An Assessment of the Level of Awareness of Education Laws by Teachers and Principals in the Management of Secondary Education in Cross River State, Nigeria

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Abstract:  
The study was conducted to determine the level of awareness of education laws teachers and principals in the management of secondary education in cross river state. Descriptive survey design was adopted for the study. The study used a population of 279 schools with 4,987 teachers and a sample of 1,496 teachers. Questionnaire was used as instrument to gather data. Two research questions were posed for the study. The mean scores and standard deviation of the responses were used to determine the level or extent of findings indicated that indicating that the respondents were unaware of the education law of contract as applicable in the administration of staff and student personnel services and that the teachers are aware of the law of liability while administering students’ personnel services in Cross River State secondary school system. Based on the findings, the following recommendations were made: Principals of secondary schools in addition to the acquired degrees in education should include a degree or diploma in management and constitutional matters. And that workshops, seminars, and conferences should be organized at intervals by state ministry of education, National Union of teachers (NUT), and Association of National Council of Principals (ANCOPS) to acquaint and remind principals and teachers on education laws.

Keywords: Awareness, education laws, management, secondary education

1. Introduction  
Education is a ‘continuous process established by the society to assist its members to understand the heritage of the past and to participate productively in the future. It brings out the in-born powers and potentials of the individuals in the society to acquire skills, aptitudes, and competencies necessary for self-realization and for coping with life’s problem’ (Igwe, 2003:16). Nworgu (1991:24) considered education as a ‘tool to be used for the integration of the individual into the society to achieve self-realization, develop national consciousness, promote unity, and strive for social, economic, political, scientific, cultural, and technological progress’. Ahmed (2003:63) opined that education is ‘any act or experience that has a formative effect on the mind, character or physical ability of an individual’. In general, it is a means by which the knowledge, skills and habits of a group of people are sustained from one generation to the next through teaching and training which has a formative effect on the way one thinks, feels, or acts. In its technical sense, education is the formal process by which society deliberately transmits its accumulated knowledge, skills, customs and values from one generation to another through a learning system using the school and its curricula as agents.

The quality of the educational system of a particular society depends on the extent to which the school delivers in this assigned responsibility by the society. In other words, it is the responsibility of the school system to coordinate its resources, curricula and personnel for the realization of quality education and attainment of societal goals and aspirations.

Teaching is viewed by Okoh (1993:2) as the ‘art and science of facilitating learning while learning implies a relative change in the behaviour of the learner which is due to the planned instructions by the teacher who impacts knowledge and skills in a formal and non-formal educational setting’. Tahir (1996:3) reported that ‘teachers are the ones that make or mar the growth and development of any nation through education and that the essence or role the teacher plays in the development of any nation, especially in bringing up future leaders and intellectuals is immeasurable since their role is linked and tied with the quality of education in a given society.

The teacher in the discharge of his duties has authority under the law to administer punishment on his students. After the home, it is the school that students come in contact with law and order, rules and regulations and authority.
these are designed to help them live and work harmoniously in the school while enabling them to learn and grow in mind, body and soul as well as acquire the necessary code of conduct that are useful for living in the society. It is therefore very necessary for teachers, school administrator and parents to be familiar with the body of laws relating to the organization and administration of schools since the role of the teacher is central in the attainment of the educational goals.

The law also recognizes the rights of citizens including the students. Majority of teachers appear to be ignorant of the education laws and the rate at which these laws are violated is a source of concern to the researcher and the general public. Some of the teachers do not even know their own limits. Consequently, most of them violate the right of their students and fellow teachers and fall victim to litigation and prosecution in the court of law which distracts the activities of the school.

Secondary school, public or private as an organization operates within the limits of the public policies and laws including the provisions of the constitution of the Federal republic of Nigeria, edicts, decrees and past judicial decisions which must be adhered to in order to avoid quarrels, litigations and disruption of school activities that will greatly impair the educational goals and objectives. These rules and regulations which are referred to as education laws form the basic standards that provide the framework for general order in schools.

Education laws are the body of state and Federal constitutional provisions, statutes, court rulings, Acts and edicts of various state government that provide the legal framework for educational institutions. According to Ocho and Nwangwu (2011:79) education laws are those ‘areas of jurisprudence which focus on educational activities and the operation of both public and private elementary, secondary and post-secondary institutions of learning’. As a heterogeneous body of regulations it covers a wide range of legal subject matters, including the basic fields of contracts, property, torts, constitutional law and other areas of law which directly or indirectly affect the educational and administrative processes of the educational system. Apart from forming the bases of accepted standard in schools, it also provides the framework for general order.

