

REAPPRAISAL OF EXISTING LAWS AND ETHICS GOVERNING THE ESTABLISHMENT OF PRIMARY SCHOOLS: TOWARDS ESTABLISHING AN EFFECTIVE PRIMARY EDUCATION SYSTEM

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ABSTRACT

The organization and management of primary schools in Nigeria are governed by established laws and ethical frameworks aimed at ensuring order and promoting effective education delivery. These legal provisions, enshrined in the Nigerian Constitution and reinforced through federal and state educational laws, codes, ordinances, decrees, and edicts, serve as corrective measures and provide a clear direction for the entire primary school stakeholders. This paper is a re-appraisal on the highlights of the critical role of the legal structures in guiding the operations of both private and public primary schools, fostering desirable values, and ensuring adherence to rules and regulations. aiming to provide direction and corrective measures, on potential misconduct and breaches of law. It emphasizes the need for all stakeholders—federal, state government and Local Government officials, school administrators, teachers, parents, pupils and other non-governmental organisations to be fully aware of their roles and responsibilities, instilling desirable values in students. Violations are addressed through legal action. The paper also seeks to enlighten stakeholders on potential misconduct and breaches of law that hinder primary education objectives. The laws governing primary education in Nigeria have evolved, with ordinances during colonial times, edicts and decrees during military regimes, and acts established by parliaments. The article highlights the importance of understanding and complying with educational laws to ensure quality primary education and underscores the importance of addressing acts of misconduct that may hinder the achievement of primary education goals. By examining the historical evolution of educational. The paper advocates for the proper enforcement and compliance with these laws to enhance the efficiency and effectiveness of primary education

INTRODUCTION

Primary school organization has an established law and ethics on all the private and public schools in the country, they are established to provide corrective majors and a clear sense of direction for all teachers, pupils and other primary school stakeholders which is stipulated in the Nigerian constitution. Violation of the rules by any of the stakeholders including the pupils will be sue or sued against the law establishing in cooperative level. The aim is to carry out specific duties in line with the rules and regulations as provided in the various state and federal government educational law, codes, ordinance, decrees and edicts. Primary schools are structured in the society to inculcate desirable

values, develop patriotic pupils capable for contributing to social development, performing civic responsibilities and also to provide basic knowledge and skills at the primary education stage and to make the pupils operate with the primary education effectively and efficiently. The law is needed in order to guide the school operation and also to adhere and properly enforced on every primary school stakeholder. The paper intended to draw the attention of all the primary school stakeholders such as the federal, state and to all government primary education administration officers, head teachers, teachers, parents, guardians and pupils to be enlightened on the law on any act of misconduct that can be stumbling block or breach of law in fulfilling the primary education aim and objectives. Some Educational law has been promulgated as ordinances during the colonial era, while during the Nigerian military regimes educational edicts and decrees were formulated by state and federal government. Others, are those of established by, parliaments, enact laws in the form of acts. It is very necessary for all primary education, although educational law according to Peretamode is one aspect of the vitality complex of social control which should be emphasized because many people who are active participants in the educational system or who have strong interest in what goes on in the educational system do not have adequate knowledge on the laws that govern the administration of the system. Yoloje (1993) lamented that most of things is the business of education to know very little about the laws under which they operate. He asserted that educationalist tended to regard legal matters, in whatever form. It will be difficult to operate as planners, administration, teachers, supervisors, inspectors, students and other people outside the school organization if he ignores the laws, rules and regulations that govern the operations of the educational system. Oloko (2015) commented that it is obvious to understand that pupils are in the formulative stage, they must be protected and every other individual that is involve in administering the primary school education, the parents/guardian must also be protected as well, according to the Nigerian constitution, he observed that the law guiding the primary education has not been aware of the consequences by many of the stakeholders. Yoloje (2014) lamented that educational law are of paramount in the operation of primary education system, thus that school heads have a grate role to play in the enforcement of the law because they are accountable for the school administration. They are expected to provide the successful achievement of all aim and objectives of their school.

