

# EDUCATION LAW OF TORT IN SECONDARY SCHOOLS: IMPLICATIONS FOR EDUCATIONAL POLICY IN NIGERIA

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## Abstract

The study examined the extent of awareness of education laws of torts by the teachers in Nigerian Secondary Schools. The fact remains that teachers are administering discipline and punishment to students without knowing the legal implication of their actions. A total of 150 respondents, 50 teachers per senatorial district were used for the study, covering the three senatorial districts of Ondo State. The data gathered from a 21- item-questionnaire were coded into statistical packages of Minitab to carry out the Analysis of Variance (ANOVA), in order to determine the degree of responses of the respondents on their knowledge on law of tort. The study revealed poor knowledge of educational law of torts by ANOVA, since the majority of respondents claimed the ignorance of the educational law of tort. The study also revealed that the majority of the respondent teachers neither took educational laws as a course during their university education nor have the opportunity to receiving such induction courses, on-the-job training, workshop, seminars, conferences, related to education law courses that would have given them the awareness and knowledge on this area of education law as it applies to teacher's conduct at secondary School Level. Recommendations were therefore given, among of which was that the Curriculum contents of the Colleges of education, universities and other Institutions should be designed o incorporate the study of education law and legal basic administration and management of school system, as a compulsory course.

## Introduction

As a matter of tradition and law in Nigeria, parents and teachers have the right to administer reasonable punishment or chastisement for the purpose of ensuring proper upbringing of a child. As society is dynamic, the practice is no longer permitted by parents, and teachers in schools to punish a student a minor. In schools, most teachers do not even know the common difference between the word discipline and punishment. This therefore makes a kind of chastisement from a teacher to a student to amount to a tort or crime, which the teacher is even ignorant of. With a reference to the 1999 Constitution of the Federal Republic of Nigeria, any chastisement that amounts to an inhuman treatment is a breach of the fundamental right to dignity of human person as guaranteed in section 34.

Any time an inhuman treatment of students by teachers takes place, a situation of trespass to person (student) occurs. This being an intentional interference with the body of a student by a teacher. In this case, such a teacher has been involved in assault and battery, which the educational law as related to criminal matters forbids in Nigerian Schools. The reference point to this criminal situation is the criminal code Acts (CAP 77), sections 252 to 253 and sections 351 to 360; Penal code (CAP 89), Sections 264, 391 and 400

Yet teachers at the secondary level have the ideal that to achieve the broad goal of secondary education in Nigeria, it is necessary that they (teachers) need to be 'boisterous' by forcing the learners through the administration of punishment in other to prepare them for *using useful living the society* and two before they would receive learning that would lead them to *higher education*, as

stipulated in section 5 (21) of the National Policy on Education, NPE, (2004). This is an aspect of the ignorance of law displaying by an average teacher in the secondary school in his/her official duty on daily basis. As supported by Coombs (1968), that evidences and recorded cases involving the teachers in the past, had shown that the latter know little or nothing about the law of governing their activities. As of the contemporary period in the teaching-learning at classroom, most teachers believe that schools could only achieve the objective of section 5(22) (g) by applying the *stick method approach* otherwise no secondary school would be able to:

*raise a generation of people who can think for themselves, respect the views and feelings of others, respect the dignity of labour, appreciate those values specified under our broad national goals and live as good citizen (NPE, 2004: 18).*

Supporting the view of Coombs (1968), Beach (1980) and Adeboyeje (1999) were of the opinion that many of those operating within an educational system do not aware of the laid down rules and regulations governing the system where they operate. Adeboyeje therefore opined that if teachers really want the students to succeed, they too must be wary of the unnecessary chastisement; they must be legally-inclined and know what the laws say on the issue of discipline in schools.

Peretomade (1999) alluding to Alexander (1980) reported that the majority of teachers in secondary schools are not conversant with a wide range of legal subject-matters including the basis field of contracts, property, torts, constitution law, and other areas which directly (or indirectly) affect the educational and administrative process of the educational system. As revealed by Nwagwu (1984) and Adeboyeje (1999) that Nigerian school teachers especially at primary and secondary levels are subject to the laws that regulate their activities on the job. Yet, teachers at secondary can only be subjected to the law they know. Peretomade alluding to Alexander reported that most of teachers in Nigeria do not possess the required certificates in order to be legally qualified as teachers, as the majority of teachers in the classrooms do not have the knowledge of some important areas of law such as the right to punish students, defamation, tort, liability, etc. In his study based on recorded cases on the issue of tort involving primary school teachers, Adeboyeje (1999), reported that all actions on trespass to the person; awarding corporal punishment on pupils; immoral behaviour on pupils; and on the case of trespass and nuisance to pupils, Adeboyeje's study revealed that majority of teachers involved in these four areas were found guilty by the presiding judges. Consequently, they were not aware of the legal implications of their actions and omissions, thereby making them victims of the litigations against them.

### **The Problem**

The fact remains that teachers at secondary school level are indiscriminately awarding punishment and chastisement to the students without knowing the legal implication of their actions. This gives the simple fact that teachers do not have the knowledge of educational law especially law of tort that supposes to make them acquainted with and well informed about the legal aspects of education. This situation, as noted supra, has made teachers to involving in cases that are always putting them into problems – guilty.

### **Hypotheses**

The following hypotheses were tested in the study

- i. Difference in knowledge of law of tort would not significantly affect the issues of how teachers administer punishments at secondary school level.
- ii. Knowledge of Education law of tort acquired by teachers during on-the-job activities would not significantly affect their mode of punishing and disciplining of students.

- iii. The inclusion of education law as a compulsory course in Teacher Education Curriculum (TEC) would not significantly lead to the awareness of some important areas of law such as trespass at secondary education level.

