

Educational Act, Regulations, and Their Key Issues in Nepal

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Abstract

Education Act 1971 (2028 B.S.) is an innovative legal framework, which organized and improved the educational system. However, with the enactment of Education Regulation 2059 (2002 A.D.), provisions of Act 1971 along with its amendments have been implemented in Nepal. Therefore, this study has aimed to critically analyze the effectiveness and challenges of Education Act (1971) along with its implemented regulation (Education Regulation 2002) in Nepalese context. The purpose is to analyze the implementations and provide recommendations to enhance education. The method applied was qualitative and content-analysis approach which will analyze the legal texts, amendment provisions, and research documents. From the study findings, it is proved that both the systems have succeeded in providing a structure formal education and in raising the education access. However, issues of over-centralization of decision-making powers, limitation in policy implementation authorities, low resource, political interference to teachers and inequity access and quality have remained the central problems. The study has strongly concluded that there is urgent need for major reform to these laws so that it becomes more federal-friendlier, inclusive and addresses present issues by incorporating up to date techniques such as e-learning, vocational and technical education. An implication from this study would be that, effective decentralization along with strong local capacity and accountability mechanism is essential for ensuring equity, efficiency and quality education for Nepal.

Keywords: *education act, education regulation, governance challenges, inclusivity, federalism*

Introduction

The Education Act of Nepal 2028 (1971) was a progressive step made towards regulating the educational system of the country which has been amended several times to cater to the new and changing demands of education. The act chiefly regulates the system at the school level and clearly identifies the roles and responsibilities of various educational authorities, schools and other stakeholders. It provided a sound basis for the development of education; however, there are several issues which appeared during its implementation. Education is the most significant variable contributing to the socioeconomic development of the nation. It is a prerequisite for social mobility and the basis for generating human capital and national development. A system which is well regulated ensures equity in education, quality in education and the accountability of the concerned institutions. A regulated system of education needs to follow regulations that set up standards, establish education policies, and adhere to these standards. The Act of 1971, and its amendments were operationalized in Nepal with the introduction of Education Regulation 2059(2002), which is a statute that lays down the entire framework governing school administration, personnel staffing, curriculum implementation, finance management of schools, and the procedure for evaluation.

The role of education in national development is important for economic growth, national unity, and preserving cultural traditions (World Bank, 2018). In developing nations such as Nepal, law is an important factor affecting quality and access in education. Education Act of Nepal 2028(1971) intended to standardize the educational system in Nepal; at the same time, it has set up the educational policy and governance system in the country (Ministry of Education, 2018). Since its introduction, education act has seen numerous changes overtime to keep pace with the changing socio values and perceptions as well as world trends and issues in education (Bhattarai, 2019). For example, inclusion of inclusive education policies in main education systems of marginalized communities, or differently able students, represents the dynamic nature of the act (UNESCO, 2020). Despite all this there are still various issues related to the governance of the system, relevance of curriculum, its implementation. The current studies argue that even though the act has a strong legal provision, implementation can be challenging due to factors such as lack of adequate infrastructure, inadequate training for teachers and lack of funding (Pandey, 2021). More importantly, there is an urgent need for curriculum reform which should be made to fit with the demand in the job market and to foster critical thinking skills of the students (Sharma & Pradhan, 2022). Therefore, this study intends to review the effectiveness of the Nepal Education Act and guidelines and to outline the major issues faced by education sector in the issues such as governance, curriculum and implementation.

The regulation has been amended time and again, and it considers international good practice and the changing situation of education. The reforms have concentrated on issues of decentralization, good governance, training and recruitment of teachers, inclusion of TVET, and provision of free and compulsory education for all students, which also addresses the national as well as international agenda of education including SDG4 on 'Quality and Inclusive Democratic

Education'. However, several problems exist in education sector such as, governance, teachers management, financial transparency, learning equality and implementation of the law. In turn, local education authorities (LEAs) and school management committees (SMCs) face comparable issues of political interference, as well as governance inefficiencies and problems with bureaucracy stifling their effectiveness. The issue of teachers hiring remains a problem, as concerns regarding professional development, job security, and meritocracy persist. Financial constraints continue to create a barrier to equal resource distribution, resulting in disparities in educational quality between urban and rural areas. In addition, the issues of inclusive education for children with disabilities and disadvantaged groups, as well as for girls, remain of great concern, despite legal support for access to school education.