Nwagwu (2004) pointed out that the term law has been design in many ways, it could be seen as perception of rules and regulations, prescribed code of conduct in social behavior or all part of the general understanding of what law mean. Law can be conceptualized as institutionalized procedures and the process for resolving conflict and controversies, they provide prescriptions for settling disputes, obtaining justice and remedies. Laws are form for protection of fundamental human rights. Laws are intended to regulate the relationships associated between individual, groups, organization and other institutes. Educational law according to peretemode(1992), he stated that they are these laws that have been enacted specifically for the school organization administration and control of the education system. Educational organizations involve many individual, groups and stakeholders whom their right must be protected and for the educational organization to regulate and harmonize the relationship associates between the individual, groups and other stake holders. Educational law are very important in the primary educational system because of the multiplicity of objectives and large numbers of people with different interest involved. The teacher's social administration, the student's parents, community leaders and other members, government officials, agencies and other parastatals have specific roles, functions and responsibilities in the educational organization. Educational rules and regulations governing the entire school laws, where most of the administrative law are on the matters of records (admission).

The national policy on education (2004) has stated the objectives relating to the enforcement of educational law, necessary for the fulfillment of the primary school educational goals. Oloko (2015) mentioned that educational laws are those laws enacted specifically for the primary school educational stakeholders involve who are expected to comply with laws designed to regulate the process level. The educational law is necessary because primary school organization is a social organization with specific aims and objectives to be achieved within a specific given time which of interest, aspirations and expectations must be satisfy.

ESTABLISHMENT OF PRIMARY EDUCATION ORDINANCIES, LAWS, EDICTS AND ACTS

To regulate the social interaction within the primary education system the educational law was promulgated since from the beginning of formal education in Nigeria in 1882. The colonial masters have controlled and formulated the ordinance. The provision of the stipulated ordinance is the Constitution of general board of education at that time were the governor, executive council and four nominees must be provided. The board constitute some local boards of education in local areas. The overall board of education approve opening of school manage the use of grant-aid to schools accordingly, employ teachers, established inspectors and provide their salary, decide on enrolment of pupils, decide on examination, decide on the classification of schools, give freedom of religion, define the curriculum grant aid for teachers training and many more. Another education ordinance was constituting in 1887, when Lagos was separated from gold coast, to become the colony and protectorate of Lagos in 1886. The 1987 ordinance is considered as the first Nigerian education ordinance, providing foundation of educational law among the formulated ordinance are: Board of Nigerian education, recruitment and training teachers, appointing of supervisors, decide on grade level of teacher's employment, development of school curriculum, establishment of scholarship scheme, specification of teacher's certificate, etc.

Another ordinance was provided in 1916 after the amalgamation of the protectors which different educational boards were formed for the colony and southern province by governor Lord Lugard, participation increased as well as mutual cooperative between the government and the missionaries, there were alternations on conditions for grant -In- aid, what to teach the pupils must be related to the pupils environment, grant – aid was given to schools according to some stated rules (discipline, moral instructions, adequacy and efficiency of teaching, sanitation of school buildings etc.) the education code mark the unanimity of the northern and southern where by Phelps – Stocks commission was formed in 1920 – 1922 to study and write a report on education in Africa. The outcome of the study generated a tremendous development in education where Nigeria became among the British colonial territories in 1925 memorandum in education. This bring about another education code of 1926. It was this code that brought about the introduction of standard uniform and more schools were build with the interest of the members of the community. Missioners appointed their own supervisors and more private schools were opened Erie Hussey proposed that Hausa language should be the medium of instruction Osokoya A. (2008).

Later in 1954 an act was created to which modified that of 1948, department of education was approved to be established. Legal duties of local education authorities were entrenched. The power given to the regional government were defined too. Another development regarding educational law in Nigeria is that of the adoption of universal declaration of individuals human right which guarantees the right to liberty, equality and fraternity. This initiate the universal primary education (UPE). The western region premier chief Obafems Awolowo (late) introduce UPE in January 1955. Primary education became free and compulsory western region educational law emphasized partnership between voluntary agencies and the government for rapid expansion of the programmed (UPE).

Nwagwu (1976) explained that in 1976 the military regime reviews the stated national scheme, no specific decree was promulgated, but a policy was approved by the military executive council, he observed that each state of the federation managed the program within its context as stated in the national policy on education in 1977, all the financial capability and local priorities.

Post-civil war decrees and edits on education of 1971 were as follows:

- Establishment of industrial training Tet Fund (ITF) under decree no.47 of 1971
- Government completely takeover of voluntary agency and private schools without compensation by contravention law under the sole administrator of the state Mr Ukpabi Asika.
- Change of school year calendar under decree no. 29 of 1972.