Knowledge of education laws is an emerging phenomenon in education industry in Nigeria due to the increased awareness of individual rights, especially those referred to as fundamental human rights. It becomes expedient for teachers and school administrators to be conversant with their legal limitations in the discharge of their duties especially on issues that affect students and parents on education matters. Taiwo (1993:6) opined that

‘Every adult in the school system, whether proprietor, principal, teacher, parent or guardian should be familiar with the education laws of the state in which the school is situated like tort that deals with civil wrongs, contracts which is concerned with legal obligations or agreements, liability that deals with failure in meeting legal obligations or responsibilities and the nature of infringement on people’s right which means that those school programmes that are geared towards the development of students to their fullest potentials should be consciously managed within the limits of the legal provisions since parents and guardians are becoming better informed and enlightened of their rights and privileges’.

Parents and guardians are curious and inquisitive about what happens to their children and wards in schools. If they feel that their wards have been denied their rights, for instance to sit for an examination, or exploited or expelled from the school, they institute legal action against such school. In case of negligence, the school can legally be held responsible or liable for any injury inflicted on the student during the school hours. Obasi (2004:12) stated that ‘students are yet in their formative stage, no matter the level of education and that the education manager should serve as parents and guide them so that their youthful exuberance does not mislead them’. Taiwo (1993:6) reported in the case of

‘William versus Eddy that the duty of the school master is to take care of his students as a careful father would take his children. Educational institutions are neither set up for teachers nor school administrators, but for students who are the most important primary consumers in the school system. It is therefore expedient that student personnel services are managed within the limits of the legal provisions’.

Management of teachers and students by principals in secondary school system is far more challenging because it deals with the activities of human beings. In this regard, principals are faced with not only the complexities in the character and behaviour of the teachers, but also those of the students and parents (Okoro, 2006:189). This indicates that the way and manner which these chains of human elements are managed by principals could affect the achievement of the objectives of secondary school system. Thus, knowledge of education law such as the fundamental human right of citizens, tort, contract and liability that accommodates and respects the diverse needs, views and rights of all groups in the secondary system remains a distinctive challenge of teachers in the education sector.

Principals are saddled with the responsibility of directing, guiding and co-coordinating teachers and students appropriately to achieve excellent performance. This explains why Peretomode (2004:188) argues that the ‘job of managing the personnel services is one of the critical functions of educational administrator because of the seeming correlation between effective management and achievement of educational goals’. A good administrator (principal) therefore ensures that justice, equity and fair play are maintained when dealing with teachers and students in the educational system. This goes to say that the knowledge of education laws will help principals and teachers to follow the laid down principles, rules and regulations to avoid favoritism and quarrels thereby providing conducive environment for excellent performance and realization of the educational goals (Onah, 2008:96). According to Adiotomre and Ekwevugbe (2005:99), poor management by principals has been identified as the major cause of bullying, extortion and exploitation of students and other social delinquencies among teachers and students in secondary schools. In this period of public awareness of fundamental human rights, the job of managing the human elements in the school system is usually very tasking. Under such environment, the principal requires both knowledge and application of personnel management principles and practices in line with the education laws.
The involvement and commitment of secondary schoolteachers have been found to be dependent on the principal’s experience and behaviour toward the teachers and students. It is this reason that acquisition of relevant experience in personnel management and education laws is pre-requisite to attainment of educational goals and objectives (Effiong and Enunwah, 2007:69). Most of the untrained and inexperienced teachers in the secondary school system are not aware of the legal implications of their activities and their limitations. Some of them are not aware of the rules and regulations guiding the administration of staff and students in secondary school system. The level of public awareness of human rights has made it necessary that teachers should have adequate knowledge and proper understanding of the basic principles of education laws and their application in secondary school administration.

Qualification of teachers is another important variable in students’ personnel management since they are crucial elements in educational development. According to Odotoyinbo (2004:12) teachers are the catalyst that give meaning and success to education policies and programmes because they interpret and put into practice the education policies and programmes at secondary school level. National policy of Education (FRN, 2004) stipulates that teachers with Bachelor of education (B.Ed.) or National certification of Education (NCE) are qualified to teach in primary and secondary school system. However, Ocho (2007:57) observed that most teachers in the secondary school system are not qualified to teach because they do not possess the requisite educational qualifications and this has affected the achievement of educational goals because teachers’ factor is a major problem in the delivery of quality education. Most of the teachers are not grounded in the field of education and some lack the necessary qualification or training as teachers especially the young graduates and youth coppers who are recruited and sent to secondary schools to teach without any formal training and orientation on the rules and regulations governing the secondary school system. Also, some qualified and experienced teachers are so ignorant and insensitive about the education laws to the extent that they lack the capacity to organize seminars or give the new teachers the necessary orientation on the education laws. A Principal with the pre-requisite qualification, experience and good knowledge of education laws will not only enhance the relationship between teachers and students but also reduce distraction arising from quarrels and litigations. The cordial relationship will make the teachers to be more committed and involved in their work.

