.S. literature and made some recommendations. Olatunji's article on South Africa gave us much helpful information about the history and present state of home education in that African country. It would be wonderful if Maigida or other African researchers in other countries on that continent could do the same.

South Africa is featuring in this rejoinder article, because of the accolades received by the homeschool paper on South Africa, the country that has legalized the practice of homeschool; as against the one written on homeschool's advocacy in Nigeria, because of its illegality. Drawing a distinction and making clarification demands that South Africa and its homeschool's status and characteristics be examined.

Corroborative Highlights from the Article's Abstract

The statements below are the key messages that the abstract convey to show the intent or the *raison d'être* for the article.

Point 1: ...caused some parents finding alternative for their children abroad and some not even allowing their children go to school.

Point 2: For a sustainable educational development, homeschooling has been identified as an antidote.

Point 3: Basically, the paper examines the place of homeschooling in the context of the Nigerian Non-Formal Education

Point 4: ...discusses the reasons for homeschooling among those already practicing it, using the U.S. theory and practice; its magnitude and the legal status globally.

Point 5: the benefits of homeschooling to the homeschoolers, their parents government and the general public; the various challenges in Nigeria were all highlighted

Point 6: ...clarifying that the writer's advocacy for homeschooling in Nigeria is targeted on the educated families, to consequently assisting the government solve the problems of inadequate facilities and equipment, huge salary bill.

Point 7: The recommendations sensitized the parents, government, education strategists and policy formulators of their parts in actualizing homeschooling in Nigeria.

In view of the above, highlights of the article's abstract are considered to be important to corroborate the fact that in theory and practice, homeschooling is non-existent in Nigeria; therefore, the article was written to advocate for its practice. Importantly, points 4 to 7 are clear enough to show that Nigeria has never considered the practice of homeschooling in that article, but the paper advocated for it; to be practiced, portraying its accruable benefits for Nigeria's sustainable educational development.

The reviewer should not have done a hasty conclusion about the article, for not even mentioning a single family practicing homeschool in Nigeria, as mentioned in the review. It would have been a credit to the reviewer to add his voice in commending the author of the paper. He should have conducted or launched an investigation into why no family was mentioned in the practice of homeschooling in Nigeria; where the laws forbid homeschooling and no official practice, how can any homeschool family be mentioned in the article?

In juxtaposing the practice of homeschooling in Nigeria and South Africa, it is clear that official homeschooling is illegal in Nigeria. To the extent of its illegality, there cannot be any known family practicing it, there can be no known curriculum, no known resources and no known agency or personnel is in charge or responsible.

In the case of South Africa, homeschooling is legal, although; Wikipedia (2014) has it that Homeschooling in South Africa (often referred to as home education) had been illegal, until it was recognized in 1996 under the South African School Legislation. As confirmed by Home School Legal Defense Association – HSLDA (2020), Home education in South Africa was legalized by the South African Schools Act No. 84 of 1996 (S51). According to this Act, each province has the authority to set its own standards. Home learners are required to apply to register with provincial education departments. In a clear language, Thinkdigitalcollege (2020) affirms that Homeschooling or Home education is legal in South Africa and is a fast growing market at about 20% per year. ... Therefore parents in SA will have to face the fact that their decision to keep or to put their children in schools will have long-term consequences.

On the other hand, Article 3 of the South Africa Schools Act requires that parents must cause their children to attend

school, between the ages of 7-15 years; children may be exempted from compulsory school attendance, if it is in the interest of the child. Furtherance to this, Article 51 allows for children to be registered for education at home. In a **White Paper on Education and Training** (Notice 196 of 1995, Department of Education) explains the principles on which the SA Schools Act is based, thus:

One of these principles that are applicable to homeschooling is the following:

- i. "Parents or guardians have the primary responsibility for the education of their children, ... **Parents have an inalienable right to choose the form of education which is best for their children**, particularly in the early years of schooling, whether provided by the state or not, subject to reasonable safeguards which may be required by law."
- ii. As can be found in the FAQ of the South African homeschool curriculum website page, where it is stated that most homeschoolers in South Africa choose **NOT** to register their children for homeschooling with the Department of Education, as this often results in unlawful interference by uninformed education officials, which is **NOT** in the best interests of the children.

