
REVIEW ARTICLE

Educational Laws in Nigeria: Implication for Educational Managers and Planners

Obiweluzor Nkechi^{1*} & Umemetu Momoh²

¹ Department of Educational Management, University of Benin, Benin-City, Edo state, Nigeria

² Department of Educational Management, University of Benin, Benin-City, Edo state, Nigeria

ABSTRACT

The educational system in Nigeria is regulated by laws. Despite the laws governing the educational system, educational managers are not well informed about the promises. This paper considers the educational laws that cut across the educational system, the school and the law, the teacher and the law, the students and the law, and the school administrator and the law. However, this paper looked at the student and the law, teachers and the law, teacher's duty of care, the entitlement or privileged of teachers, school administrator/manager and the law, school and the law, legal rights and responsibilities of parents, problems associated with the application of education laws, suggestions based on the challenges identified and implications to educational managers and planners.

Keywords: Education, law, managers, planners

*Corresponding Author

INTRODUCTION

During the creation, according to the scriptures, everything was done in line with laws. There are natural laws that govern or exist; these laws can be seen also in all spheres of life. Education like other aspects of human endeavour is guided by law. According to Okunamiri (2009), there is a great intensity in the expansion of educational services and opportunities which has resulted in complexities in the educational enterprises and polarization of education which makes it possible for teachers, school administrations, school proprietors, parents, government agents and students to keep side by side with laws in education. Laws are meant to be followed irrespective of where or what you are: it is generally said that ignorance of the law is not an excuse for breaking the law. Anuna (2004) posited that there is a need for all that is involved in education enterprises should know/adhere to the laws governing/binding the activities of education institutions, whether at the local government level state government level or federal government level authorities. The author further maintained that whether it is implied in the constitution or local government by-laws court decisions, or ordinance edicts published or unpublished in the official Bulletin.

There is no universal agreement on the legal definition of law, but it is clear that laws are rules prescribed by the supreme power of the state, commending what is right and prohibiting what is wrong (Peretemode, 1992). Manga (2018) viewed laws as involving reasonable rules and regulations, prescribed codes of conduct and prohibited modes of social behaviour. Based on the different views, education laws may be viewed as legal disciplines (Rules and Regulations) covering all the issues concerning kindergarten, crèche, primary, secondary, and tertiary educational institutions, including the rights of teachers, administrators and pupils/students, disciples and school safety. The early part of education law can be traced to the missionaries who established schools in Nigeria before and after the amalgamation of southern and northern protectorates between 1842 and 1882; before then the regulation and laws leading the school were enacted by the missionaries (Fafunwa, 2004).

The colonial masters' intervention in education and control of education promulgated various codes, ordinances and memoranda between 1882 and 1959. In the post-colonial era, various commissions such as the Taiwo commission of 1967, the Somade commission, the Banjo commission of 1961 and the Oldman, commission of 1961, among others played a vital role in moulding education laws (Okunamiri & Ogbonna, 2008). During the military Regime Era of 1970-1979, various educational edicts and decrees provided a legal framework for education in Nigeria. In civilian democracy to date, the Constitution has become the major source of education laws in Nigeria (Alexander, 1990). It must be noted that Nigeria like any nation across the globe cannot effectively and efficiently run the educational system without laws to guide the development of education. Education law helps to regulate and control relationships among staff and students, to ensure peace, stability and orderliness in schools. It also ensures that fairness and justice are done to both staff and students when there is an uproar or grievance and it spells out the right and duties of staff and students (Manga, 2015). Education law in schools spells out the rights and duties of staff and students. It assists to make students and teachers less vulnerable to litigation and gives them ideas on self-defence under the Nigerian constitution. Based on these facts this paper examines, the position of students and the law, teacher and the law, the school manager/administrator and the law, as well as the school and the law, legal rights and responsibilities of parents.

Law and the Student

Students are governed by the same laws as other members of the school organization, as well as other citizens of Nigeria and the rest of the globe. The rights and obligations that govern student behavior are the same as those

that apply to any other member of society. According to the rules governing education, as this article demonstrates, pupils are required to comply with the following obligations: • Students are required to attend morning assembly every day, unless otherwise specified.