Objectives of the Study

The study has the following objectives.

1. To review the Education Act and regulations in the context of Nepal's developing educational situation.
2. To assess the challenges in implementing the Act and regulation policy recommendations for improvement.

Methodology

This study adopts a qualitative method, with document analysis as the main research design, to analyze a large volume of documents related to the Education Act 2028 (first enacted in 1971), which has been revised in several ways. The analysis is not based only on the text of the Act, but also on the context of the Act in the past development over the many decades. It aims to shed light on the further development of the Education Act to establish an education environment that is more equitable and effective. The ultimate aim is to make education systems in Nepal more aligned with global educational standards. So that it can provide the needs of the diverse population of Nepal and equip students to face the challenges in the modern world. The research aims to continue the study of Education/ Regulation 2059 and its revisions, highlighting the relevant clauses, the rationale for the changes, and the challenges faced in implementing them. The purpose of this research is to understand the pros and cons of the operation of this regulation and its impact on developing a strong, inclusive, and better educational system in Nepal. It also proposes ways of strengthening governance, regulatory systems, teacher management systems, and the financing of education in the long term. It aims to contribute to the ongoing debate on the policy reform of education and its impact on the educational landscape in Nepal.

Results and Discussion

Overview of Education Act 2028 (1971)

In 2074, the Constitution of Nepal has also issued the Education Act, 2028 (1971) that intended to develop a standardized and formal system of education in Nepal. Although the Act is one of the attempts towards a systemized administration of education in the country but the

provisions of the Act do not appear suitable for the present educational scenario in the country. In its core the Education Act of 2028 has adopted centralist approach to form the administrative system of education and introduces flexibility only up to the extent that accommodate for regional adaptations or the advent of modern educational methodologies (Mok, 2013). The amendment of the Act is important for the appropriate allocation of powers among the local, provincial and national bodies of education system due to the introduction of the federal structure in the country. Another significant feature of the Education Act 2028 is the standardization of the education. Though standardization leads to uniformity it completely ignores the indigenous culture and knowledge base. According to Opposs et al. (2020), national educational standards must be reformed in order to reflect regional and local learning needs as well as local cultures and traditions.

Overview of Education Regulation 2059

Regulation 2059 of the Education was introduced to define the implementation guidelines of the national education plans of Nepal. This Regulation deals with issues of student assessment, administration of curriculum, selection and training of teachers, governance of schools, and financial management in schools. Its core principle is to enhance the power to local institutions and the School Management Committees (SMCs) in order to enhance decentralization yet retaining quality and accountability in educational institutions. Decentralization is one of the key features of the Regulation (Neupane, 2025). It empowers SMCs and local organizations to manage resources, administer schools and contribute to decision-making. This practice enhances community participation and local self-governance for education management; a model that has been widely adopted in Nepal. The Regulation also addresses the hiring process, assessment and development of teachers in order to enhance the teaching quality across the nation. Nevertheless, its implementation has been problematic and despite the good intention; it is yet confronted by challenges of implementation, supervision and resources mobilization (Lindquist, 2020).

Historical Context of the Education Act 2028 (1971)

While education has been considered central to the progress of a nation, laws play an equally significant role in the functioning of schools. In Nepal, the Education Act 2028 (1971) has effectively shaped school environments across the country for over half a century and provided impetus for change. The social, political and cultural changes in Nepal over the last few decades and the increasing aspirations of people for their children's education are likely to have raised questions about whether this old law is still adequate to meet current needs.