There are other decrees that concern primary education. Includes, the decree no. 9 of 1977 on creation of National Board for Teaching and Education. Decree no. 7 of 1978 on establishment of national teacher's institute (NTI). The 1999 federal government constitution and legal framework brought about great changes in primary education among which are: section 18 in chapter (2) of the constitution stated the educational objectives of the nation, chapter four (4) presented the fundamental human rights, which were of course apply to all operators and participants in the education system, part two (2) of the second schedule of the constitution contains concurrent legislative list on which stated that federal and state government can make laws and provisions were made on devolution of power and responsibilities for primary education should be provided between the two tiers of government federal and state. Paragraphs 20 and 30 also gave powers to the state house of assembly to make laws with respect of primary education and other forms of education.

LEGAL FRAMEWORK OF PRIMARY EDUCATION

Legal frameworks of primary education in Nigeria are the 1999 constitution of the federal republic of Nigeria, the compulsory free, universal basic education act 2004 and other related matters. However, several policies on primary education (with force law) were introduced and implemented by the federal ministry of education and educational agencies. The UBE act ensures the uniformity and qualitative education for every child as stated in part 1 paragraph 2 of the act among which are:

- Every level of government must provide free, compulsory and universal basic education for every child of primary age.
- Every parent shall ensure that the child attends and complete school.
- The stakeholders in primary education shall ensure that every parent/guardian has perform the duty imposed on him under section 2 (2) of the act. Penalty are prescribed for erring parents.
- The child rights act.
- The national policy on HIV/AIDS for education sector
- The national policy for integrated early childhood development in Nigeria.
- The national policy on gender in basic education.

Another law implemented concerning primary education is the implementation decisions of 53rd and 54th meeting of national council which are:

- Reinforcing teaching and learning of French as a second official language in primary schools.
- School feeding and health programme (HGSFAP) mandatory establishment of school-based management committee (SBMC) by 2007 in all 36 states

- Decree 31 of 1988 establishment the national primary education commission to give back state and local government full authority to control the management of primary education.
- Decree no 96 of 1993, brought back the national primary education commission with fund disbursement of fund on primary education, where by the ratio was equality of stated is (50%) school enrollment (30%)while (20%) for educationally -- disadvantage states.
- Decree no 41 of 1989 establishes the national commission for nomadic education, where it manages the primary education of the migrant groups in the country.
- UBE act 2004 where the section re – emphasize on the provision of compulsory, free and universal education.

THE LEARNING TEACHING AND LAW

The 1999 constitution of the federal republic of Nigeria spells out the right of every Nigerian child as well as the teacher. Laws as certain stated are to protect the interest of all the primary education stakeholders especially the teachers. Each of them has their own stated legal issue established purposely for them to consider, among which are

LEGAL ISSUE CONCERNING TEACHERS

Legal issue concerning teachers is on of recruitment on either contract or employment. According to Contract is a comprehensively a legal bindery agreement are between the teacher and head of school organization which imposes right and obligations on the two parties, which were pronounced by the court, each party were bind to or forbear some act and each acquires right to what either promises. Legislation Affecting and concerning Primary School Teachers are several legal issues concerning or affecting teachers stated as follows:

- Unfair dismissal: An amendment act by trade union and labour 1976 enumerate some laws on contract or employment of teachers as follows:
 - An employee has the right not to be dismissed, a person is dismissed if the contract it terminated. Also, Imo state education commission edict no 10 of 1998, sixth schedule, section 25 (2) (1) to 10 list the following ten acts as constituting profession misconduct.
 1. Immorality with a pupil.
 2. Misappropriation of school fund.
 3. Dishonest conduct in relation to an examination.
 4. Suppression or falsification of school records or statistic.
 5. Bribery, corruption or exploitation of children services for personal ends.
 6. Private teaching of the school children for private income.etc.

TEACHER ON CONTRACT

Funk and Wagnall new encyclopedia describe contract as an agreement that creates an obligation binding upon parties there to. The requirements to the ability of teaching on contract are:

- Mutual assent (offer and acceptance).
- Consideration (price and other benefit).
- Legally competent parties.

- Subject matter not prohibited by law.
- Agreement in form required by law.