- When classes are in session, it is the student's responsibility to attend frequently (every day).
- Students are required to complete their tasks.
- Students must follow the rules and regulations of the school.
- Both within and outside of the school setting, students must conduct themselves properly.
- The school property is in the students' custody; they are to manage and safeguard it.
- Students must assist in maintaining the school's safety and security and report any environmental violations.
- It is the responsibility of the student to pay tuition fees and register for courses.
- It is the responsibility of the student to keep the school neat and orderly at all times. Cultism, prostitution, bullying, drug abuse, and other offences are not appropriate for students to partake in.

The Federal Republic of Nigeria's 1999 constitution, as amended, Chapter IV, Sections 32 to 43, grants children a number of essential rights that must be upheld by the school, the principal, and the teachers. Administrators in schools are expected to uphold and defend students' rights. Ten basic human rights are outlined in Sections 33 to 42 of the Constitution. They comprise:

- Right to education (section 30)
- Right to life (section 31)
- The right to be free from torture and other cruel or humiliating treatment (section 32)
- Freedom from forced labour or slavery (section 37)
- The right to be free from prejudice (section 36)
- The right to freedom of speech, conscience, and religion (section 35)
- Right to own property
- Right to assemble and associate in peace
- The right to a private and family life (section 34)
- The right to a fair trial and the freedom of access to the courts (section 33)
- Freedom of mobility (section 38)
- Press and expression rights (section 36)
- The freedom to not have one's personal freedom is restricted unless required by law (section 32).

These rights apply to teachers and other staff members as well as pupils. These freedoms can, however, be

restricted in specific circumstances; therefore, they are not unqualified. There is an obligation to seek constitutional and civil redress when school officials and teachers treat the pupils in their charge in a manner that violates any of the students' rights. The fundamental human rights determine the constitutionality or legality of all laws, rules, and regulations that the government and educational authorities may occasionally produce in the organization and administration of the school system, so it is crucial that school administrators and teachers are aware of the constitutional rights of students and parents (in relation to schools).

The Law and Teachers

a. Teaching contract

Although no formal contract is signed, as is the case in most industries, there is an informal agreement between the instructor and his employer. However, it is true that a teacher is considered to have entered into a contract relationship with his employer if he accepts a teaching assignment by reporting for posting. Every teacher has a duty to be aware of the legal commitments he or she has made to his or her employer. Copies of the teachers' handbook and state educational legislation papers, which are often published by the minister of education, provide details of the requirements.

b. Freedom of association and expression

The freedom of every person to gather and associate in peace is recognized as one of their fundamental rights in the Federal Republic of Nigeria's 1999 Constitution. Every individual has the right to freely associate and interact with others, according to Section 37 of the Constitution, and they can organize or join organizations like political parties, labour unions, or other associations to further their interests. Teachers in Nigeria have the same freedoms as other individuals to join associations and unions, whether they are professional or not. These organizations and unions are various and might be of cultural, tribal, or ethnic origin. They can also be national or worldwide in scope. The sole organization that is not covered under subversive unions and organisations are membership in the Nigerian constitution. If the members of such a group advocate the violent overthrow of a duly elected government, that group would be viewed as subversive (Nwagwu, 1984).

c. Disciplinary control of students

Teachers should behave as parents to the pupils they teach with regard to the education of their children in carrying out this role, which is known as acting in loco parentis. Additionally, via this, instructors and parents enter into an unwritten agreement for the teachers to carry out some of the responsibilities, obligations, and tasks that the parents would have handled with the education of their children. School administrators can create rules and regulations that are applied and enforced in or outside of school, during or after school, hours during school sessions, or on school vacations or holidays in order to guide and correct the behaviour of the students in their charge. If a student violates the rules and regulations of the school, teachers have the right and power to penalize them, but the sanctions must be fair and suitable. It should be intended to correct the offender and not be delivered out of evil or animosity (the student).

d. Professional Conduct

Acting in conformity with the professional code of ethics for teachers is a major commitment for instructors. They should refrain from any behaviour that jeopardizes the upkeep of good order, discipline, and governance in the institutions, as well as any other behaviour that might damage the institution's reputation. Acts that constitute

professional misconduct, in accordance with the 1986 Educational Edict of the former Bendel State, include:

- i. Conviction for a felony or misdemeanour;
- ii. In relation to an application for registration as a teacher, knowingly providing to the registrars of teachers' information that is false in a material particular.
- iii. Regarding a teacher job application,
 - a. Knowingly making a statement that is materially untrue.
 - b. With the intent to defraud, failing to disclose to the employer any significant information in the offender's knowledge
- iv. Having sexual contact with a student at a school where the offending teacher works
- v. Having indecent interactions with a student at a school where the offending teacher worked illegally.