It was indeed in the early seventies, that a change took place in Nepal. Access to schooling prior to the Act was quite limited in Nepal as an education system modern in design only arrived much later in Nepal and was heavily inspired by international models. In response to this, Nepal enacted the Education Act 2028 (1971). The intention of the government in this regard was to increase the access to schooling across the nation by setting up more schools, enacting clear hiring policies for teachers, developing curriculum and assessment systems to provide a more organized and state regulated education system at all levels, ranging from early childhood development to

higher education. However, Nepal today is not the same place it was in the 70s. The nation has witnessed substantial social and political transformations; therefore, a critical discussion regarding the relevance and effectiveness of the Education Act 2028 (1971) in the contemporary scenario seems to be necessitated at present. This does not, in any way, disregard the merits of the existing law, but brings forth the shortcomings and necessity of reform, which may fit better for Nepal today in addressing issues of present-day Nepal, the changed goals, students, and parents

Provisions of the Education Act 2028 (1971)

The Education Act of 2028 established the categories and structures of school classification and management by defining the levels of education from primary level, lower secondary, secondary and higher secondary while defining government, community and private schools as the primary educational institutions. Education Act 2028, regulated a single curriculum throughout the schools for a unified learning and provided a mechanism for teacher selection and training in a disciplined manner. The Act also standardized the mechanism of evaluation in the education system of Nepal, mainly the SLC exam and enforced for the establishment of SMCs in the schools. The provisions of the Education Act 2028, however were largely extended to urban areas with lesser significance placed on rural and marginalized communities thus reflecting overall educational accessibility (Ray & Chakravarty, 2025).

Amendments to Education Regulation 2059

To comply with international and national educational standards, the Education Regulation 2059 has undergone some changes. To address new educational needs, improve the system of governance, and expand quality education are the main motives behind these amendments. Some important amendments are the changes in vocational and technical education, changes in the teacher services, decentralized schooling and compulsory free education.

One of the important changes introduced was the amendment to compulsory free education (2018) in accordance with the 2015 Nepalese Constitution. In an effort to make high quality education equally accessible to all students irrespective of socio-economic background, the provision of basic education free and compulsory was expanded up to secondary level by the amendment of the Act in 2018. The introduction of free text books, scholarships and midday meal at certain places helps to get over the financial difficulty faced by the students from low economic backgrounds. Though this has substantially increased school enrollment rate, the lack of sufficient finance, lack of effective monitoring mechanism and disparity between rural and urban schools can be considered the key issues, which can further complicate this step to be taken up as the standard in the countries with scarce finance and high number of students. It is yet to be seen how the promise of free education can be fulfilled for many rural schools when basic facilities like infrastructure, textbooks and inefficient resource allocation continue to persist.

Another important amendment made was to the Teacher Service Commission (TSC) Reforms (2016) which was brought into practice to strengthen the Teachers Service Commission so as to raise the efficiency and the quality of teacher recruitment and professional development.

Among other reforms made in the Act, one of the major reforms was to conduct competitive examination for hiring permanent teacher which guaranteed the appointment of eligible candidates only through competition. Provision of evaluation of teacher based on the performance was introduced to promote continuous professional development of teachers. In spite of such futuristic steps, the political meddling in the process of recruiting teacher is still an issue and it undermines the merit-based system of selection. Fairness, quality control, and overall educational results are all at risk since political ties continue to have a greater effect on many selections than qualifications.

Nepal is a federalized country, thus the amendment on school government and local government roles was a part of the process of federalization in 2017. This amendment delegated greater powers to local governments which could then oversee policy implementation, manage schools and allocate resources (Kapelela et al., 2025). The goal was to improve school governance by reducing the bureaucracy and responsiveness to local needs. To successfully administer education, many local governments, however, lack the administrative know-how, financial means, and technological capability. Consequent to this, decentralized school governance has been challenged by inconsistent application of policies, lack of coordination across governmental levels and mismanagement of resources.

The importance of skill-based education for students' preparation for the job market and the newly added Article on Technical and Vocational Education in the 2019 amendment were discussed. This amendment sought to integrate technical and vocational education into the mainstream of education while ensuring that students would receive practical and career-oriented training along with their traditional academic education. It addresses the growing demand for skilled workers in Nepal, establishes standards for the construction of Vocational Training Centres, adopts market-oriented courses and links education to employment. However, due to the lofty goals, the effectiveness of the program has been limited due to limited funding, limited facilities, and insufficient teachers. Students have not been able to seamlessly move to a meaningful pathway into employment because of the lack of industry engagement and outdated equipment in many Vocational Training Centres (VTCs).

These changes are an outcome of the efforts made by Nepal to bring the education system up to date and address the wide governance gaps in terms of quality and access. To ensure that the benefits outlined are felt by every child across the country, their achievements are largely dependent on effective implementation, adequate funding, the involvement of stakeholders and effective policy monitoring, which leads the changing face of education in Nepal.