TEACHER ON RECRUITMENT

Usually a letter of provisional offer of pensionable teaching appointment it contains information as to position to which the teacher has been appointed, the grade level and step, the school to which the teacher has been posted the subject. The teacher will teach and duration of assumption of duty etc.

TEACHERS CODE OF CONDUCT AND ITS IMPORTANT

According to UNESCO teacher's code of conduct refers to set of written guidelines produced by public authorities or professional organization, which details the set of recognized ethics, norms or values and professional standards of conduct to which all members of a profession must adhere.

Among the importance of teacher's code of conduct are:

- Protect the teachers, age – long position of nobility.
- Re awaken the sense of self – esteem, dignity, honor, selfless service and moral ventilate in teachers.
- Boost public confidence in the ability of teaching profession.
- Help to guarantee the safety of the professionals and spell out the type of relationship that should exist between the teacher on one hand, and severally their colleagues, students and other person who would interact with them time – time.

1984 international labour organization (ILO) and united nations educational, scientific and cultural organization (UNESCO) issued a document with more than 142 recommendations, covering guiding principles, educational objectives and policies, preparation for the profession further education for teachers, employment and career, right and responsibilities of teachers, conditions for effective teaching and learning, teachers salary and security etc. which is titled the status for teachers: an instrument for its improvement. The recommendation 196joint commentaries by ILO and UNESCO. Moreover, among the investing panel and teachers' disciplinary committees are:

1. Teacher's Registration Council of Nigeria (TRCN) act in section 9 established a teacher's investigation panel, with the following responsibilities.
 - i- Conducting preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a professional teacher or should for any reason be the subject proceedings in the committee.
 - ii- Deciding whether the case should be referred to the teacher's disciplinary committee. It is agreed that the parred shall be set up in each state of the federation and the federal capital territory. Abuja members of the panel should be appointed by the TRC after consultation with the state's ministries of education or the federal ministry of education. The panel must have five members one of which shall be a legal practitioner.
2. Teachers disciplinary committee, which the TRCN equally establishes act section 9. This is a tribunal that is responsible for considering and determining any case on teachers, the members consist of the chairman TRC and other 10 members appointed by the council.

3. Penalties for unprofessional conduct, where by the penalty's awards include: advice, reprimand, suspension for months and deletion of name temporarily or permanently from the teachers register. Etc. other relevant laws include:
- The united declaration on human right 1974.
 - Corruption practices and other related offences act 2000.
 - Child right law 2003.

Teachers code of conduct (TCC), which is expected every teacher to get a copy at the nearest TRNC office. The disciplinary action, sanctions and punishment. The disciplinary committee can give directives for includes: advice, reprimand, suspension of registration for months, retrieving registration, deletion of name temporarily or permanently in the register and criminal perspective in accordance with relevant laws of the country.

WHO CAN REPORT

- Student.
- Teacher.
- Head of school.
- Parents.
- Any stakeholders.
- General republic.

WHERE TO REPORT

- Head of school.
- State ministry of education.
- Federal ministry of education.
- Nigerian union of teachers.
- All states of offices of TRNC.
- Zonal office of TRNC.
- Head quarters of TRNC.
- Official website of the TRNC (www.trnc.gov.ng)
- Hotline of TRNC (+234 – 95233159).
- E – mail (info@trncgov.ng).
- By post to the headquarters.
- Registrar/chief executive TRNC.
- PLOT NO 567, Aminu kano crescent.
- Wuse 2, PMB 256 garki Abuja
- Tel +234 – 95231439, 5233110.
- Fax +234 – 95233098.

CONTROL AND DISCIPLINE OF TEACHERS

Some type of disciplinary measures against teachers for breach of discipline is described as misconduct. Disciplinary action taken depends on the gravity and offence of the teacher but among the action taken include: writing of warning, interdiction, suspension, demotion revocation of certificate, termination, outright dismissed and compulsory retirement. These categories of disciplinary measures are stated in section 10 of civil service book of the federation (1999, pp.46 – 47). TRCN (2005) enumerated acts on the action judge as misconduct.