Teacher's duty of care

To the students in his charge, the teacher is viewed by law as acting in the role of a parent. When a teacher is referred to as being in loco parentis, it means that she is required to act in the parental capacity toward the students in her care. One of the key elements in deciding whether a teacher has met their duty of care is whether or not they have taken reasonable precautions to avoid incidents that were reasonably foreseeable. Therefore, it is the responsibility of the class instructor to establish safety regulations that are continually brought to the students' attention. Preferably, this will take the form of a written message that is posted on the classroom notice board and in prominent locations. The duty of care is carried out through supervision, so if a child is hurt at school, one of the key issues for the court to decide is whether or not there was sufficient oversight of the students at the pertinent time to determine whether or not appropriate precautions were taken to prevent foreseeable accidents.

Teachers are obligated by the hand, just like the rest of Nigeria's inhabitants and the rest of the globe, to serve as role models for their respective communities. If the student violates the law while on school property, she will be held accountable. She must be aware of her obligations to her employer, her pupils, and society at large since she is expected to act responsibly. According to Ogbonna (2010) and the Federal Ministry of Education (2012), teachers in Nigeria are entitled to the following privileges:

- Salary advance: It is typically offered to new hires who sought for such an allowance to aid in their transition. Usually, this doesn't cost them more than one month's pay.
- Car loan: If a teacher is eligible, this loan is provided to enable them to purchase a new vehicle or repair an older one. Within four years, the debt must be repaid.
- Traveling compensation: Teachers who are on duty outside of the office and using their own vehicle are eligible for this compensation.
- Kilometre allowance: It is provided to instructors who take their own vehicle or public transit when on official business outside of their home region.
- Housing loan: Depending on their income grade level, this loan is granted to teachers to enable them to construct their own homes.

- House rent allowance: This payment is made to teachers to assist them in paying for rental housing. If a teacher stays in official staff housing, it is forfeited.
- Promotion: Upgrading to the next grade level based on merit and availability.
- Casual leave: A maximum of seven days per year are allotted to instructors so they can attend to urgent issues away from their place of employment.
- Depending on the teacher's grade level, annual leave and leave grants are to be taken advantage of on an annual basis.
- Disturbance allowance: This payment is made to instructors as compensation for out-of-pocket expenditures they spent during a move.
- Exam leave: Teachers who require time away to write exams are offered this leave.
- Sick leave: A teacher who is ill or hospitalized can get up to three months' worth of full pay based on a certificate from a government medical authority. A medical board must decide if a teacher should be disqualified after three months.
- Maternity leave: It's a 12-week term that's fully paid for expectant moms and nursing mothers. This time is included in the female teachers' yearly leave.
- Study leave: Given to a teacher whose appointment has been confirmed, either with pay or without pay, to allow them to continue a course of study. The teacher who has been paid is bound by a bond to the employer for a particular period of time; if the teacher decides to quit or remain at his or her place of employment, the bond requires that the teacher serve the employer for the same period of time.
- Medical care: The government offers it to educators and their families. If first given permission, teachers who receive treatment outside of a government hospital are reimbursed.
- Salary increment: Every year, instructors receive a step rise in their salary.
- Retirement: This might become mandatory at 60 years old or after 35 years of exemplary service. Six months' notice of approaching retirement is given to the instructor. Any additional pay is subtracted from retirement benefits. In order to be eligible for gratuity and pensions, a teacher must have served for at least 15 years before they may voluntarily leave.

Laws in Nigeria and other countries throughout the world specify the obligations and privileges of teachers. The obligations and rights of teachers are articulated by Anukam, Okunamiri, and Ogbonna (2010) and include:

1. To instruct learners and to be resourceful
2. To support and mentor students in their quest of knowledge and academic activities
3. to instil moral principles and excellent behaviour in students both within and outside of the classroom
4. To be disciplined and to uphold order in the classroom and across the school
5. To arrive to school on time

Unless otherwise specified, teachers are expected to routinely attend class.