Changing educational landscape of Nepal.

The education sector in Nepal has undergone high socio-political and economic changes since 1971 which has impacted its education sector. The government in Nepal, which is shifting from a monarchy to a federal democratic republic, has introduced changes in governance with an emphasis on decentralization as reflected in the Constitution of Nepal 2015 which gives local government more authority over education, and needs to review the existing Education Act 2028,

which was built on a centralized framework. Some progress has been achieved on providing greater access to education and increasing literacy rates through various programs, such as the School Sector Reform Plan (SSRP) and the School Education Sector Plan (SESP). However, there are challenges, especially for providing quality education to the deprived and remote groups. The new emphasis on competency-based education that is highlighted in the National Curriculum Framework has required revisions to provisions of the Act that are out of step.

Also, the growth of the private sector has created a difference in the quality of education and education should be re-evaluated in order to ensure that quality is comparable. The COVID-19 pandemic has also underscored the need for technology to be embedded in learning, and brought a digital skill and learning through technology deficiency to the Education Act (Rooney, 2025). Lastly, the Act was intended for universal education, but it was not enough to include provisions. The importance of integrating marginalised sets policies related to inclusive education, gender equity and support to disadvantaged students should also be reflected in the legal framework.

Gaps and Limitations of the Education Act 2028

However, there are some shortcomings in the Education Act 2028 in addressing the educational problems confronting Nepal in the present scenario. It is not as effective in a federal system of government as it is in a centralized system because it is not compatible with the country's federal system. Moreover, the Act does not include provisions about the digital and technological integration, not recognizing the growing importance of ICT in education. The inequities in access to education remain, especially for marginalised groups, while the examined based educational system (based on examination such as SLC) has been criticized for limiting students' overall development.

Need for Reform of the Act and Regulation

There are a number of changes to be made to the Education Act 2028 in the context of changing educational landscape. To begin with, education policies should be reorganized to give local government more autonomy in decisions, in line with federalism. In addition, the Act should include provisions for 21st century skills, competency-based learning, and digital literacy so that policies for curriculum will be relevant. Improved legal requirements will ensure access to education for marginalized communities and increase equity and inclusion. Further, well-developed norms for the regulation of private education are required to ensure the quality of all forms of education. There should also be support for digital learning infrastructure, teacher training in ICT, and equitable access to online education. Finally, changes in the examination system must take place. Rigid examinations should be replaced by alternative assessment models like continuous assessment and project-based assessment for a more holistic approach to the assessment of students.

Education Act 1971, which affects Nepalese education, was passed on 1971 but with the social, political and educational change along with new need and challenges, need to reform the Act so as to suit the demand and need of the time such as the demand of modern education through

digital way of teaching learning with the implementation of federal education, new trend of learning like pedagogy, concept of inclusive and comprehensive policy of learning.

Act Implementation

The Act gives the Ministry of Education as well as the local government and the schools considerable power. It has led to delay in decision-making and resource delivery, especially in the rural areas as a consequence of bureaucracy. Issues such as lack of good learning facilities, teachers and teaching materials have been highlighted in many of the schools, particularly in rural areas. Despite having free primary education provision, economic disparities prevent many children from gaining good education.

One of the major criticisms leveled against the Act is the highly centralized nature of the education administration structure. Policy-making, curriculum development, teacher management and allocation have all been handled by the Ministry of Education. The centralized nature of decision making at the central level has created inefficiencies in the delivery of education, especially in remote and rural areas, where a national uniform curriculum may not necessarily suit local needs and cultural contexts. Some measures were taken to address the problem of centralization through a number of amendments to the Act and federal restructuring of the country, but there continue to be many challenges in practice. The Act emphasized on standardization of national curriculum so that there could be a uniformity of education across the country. However, standardization often disregards the different cultural and linguistic realities prevailing across the country.