It is sufficient, in view of the above; that any one writing on South Africa's homeschool practice must have enough to say or write about. The law favours the practice in the South Africa, leaving the families with the choice of whether to educate their children/ward at home or away from home. Comparatively, this is lacking in Nigeria, as the laws do not recognize its practice or succinctly put, it is not even known to Nigeria and Nigerians; perhaps, the reviewer's observation and comment of Gaither (2020) maintains that 'in this article, (referring to Maigida's article in contention) Maigida provides what is to my knowledge the first English-language academic piece on homeschooling in Nigeria'. Therefore, anyone trying to write on Nigeria and homeschooling practice will have nothing to write about; but Maigida's article of 12 years ago was comprehensively written to advocate for the practice, even highlighted the potential benefits the country can gain for sustainable education development.

Other comparative perspectives to further explicate and dispel the insinuations associated with the review is the comparison of the two Nigerian authors in which, one (Maigida) wrote on Nigeria and the other (Olatunji) on South Africa. There is no doubt that Nigerian authors or writers are capable of excellent outputs, which is the case in the commendation of Olatunji's paper on South Africa. The issue is that homeschooling exists and is allowed in South Africa; therefore, an outstanding paper is inevitable. However, the homeschooling paper on Nigeria did not receive the blessing of the reviewer. In a clear analysis, Olatunji as a Nigerian would have written on Nigeria, if there was anything worth writing about. Maigida also did not see anything to write 12 years ago, even now; but wrote to advocate for its practice in Nigeria. This, however, was not recognized in the review, for praise.

How favourable the practice of homeschooling is in South Africa has been the reason of its legal backing, which it is in the contrary for Nigeria; where it is not even recognised. For

this reason of legalization, the practice is characterized with the followings:

Curriculum

For any educational programme, in Nigeria or South Africa; conventional or modified, such as in homeschool; curriculum is the first ingredient that directs the success of the theory and practice; Gbamanja (2002) sees curriculum as totality of experiences given to the learner under the auspices of the school; focusing on programme of studies, programme of activities, and programme of guidance. In her explanation, Olele & Abraham (2019) provide the focus of each of the experiences, thus: programme of studies focuses on core academic subjects; programme of activities focuses on non-academic activities that are genuinely educative; and programme of guidance includes all the strategic services that are planned to help the learner acquire the capacity for self-direction and self-guidance. What is required in the homeschooling of South Africa, in relation to the curriculum are well taken care of; as can be ascertained. On the homeschool curriculum in South Africa, Wendy & Shirley (2020) are known human resources for South African Homeschool Curriculum. Since there is no homeschool in Nigeria, there can never be homeschool curriculum.

Resources

Mostly in South Africa, there are wide range of online resources available, addressing the peculiarities of South Africa in terms of culture, orientation and nationalism. Similarly, a number of books are also available for use in Home Education of the South African Homeschoolers. The resources were structured and organized, based on the accredited programmes – There is the Kindergarten and there are others by grades, that is, Grade 1, Grade 2 and etc. There exists in Nigeria, a large volume of educational resources, not for homeschooling, but available in various media and forms (text, audio, video, models etc), for general conventional schooling, known as formal education. There are series of Online Educational Resources (OER), books, journals, encyclopedia, periodicals etc. There would not have been dedicated or specifically designed resources for homeschooling in Nigeria, when it doesn't even exist.

Careers

Many are now involved in home education in South Africa. Apart from parents, in some cases, directly handling the education of their children, it has now become widespread that private agencies, organizations, groups and other experts are involved in the provision of this homeschool service, which been taken to another level, using the internet to render online educational service, particularly the lesson delivery, assessment and provision of learning materials. Today, many of these service providers are being issued licenses for operation, e.g Think Digita, recently licensed as a South African Comprehensive Assessment Institute (SACAI) Centre for National Senior Certificate Assessment (NSC) Programme (Gr 10-12). Nigeria and Nigerians cannot in anyway pick a career in non-existent programme and there is no agency, group or organization in Nigeria for homeschool programme or service.

Recommendations, as contained in the contentious paper reviewed; should have even provided the real intent of the paper, if the reviewer had taken cognizance. The first item of the recommendation in that paper is:

...that government should accept and give recognition to homeschooling in Nigeria, even institute legal backings. This acceptance and recognition will even solve the myriads of problems plaguing the achievement of the objectives and implementation of UBE in the areas of facilities, equipment, personnel, finance and so on. Because virtually all these are homeschool parent's responsibilities (Abdulrahman, 2008).