- A teacher should follow the curriculum and timeline that are specified.
- A teacher must periodically assess and evaluate his or her students.
- Educator has a duty to stand up for and defend their students.

School Administrator/Manager and the Law

The head of the school is both a legislator and an enforcer of the law. The school management has to be well-versed in education law since every administrative decision it makes must be supported by the law and has legal repercussions. Obi (2004) states that the legal authority of school administrators includes the following:

- School administrators have the authority under the law establishing the institutions to make rules and regulations governing the conduct of affairs in their area of jurisdiction;
- The school administrator has the authority to establish factual matters, utilizing his or her knowledge, skills, and experience in the field, as well as being in tune with the management of the school to discover information that may lead to the revision of current laws;
- Hearings may be held by the school's administrative staff. Disputes between instructors and students or between teachers can be resolved by him arbitrating on issues or disagreements;
- The school administrator also has appellate duties. They offer a method of challenging the judgment of school committees;
- School officials have the authority to interpret laws and rules, and it is anticipated that they will use all available appeal avenues before bringing the case to court for a judge to decide. The first step in asking a school administrator to interpret a legal or educational problem is typical;
- School administrators ensure adherence to school policies and procedures by imposing suitable punishments on defiant faculty and pupils;
- School administrators have the authority to enter into contracts and agreements with community members, agencies, and other legal entities on behalf of the school.
- School administrators have the authority to manage and account for financial, material, and human resources entrusted to their care for the progress and development of a school system.

School and the Law

The law governs every system, including the educational system. Laws are there to be obeyed and adhered to. The following legal concerns that the educational system is facing were recognized by Okunamiri (2009):

- School formation is done in compliance with the legislation. Before a school is established, the federal, state, or local governments must approve and authorize it; this is required by law.
- The building of the school facility is also required by law. The location of a school, the amenities it offers, and the official utilisation capacity are all governed by regulations.
- The ratio of students to utilize a facility is determined by the number of students that can be accommodated per classroom, and other school buildings are established by legislation.

- The specifications established for a school serve as a reference for the size, texture, arrangement, and design spacing of furniture and equipment.
- The law allows for the curriculum and syllabus to be approved and modified. There are rules governing the use of instructional aids, sources for specimens, and recognized textbooks.
- The legislation allows for the creation of health care facilities in schools, including a sick bay, first aid kit, medications, and essential medical supplies.
- To prevent a breakdown in order in the school, rules and regulations are enforced to maintain discipline. Other measures, such as punishment for certain infractions specified by the school rules and regulations, are also in place.
- The legislation governs exam administration, marking criteria, and scoring.
 - Every school requires students to attend class, and failure to do so results in a 75% failure grade and, in line with student rules and regulations, a student's inability to take an exam.
- The connection between the school and outside organizations is defined by legislation.
- There are regulations that govern interactions between schools and many groups, including parents, outside testing organizations, publishers, suppliers, lawmakers, traditional leaders, banks, and the business community.
- There are laws or regulations governing the supply of school services that, among other things, establish requirements for the provision of meals, transportation, guidance and counselling, sports, and leisure activities.

Legal Rights and Responsibilities of Parents

With respect to schools, parents and guardians' rights and obligations are not clearly stated. We will quickly outline the rights and obligations under the following subheadings in this article:

1. Parental school preference
2. A child's school attendance
3. School-based religious instruction for children;
4. Record access for parents;

Parental choice of school

A spot in the public school of their choosing is not always guaranteed under the Nigerian constitution to parents. Choosing the school where their children will receive an education is a choice that parents are free to make. However, there are several key situations in which the education authority may be excused from accommodating the parents' expressed preference:

- a. If compliance would jeopardize the delivery of an effective education or the effective use of resources.
- b. The kid must satisfy the requirement if admission to the desired school is based on measurement or assessment of ability or aptitude.

Attendance at school

Laws forcing children to attend school until they reach specified ages have served as the cornerstone of the educational system in many industrialized nations. For instance, parents and guardians are obligated by law to ensure that their children or wards receive an education in the United Kingdom and the United States of America, and fines are enforced for noncompliance, unless there is a mental or physical handicap.