There is not a good integration of indigenous knowledge, local language, and community-based learning models in the national learning system, and thus the relevance and interest of education for students from marginalized community is weakened. Despite the legislation to provide universal and compulsory primary school education, educational access is still a significant concern. Lack of infrastructure, scarcity of trained teachers and financial constraints are problems in rural and disadvantaged communities. Issues of gender difference have also been a focus in the past, which has led to the introduction of specific policies and scholarships. The Act provides direction for teacher recruitment, teacher training and teacher conditions of service and these challenges are still faced in implementing the Act. Issues such as political interference in teacher appointments, lack of merit-based promotions, and inadequate professional development opportunities hinder the quality of education (Ekwueme, 2025). The provisions of the Act have not been adequate in ensuring that teachers are trained continuously, resulting in varying teaching qualities across the country.

The education system is rooted in an examination culture that is deeply entrenched and undermines critical thinking and application of knowledge, as per the provisions of the Act. The emphasis on High Stakes Testing in particular, specifically in the School Education Examinations (SEE), has led to the development of a culture around exam-oriented learning instead of learning for holistic development. Attempts to have alternative assessment systems have been purposeful and have faced resistance. The main focus of the Act is general academic education, and a small

amount of technical and vocational education (TVET). In a nation with a large workforce that moves to work, there's a need to increase the emphasis on skill-based education. There are missing comprehensive policies that connect formal education with training for employment.

The Act has faced challenges to be in sync with the new federal governance system that came into effect in Nepal in 2015. The delineation of federal, provincial and local responsibility for education management is ambiguous. Lack of consensus on legal authority, resource allocation and decision-making authority have slowed the implementation of educational reform at the regional level.

Education Regulation 2059 and its Amendments

A significant obstacle to Education Regulation 2059 is the difference between creating policies and their actual implementation. Although the regulation itself is progressive in terms of quality of education, there are no suitable implementation methods, which has led to disparities between schools. Because of bureaucratic inefficiencies, a lack of oversight, and a lack of funding, many policies are still unimplemented (Poudel, 2020). Even with the progressive measures included in Education Regulation 2059 to raise educational standards, there is still a big gap between creating policies and their actual application. This is a multi-faceted approach, involving the strengthening of monitoring and evaluation, streamlining bureaucratic processes, adequate funding, empowerment of teachers, regional disparities and engagement of stakeholders, and commitment at the administrative and political level. The potential of the rule to change the educational system might not be achieved in the absence of these steps.

The objective of decentralization of education policy changes in Nepal was to give the local governments greater authority to efficiently and effectively operate schools to cater to local community needs. The lack of resources and experience at the regional level has been the leading cause of the major obstacles to convergence throughout the shift to local administration. Many local governments are not able to properly run schools because of the absence of administrative skills, technological knowledge, and funding. Moreover, the political entanglement in local education authorities, in which the selection of teachers, allocation of resources and management of schools are often driven more by political considerations than academic goals, adds to these issues. Political interference has resulted in the current policy of LECs determining matters and actions different from students' needs, more through political considerations (Sharma & Khanal, 2021). This politicization undermines the decentralization principle because it creates inefficiencies and school administration is poor and unjust. As a result, the benefits of decentralization, such as responsiveness to local needs and enhanced education outcomes have largely remained unfulfilled, highlighting the need for capacity-building, depoliticization and enhanced support networks to ensure effective local governance in education.

Despite the efforts to improve teacher recruitment and training, the quality of teaching remains very poor in Nepal. When selecting teachers, political favoritism frequently puts connections ahead of qualifications, which results in the employment of underqualified or uninspired teachers. In addition, teachers' motivation and performance in the classroom have

waned because of delayed payment of teachers' wages and weak and non-durable professional development programs. In rural areas, the problems are worse due to a shortage of teachers, who do not wish to work at isolated or poorly remunerated schools. The gaps in education between urban and rural communities are greater because qualified teachers are less available in rural schools. This situation undermines the goal of providing quality, equitable education across the country, and underscores the need for structural transformation to prevent political interference in the education system, increase teacher support, and promote learning in disadvantaged communities. Political bias of recruitment, delayed salary payments, and lack of continuous professional development opportunities have caused low teacher motivation (Bhatta, 2018).