### Method

The subjects for the study were 150 respondents from the whole three senator districts in Ondo State. This comprises 50 respondents from each senatorial district; that is, 10 respondents from each school. Hence 15 schools were employed altogether using stratified method of selection so as to reflect the composition of schools in both urban and rural areas of each senatorial district. However, the study was limited to the public schools only.

A 21 item-questionnaire was designed and used for the study. The instrument was tagged “Educational Law of Tort in Secondary School Scale” (ELTOSE – Scale). The administration of the questionnaire was on the staff at the secondary school already put in more than 5 years. A respondent was asked to indicate his feelings by ticking ‘Strongly Agree’ (SA), ‘Agree’ (A), ‘Disagree’ (D) and ‘Strongly Disagree’ (SD) with the rating of 4, 3, 2 and 1 respectively.

Examples of items on ELTOSE-Scale are:

- I took educational law as a course when I was in the university.
- Since I resumed duty as a teacher, there were more than 3 workshops or seminars or conferences attended that I received training on educational laws such as educational law of tort (trespass, discipline, nuisance, etc)
- The issue of legal matters should only be the concern of the legal luminaries; classroom teachers do not need it.

### Data Analysis

The data gathered from the instrument ELTOSE-Scale was coded into statistical packages of Minitab to carryout the Analysis of variance (ANOVA) in order to determine the degree of responses of each hypothesis towards the issue of law of tort in secondary school.

### Presentation of Results

**Ho<sub>1</sub>:** Differences in knowledge of law of tort would not significantly affect the issues of how teachers administer punishments at secondary school level.

**Table 1**

Source	DF	SS	MS	F	D	Pooled St Dev.
Factor	3	2272356	757452	215.58	0.000	59.29
Error	76	267157	3515			
Total	79	2539512				

*At .05 level of significance*

At .05 level of significance,  $F_{3,76} = 3.34$ . The value 3.34 of theoretical  $F_{3,76}$  is less than observed values of 215.48 (very far); the null hypothesis that the difference in knowledge of law of tort would not significantly affect the issues of punishment by teachers at secondary school level is rejected. Hence the alternative hypothesis that the knowledge of law of tort would significant affect the issue of how teachers would be carrying out punishment on students is accepted.

**Ho<sub>2</sub>:** Knowledge of Education law of tort knowledge acquired by teachers during on-the-job activities would not significantly affect their mode of punishing and discipline of students.

**Table 2**

Source	DF	SS	MS	F	D	Pooled St Dev.
Factor	3	433100	144367	173.86	0.000	26.82
Error	24	199928	830			
Total	27	453029				

*At .05 level of significance*

At .05 level of significance,  $F_{3,24} = 3.72$ . the value 3.72 of theoretical  $F_{3,24} = 3.34$  is less observed F value of 139.86; the null hypothesis that educational law of tort knowledge acquired by teachers during the on-the-job activities would not significantly affect their mode of punishment and discipline of students is rejected. Hence, acquisition of knowledge of educational law of tort would assist teachers on how to apply discipline and kinds of discipline to award students on different occasions.

**Ho<sub>3</sub>:** The inclusion of education law as a compulsory course in Teacher Education Curriculum (TEC) would not significantly lead to the awareness of some important areas of law such as trespass at secondary education level.

**Table 3**

Source	DF	SS	MS	F	D	Pooled St Dev.
Factor	3	668086	222695	225.17	0.000	31.45
Error	28	27692	989			
Total	31	695778				

*At .05 level of significance*

At .05 level of significance,  $F_{3,28} = 3.63$ . The value 3.63 of theoretical  $F_{3,28}$  is less than observed F values of 225.17, the null hypothesis is rejected. Hence the inclusion of education law at higher institutions of learning for student teachers would go a long way in making them to be prepared towards issues concerning legal matters as affecting their careers.

### Discussion of Findings

The study revealed that organisation strength attainment in the area of education law would go a long way in assisting them Classroom teachers and administrators in Secondary School Level to be aware of their duties and obligations, laid down rules and regulations governing the area of law tort in secondary schools as the works of Coombs (1968), Adeboyeje (1999), and Peretomade (1999) revealed and stated in background of the study. The study has also shown that many teachers in secondary schools are acting on ignorance of law, as they are being using illegal punishment so as, to justify the attainment of the broad goal of education as stated in the NPE 5(21). Furthermore, Table 3 revealed that the introduction and compulsory of educational law as a course is very important for teachers at all faculties and institutes of education at all Nigerian higher institutions offering education as a discipline.

### Recommendations

Based on the findings of the study, the following recommendations are made:

- a The curriculum contents of the colleges of education, universities and other institutions should be designed to incorporate the study of education law and legal basic administration and management of school system, as a compulsory subject.

- b Research institutes that are established for the training of teachers and educational administrators, planners and policy makers should compulsorily engage the service of legal teachers as members of their staff.
- c Special programmes on legal aspects of educational practice at secondary school levels should be periodically organized for teachers at secondary school level.
- d The Nigeria Union of Teacher (NUT), Teachers Registration Council of Nigeria (TRCN), and other professional teachers' organisations should ensure that teachers at secondary schools are aware of education laws, rights, duties, rules and regulations governing teaching profession and employment in their day-to-day activities.
- e Educational agencies such as Teaching Service Commission, State Primary Education Board, etc. should make the issue of trainings on education law a priority.
- f The registration of newly recruited teachers by the TRCN should make the course of education law at universities and colleges of education a criterion for membership of the Council.

### **Conclusion**

The study established that teachers in secondary schools in Ondo State are on daily basis awarding inhuman treatment on students without knowing the legal consequence of their actions. This they are doing through the acts arts and omissions of assault and battery, corporal punishment, defamation, etc. not only on students but on their colleagues without knowing the legal implication of these various types of tort.

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