- Forgery or mutilation of official document fighting with school premises.
- Assaulting student or other teachers.
- Abuse of a student.
- Intimidation of a student.
- Harassment (sexually or otherwise).
- habitual late comer.
- Unauthorized absenteeism.
- Taken undue advantage of students or other teachers.
- Illegal or unauthorized collection of money from students.
- Facilitating, aiding, abetting or assessor to examination malpractice.
- Irregular or unauthorized award of marks, bribing (giving or taken).
- Disobedience of law order.
- Stealing.
- Extortion from student's money for mark racket.
- Sex for mark racket.
- Employing unqualified teachers.
- Teaching with non – qualifying unrecognized certificate. Teaching without registering with TRCN etc.

Other offences specified a professional misconduct in primary schools are:

- Lateness to school and school assemblies.
- Internal absenteeism from school.
- Lateness to class for teaching.
- Failure to prepare lesson note.
- Failure to attend meeting.
- Failure to make use of the board when teaching.
- Examination malpractice (aiding or abetting).
- Failure to perform duty (keeping record, school duties etc.).
- Indecent dressing.
- Stealing school property.
- Rudeness or insubordination to school head.
- Aiding or destabilizing the school peace and unity by the teacher.
- Drinking alcohol or smoking during the school hours.
- Sleeping on duty.

Teacher can be taken to count for such or other allegation of misconduct, but the teacher has the right to fair hearing before severe disciplinary action is taken against the teacher as stated in most of the state educational law or codes and it is also one of the fundamental rights provided in chapter iv, 5.36 of the 1999 constitution of the federal republic of Nigeria.

Pupils punishment has been categorized according to the fundamental human right of the country, they include: corporal punishment, suspension, detention, expulsion or academic rustication.

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PRIMARY SCHOOL ADMINISTRATION RULES AND REGULATIONS

Primary school administration rules and regulations cover the aspects of records (admission, progress and withdrawal, time table, weekly diaries, corporal punishment book) hours of school attendance register, accommodation requirements, punishment, transfer and school leaving certificate.

All rules and regulations are design to achieve proper conduct. School authorities have right to establish rules and regulations governing the pupil's behavior, such rules may cover matters relating to the conduct of examination, noise making, absenteeism, lateness, leaving the school without permission, fighting and disobeying instructions.

As enumerated by the general assembly of the united nations organization in November 1959 as the right of the children, which have guided the constitution of the federal republic of Nigeria includes:

- Right to life and dignity of human.
- Right to life: section 33.
- Right to dignity and human person: section 34.
- Right to personal liberty: section 35.
- Right to fair hearing: section 36.
- Right to private life: section 37.
- Right to freedom of thought, conscience and religion: section 38.
- Right to freedom of expression and press: section 39.
- Right to peaceful assembly and associations: section 40.
- Right to freedom of movement: section 41.
- Right to freedom of discriminant: section 42.

THE ROLE OF EDUCATIONAL LEGISLATION IN PROMOTING EQUITY INCULSIVITY ANDEQUALITY IN PRIMARY EDUCATION

Educational legislation is essential in creating framework that fosters an inclusive equitable and equal primary education system, by addressing systematic barriers and promoting fairness, these laws help to ensure that child has the opportunity to succeed.

EQUITY

This is where by laws ensure that resources are distributed based on the neednot on general distribution. Legislation is generated to all kind of students, whether you are from low – income, disable or from minority, it is meant to ensure the same opportunities with everybody.

INCULSIVITY

Educational law often includes anti – discin – monotarigon child is left behind or excluded from education laws also mandate that schools provide accommodations and special education services for students, It's also promotes inclusivity by recognizing the need of students from diverse linguistic and cultural backgrounds.

EQUALITY

Laws often require compulsory and primary education all over the country, gender disparities in education is eliminated and law include mechanisms for monitory and accountability ensuring that all pupil receive a high-quality education and that disparities in outcomes are addressed.

CONCLUSION

The paper tries to explore the significant impact of primary educational law in order to draw the attention of all primary education stakeholders on its important as well as to avoid any act of misconduct that can lead to the prevention of achieving the aims and objectivesof primary education, it

is obvious to understand that certain laws enhance the structure and quality of primary education management practices. It is suggested that it is highly vital that the laws should be review and adjust time to time in the educational policies to ensure they go align with the new generation, and also the involvement of primary educational management policy makers and administrators in the review is very necessary, they are to collaborate to create a more supportive legislative environment that fasters effective primary educational management. Understanding the legal implicants is crucial for achieving effective primary education, that can meet with the needs of all the stakeholders, the worldisdynamic..

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