Although free and compulsory education must be provided under Education Regulation 2059, this is limited by financial constraints. The government's education budget is typically low and to provide good teaching and learning at schools the quality of education being provided is not sufficient and the schools are underfunded. A lack of accountability and inefficiencies in the management of available cash and its use, exacerbates this problem. Besides, the lack of transparency in money transactions has led to corruption and diversion of funds from essential education needs. These economic challenges affect the under-served communities and the rural areas at a higher rate, as they already struggle with teacher shortage and infrastructure. The regulation's aim of ensuring everyone has fair access to education is thus undermined by the ongoing disconnect between policy objectives and actual conditions. The national education budget fails to meet the financial needs for infrastructure development, teacher training, and student support (Ghimire, 2019). To solve these issues, more funding is needed. Despite this, there are more robust mechanisms in place for financial supervision, transparency, and efficient resource utilization to ensure that funds are delivered to schools and children most in need. Despite the efforts of the regulation to enhance the quality of education in many community schools, the learning outcomes remain substandard due to the longstanding problems in the school's structure. Even earlier methods of education (those with less emphasis on formal logic and reasoning) in which rote memorization is commonly employed in schools and the educational standards are poor due to the lack of new educational tools such as scientific laboratories, technology and textbooks are still in practice today. However, this is often compounded by large teacher student ratio, which would affect a teacher's ability to cater to the individual learning styles of the students or to give individualized feedback. The implementation of the improvements listed below has not occurred as widely due to a general resistance to new approaches, inadequate funds and proper timeliness. Due to this lack of implementation in community schools (especially those in poorer and rural environments), a level of poor education can continue.

This is due to the high student-teacher ratio, outdated teaching methods and lack of modern teaching tools in most community schools (Karki, 2022). A more comprehensive and quicker plan has to be implemented to make any substantial changes, which include modernizing teaching approaches, equipping schools with adequate materials, and making sure that any reforms are implemented successfully across all aspects. Although Education Regulation 2059 promotes inclusive education, there are significant disparities in the access of girls, disabled children and

underprivileged groups to quality education. For instance, rural schools may not have the facilities and resources such as classrooms, proper facilities, and learning materials to accommodate diversity. Lack of qualified special education teachers and support staff will hinder children with disabilities from receiving the specialized care they require. Gender responsive rules, including menstrual hygiene management and safety, are rarely implemented in the schools, further discouraging girls from attending school. For example, in many cases the poor and marginalized groups lack access to education, which is due to poverty, cultural barriers, and geographic isolation. Many children from vulnerable areas continue to experience exclusion and inequity in educational opportunities as a result, leaving the goal of inclusive education mostly unrealized. Rural schools often lack gender sensitive policies, trained special education teachers and suitable facilities (Lamsal, 2021). In addition to efforts to tackle more broad-based social, economic and political problems that create and perpetuate educational inequities, targeted investment in community involvement, teacher preparation and infrastructure will be needed to help close the gap.

Conclusion

In the changing needs of Nepal, the Education Act 2028 (1971) has had a significant influence in shaping the country's education landscape, but many of its shortcomings are becoming apparent. Some of the important issues are decentralization in the field of education policy, relevance of curriculum in the job market, equity in the education sector for the marginalized groups and others. The quality of education can be sustained if teacher management and regular evaluations are improved. Moreover, changes in examination practices should be made to include more holistic assessment and coupling vocational training with it can better support students in technical job opportunities. The key to balancing standardization and local variations enabling the education system to serve all citizens of Nepal effectively is federalism. Nepal Education Regulation 2059 and its amendments can be viewed as significant attempt to address the challenges to be solved in Nepal. Despite the existence of positive policy provisions, i.e. The decentralization of policy decisions and the change in teacher service policies, and incorporation of technical and vocational education; there are various implementation, governance and resource-related challenges to be solved through adequate policy implementation, strengthened local governance capacities, increased investment in education and better accountability.

Local government's power to participate in the decision-making process of education is vital for the effective education system in Nepal. While the local needs must be able to determine curriculum modifications to suit local knowledge and language, teachers training will have to focus on attracting talented individuals to the teaching profession based on their competency. The examination system needs to be re-formulated for an evaluation to be centered on skill and creativity rather than rote learning. Technical and vocational education must be developed for its products to fit the job market. Education governance role in federal setup must be well delineated to eliminate inefficiencies and an efficient monitoring and evaluation mechanism must be designed

to facilitate effective policy implementation; while strengthening teacher incentives and capacity development for decentralized governance.

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