The Federal Republic of Nigeria's 1999 Constitution just specifies in section 18 (3) that the government must offer free, compulsory, and universal Basic education as and when practical, without making education for children a requirement. When the government enacts rules requiring all children to attend school, parents will have a severe duty to make sure that their children who are of school age do so. In order to avoid violating fundamental human rights, it should strike a careful balance between individual and state rights. There are other places than public schools where people can receive their required education. The law should be specific about acquiring the required minimum level of education rather than the location of the education.

Religious education of child at school

Although parents have the right to withdraw their children from religious instruction and gatherings, they are not allowed to seek a substitute that adheres to their particular religion.

Parental access to child's records

A freedom of information act has not yet been included to the code of laws. Therefore, parents cannot rely on the legislation to have access to the information that schools keep about children's academic performance, personal growth, and family history.

Problems Associated with the Application of Education Laws

Ekpo, Anuna, and Okolie (2002) recognized some of the issues with the application of the education legislation in the Nigerian educational system, including the following:

When school administrators choose to rigorously abide by the law, they come under pressure to bend the laws in favour of certain interest groups. School plant construction in the majority of schools is not constructed in accordance with the specified building laws governing the establishment of schools, forcing them to make compromises in the application sanction issues of students' administration, appointments, and other crucial issues in school administration. Therefore, in spite of legal requirements, the classroom space, labs, workshops, playground, offices, and other facilities are egregiously insufficient, improperly managed, and badly kept (Sani, 2007).

In Nigerian schools, particularly at the lowest levels, employers often deny teachers' rights to pay and other benefits. School records are occasionally manipulated, misinterpreted, mangled, and purposefully destroyed to hide damning information, and they are threatened with dismissal if they even attempt to express their displeasure through unionism and other forms of industrial conflicts (Manga, 2015).

Suggestions based on the Challenges Identified

- a. The terms and circumstances outlined in the appointment contract for teachers (workers) are anticipated of school administrators. Teachers should be paid as on the due day and at the agreed-

upon rate by employers. They are required to protect the instructors against any liabilities that they may have agreed to in the course of their job on behalf of the employer (i.e., vicarious liability). For the purpose of achieving effective educational aims and objectives, the employer is required to provide instructors with the facilities and conducive atmosphere they need to teach and study (Peretomode, 1992).

- b. When making decisions on some important topics in the school, administrators should not be deferential to pressure. Since schools are social systems, administrators should constantly insist on moral standards and the rule of law guiding how they are run. All of their administrative judgments must be grounded on justice, fairness, and equity.
- c. The management of the school should obey the rules governing the formation of schools and the building codes while establishing the school in order to prevent falling short of the required standards.
- d. Every record held in the school should not be tampered with, and it should be verified on a regular basis; if it is discovered that the record has been tampered with, a panel should be formed to determine what happened, as well as fines and actions.
- e. Regular seminars, conferences, workshops, and symposiums on education law should be organized for school administrators, teachers, and students. Parents and the general public might be educated about important areas of education legislation using a media-focused approach.

Implications to Educational Managers and Planners

The concerns with the education laws highlighted in this article make it clear that certain school managers in Nigeria do not adhere to or understand the rules of education. This demonstrates the need for school administrators to receive training on the regulations that govern education in schools throughout Nigeria. It is the duty of the school administrator to inform parents, teachers, and students on the laws, rules, and policies that govern education in the Nigerian educational system. Everyone will benefit from having a clear understanding of their rights, responsibilities, and obligations in relation to education legislation as a result of this.

However, it is necessary for school administrators and managers to evaluate the curriculum so that education law is included as a significant part of the curriculum at all stages of teacher preparation. Managers of schools should ensure that the guiding concepts and legislation for education in Nigerian schools are followed. The usage of school administrators in the school system should be a tool for promoting and upholding educational laws.

CONCLUSION AND RECOMMENDATIONS

In Nigeria, education law provides a legal framework for educational practice; it contains the rights, obligations, duties, rules, and regulations that apply to students, teachers, school managers and planners, parents, and employers of teachers. Regrettably, stakeholders in the educational system frequently break these laws out of ignorance or on purpose. The administration of the school has a responsibility to ensure that educational regulations are followed and applied appropriately in order to improve the efficient operation of the school.

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