C. Research Question Three: What is the status of homeschooling in Nigeria and its prohibiting legal frameworks?

Homeschooling Status in Nigeria and its Hindering Legal Frameworks

It must be put straight and clearly emphasize that homeschooling is illegal in Nigeria. To the extent of its illegality, no official practice by any Nigerian family. There are education laws, as Act of Parliament and Constitutional provisions, including the provisions derivable from the Nigerian national education policy; all forbidding homeschooling. However, private participation in education is allowed and backed by laws.

The country Nigeria is a republic that is guided by a Constitution in all her engagements, including education. Therefore, anything that is not known to the law of the country is illegal. This is the case for the practice of homeschooling. The Constitution recognizes an organized education that is formal and its modification, as non-formal, available at higher level to upgrade educational qualification or compensatory, for those who for one thing or the other missed out of regular attendance of school. Such modifications are the open and distance learning which has come to replace the correspondence education. Some institutions offer it electronically, or with physical convergence of students at designated centres or institutions. Among the official providers of distance learning education in Nigeria are the National Teachers' Institute (NTI), National Open of Nigeria and the various Universities Distance Learning Centres of the Nigeria's tertiary institutions.

Nigeria's Constitution and Homeschooling

The Constitution of the Federal Republic of Nigeria (1999) (as amended); is a legal instrument that has no provision for homeschooling. Educational priority of the Nigerian people and government are expressed in the educational objectives, contained in the Constitution of the Federal Republic, as rendered in Chapter 2, Section 19, Sub-sections 1, 2 and 3. More importantly, sub-section 3 (a, b, c & d) clearly showed the priority areas in the Nigerian education, focusing on the formal and non formal arrangements, thus:

- 1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.
- 2) Government shall promote science and technology
- 3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide:
 - (a) free, compulsory and universal primary education;
 - (b) free secondary education;

- (c) free university education; and
- (d) free adult literacy programme.

In view of these constitutional provisions which homeschooling is not captured in any way, as part of the country's educational objectives; it suffices to say that homeschooling has remained unconstitutional in Nigeria and at no time, was it legalized. Based on this, the article in contention was only written as advocacy paper, but reviewed by ICHER not as what it was in its thrust.

Child Right Act, 2003 and Homeschooling

Convention on the rights of the Child, commonly abbreviated as the **CRC**, **CROC**, or **UNCRC** (Wikipedia, 2016 & United Nation Human Right Office of the High Commissioner, 1989) endorsed by States party and about 196 signatories; approved on the 20th of November, 1989 by the UN's General Assembly. This is contained in Article 28, 1a-e thus, States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular; (a) Make primary education compulsory and available free to all. A more direct policy effort at recognising the right of the child to education has been domesticated in Nigeria with the passage into law, the Child Right Act titled: An Act to Provide and Protect the Right of the Nigerian Child and Other Related Matters, 2003; sub section 15(1-7) provides that:

- (1) Every child has the right to free, compulsory and universal basic education and it shall be the duty of the Government in Nigeria to provide such education.
- (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) Every parent, guardian or person who has the care and custody of a child who has completed his basic education, shall endeavour to send the child to a senior secondary school, except as provided for in Sub-section (4) of this Section.
- (4) Where a child to whom Sub-section (3) of this Section applies is not sent to senior secondary school, the child shall be encouraged to learn an appropriate trade and the employer of the child shall provide the necessities for learning the trade.
- (5) A female child who becomes pregnant, before completing her education shall be given the opportunity, after delivery, to continue with her education, on the basis of her individual ability.
- (6) Where a parent, guardian or person who has care and custody of a child, fails in the duty imposed on him under Sub-section (2) of this Section, he commits an offence and is liable—
 - (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) on any subsequent conviction to a fine not exceeding five thousand Naira or imprisonment for a term not exceeding two months or to both such fine and imprisonment.

- (7) The provisions of this section shall not apply to children with mental disabilities.

Child's Right Analysis

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

- 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.
- 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 homeschool is illegal.
- 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 Act above and its analysis are further testimonies to the illegality of homeschooling in Nigeria.

National Policy on Education and Homeschooling

National policy on education is often refers 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 document passed through series of amendment or review, to meet the need of emerging situations in the educational life of Nigeria, but consistently showcasing and expressing pattern of her education to be institutional based, not a home education. In furtherance to the exposition on the series of innovations that the document witnessed, Federal Republic of Nigeria (2014) portrays the innovations and changes, not limited to what covers all levels of education, thus:

- 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.

In the implementation of these provisions of the national policy, Section 1, Sub-section 9 (i & j) ... that education shall be structured to develop the practice of self-learning. Government shall in this regard continue to encourage the establishment of Young Readers Club in schools. Specifically, Sub-section 9(j) maintains that at any stage of the educational process after junior secondary education, an individual shall be able to choose between continuing full time studies, combining work with study, or embarking on full-time employment without excluding the prospect of resuming studies later on.

Universal Basic Education (UBE), Its Act and Homeschooling

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, the House of Representatives and the 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. UBE is about 'Compulsory' schooling.

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.

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.

After the launching of the UBE in 1999 and before it was accorded a legal backing in 2004, there was another global effort that still geared towards ensuring that people of the world are educated. An agency of the United Nations, the United Nations Development Programme (UNDP) came up with 8 solid goals to address the developmental challenges of the world, by establishing the Millennium Development Goals (MDGs) in 2000. Out of these 8 goals, the goal number 2 of the MDGs also emphasizes the universalization of primary education.

Appraisal of UBE as a Phenomenon

As can be seen from the objectives of the UBE, one needs no further explanation to believe in the capability of the programme to solve some, if not all our national educational and societal problems, but addressing contemporary challenges, thus; the specific objectives of the UBE programme, as outlined in the implementation guidelines by Federal Ministry of Education (2000), Federal Republic of Nigeria (2014) which are as follows:

- 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, and ethical, moral and civic values needed for laying a solid foundation for life-long learning.

Worthy of note is the Almajiri Education Programme which Government has demonstrated commitment to the actualisation of UBE objectives. The Government set up a committee on Madrasah Education, whose pupils were about 10 million. The committee, later referred to as National Implementation Committee on Almajiri Education Programme, charged with the responsibility of integrating Quranic school children into the UBE programme with the identification of the following models:

- 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).

It is therefore crystal clear that the objectives UBE, even from the Act establishing it which dwell extensively on formal schooling. No mention of any waiver or alternative in the form of homeschooling. UBE Law aligns with the domestication child right act where fines and imprisonment are prescribed for failure of any parents or guardians to send their wards or children to school.

VIII. CONCLUSION

Homeschooling is a contemporary educational practice in our today's world. As contemporary as it is, not all countries of the world have adopted or subscribed to its practice. Homeschooling is unpopular in many countries, not because the government is unaware of it, but as a result of their peculiarities and existing laws on compulsory education; technically prohibiting the practice of Homeschooling in many countries including Nigeria. In Nigeria, homeschooling is not popular as already maintained, because it is not officially practised and a number of people do not even know or understand anything about homeschooling. A Mention of homeschooling to many in Nigeria is news, as they will probably be hearing it for the first time. UBE Act of 2004 has

clearly forbidden homeschooling, especially at the Basic Education level. Also, the Nigerian National Policy on Education portrays the overall practice of the country's education systems and has no provision for homeschooling, making it alien to the people of Nigeria. On the other hand, the practice of home schooling in South Africa is backed by laws and families in that country have choices to make, making it a viable area of research study that anyone can venture; as against Nigeria where the issue of Homeschooling is a dry ground for research.

IX. RECOMMENDATIONS

More of studies to showcase how beneficial homeschooling can be are very necessary, particularly during emergencies that temporarily halt school attendance. For instance, the current realities of the pandemic will still inform advocating for the legalization of homeschooling practice in Nigeria. The world had no choice than to go by virtual means for the continuity of human interactions, including schooling that was halted by the outbreak of the pandemic virus (Covid-19).

As Nigerian, and many other families in the world never envisaged an outbreak of Corona Virus; even after the outbreak, no one thought it would remain with us for as long as this, to the extent that the virus brought the entire world to its knees and everything on standstill, including schooling. If homeschooling is an official practice, which may even be rendered by the registered/licenced providers; the families would have become less worried and children's education continues uninterrupted.

It should be noted that George Washington, Benjamin Franklin, and Abraham Lincoln; all former presidents of US, were homeschooled. This indicates that success is inherent in homeschooling.

On the review of the article of 12 years ago, it strongly advised that reviewers of any work should examine the thrust and motives of any writing before conclusion is drawn. By doing this, an objective appraisal and not demoralizing or discouraging comments, would be avoided.

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