Oku (2006:62) found that the extent of students’ gain from a teacher is dependent on the type of interpersonal relationship within the school. He further noted that students-teachers relationship could make or mar students’ academic achievement and teachers’ attitude to work. The inter-personal relationships between and within groups and leadership behaviour of principals interact to give the school a unique, congenial learning or working environment or peculiar image or otherwise.

The success or failure of any educational system from the foregoing depends on a great extent on the knowledge and application of education laws by teachers since they are expected to make the right impression on the students by being disciplined, pleasant, well organized, reliable and knowledgeable in education laws for them to give their best to the students who are leaders of tomorrow (Ocho, 2008:82). In order to improve the teaching and learning environment, teachers must take education laws seriously in the discharge of their duties to avoid unnecessary distractions arising from litigations that could affect the realization of the goals and objectives of the secondary school system. According to Ocho, Okeke, and Ndu (1997:71), Nigerian educational curriculum is undergoing development, expansion and changes and the public is showing increasing interest in the secondary schools due to the falling standard in quality of the educational system. Also, hardly any week passes without reports in the dailies about the falling standard and quality of education in Nigeria. Most of the time, teachers in Cross River State have been accused of poor management of students’ personnel services, absence from work and negligence of duty which no doubt has increased indiscipline among students. There is high rate of exploitation, truancy, insubordination and disobedience to school rules and regulations as well as violation of fundamental human right among secondary school teachers and students. It is based on these problems that this study is set to determine the level of awareness of teachers on education laws of tort that deals with civil wrongs, contract which is concerned with legal obligations or agreements, liability that deals with failure in meeting legal obligations or responsibilities and the nature of infringement on people’s right within the secondary schools in Cross River state.

Furthermore, there is laxity among teachers generally. Most of the time, teachers have been accused of maltreating and exploiting students in addition to being absent and late to work. Researcher’s observation shows there is a high rate of truancy, dishonesty, and disobedience among secondary school students in Cross River State which is a bridge of the education law of contract whereas the secondary school system is one of the most important formal agencies that should play major role in molding the lives of students and making them acquire the necessary intellectual ability, psychological stability and to become culturally sound and socially effective. It therefore appears that many teachers are not aware of education laws.

The problem of this study is therefore to investigate the extent of knowledge of education laws by secondary teachers in Cross River State for which they could be liable or open to law suit in the administration of teachers’ and students’ personnel services.

1.1. Research Questions

The research will be guided by the following research questions:

- What is the extent of knowledge of education law of contract among Cross River State Secondary school teachers?
- What is the extent of knowledge of education law of liability among Secondary school teachers?
1.2. Methodology

The research design used is descriptive survey research design. Nworgu (1999:12) described descriptive survey as, 'those studies which aim at collecting data and describing in a systematic manner, the characteristic features or facts about a given population'. Descriptive investigations involve systematic collection of data on individuals, group of persons, institutions, a number of objects, methods and materials or a class of events, in order to describe, classify and analyze phenomena, to test hypothesis or to answer questions concerning the current status of the phenomena of interest.

The area of study is the entire Cross River State. The choice of Cross River State is born out of the fact that education is the major industry of the state and staff of secondary schools in the state are being informed on the consequences of infringement on students’ rights. The study will therefore reveal the extent of the knowledge of education laws by the principals and teachers in the secondary school system and possibly suggest ways by which administration of students could be done within the limits of the law for maximum productivity. This will reduce indiscretion and litigation and enhance teaching and learning in secondary schools.

The population comprised teachers in public and private secondary schools in the three education zones in Cross River state. The number in 2018/2019 academic session stood at two hundred and seventy-nine principals (279) and four thousand seven hundred and eight teachers (4,708). The total number of principals and teachers in the three education zones is four thousand seven hundred and eight (4,708) giving a total of four thousand nine hundred and eighty seven (4,987).

The sample of this study is one thousand five hundred teachers (1,500) drawn from a population of 4,987 teachers. Proportionate sample of teachers was drawn from each of the three education zones in the state.

The instrument used for data collection in this study was constructed by the researcher titled Education Law and Secondary School Management Questionnaires (ELSSMQ)

The validity of the instrument was determined by subjecting the draft instrument for face validation by three experts in the Faculty of Education, Benue State University (two experts from Educational Administration and three from Measurement and Evaluation).

Cronbach alpha reliability test was adopted to confirm the reliability of the ELSSMQ. The instrument was administered to 30 teachers in public secondary schools in Umuahia which is outside the chosen sample of the study. The reliability was conducted for each of the five sections of the instrument and for the entire instrument. Using the Cronbach Alpha procedure, sections A-E yielded reliability indices of 0.827, 0.80, 0.798, and 0.636 respectively. The instrument yielded a reliability index (alpha) of 0.931.

The researcher personally administered the ELSSMQ to respondents and also utilized the assistance of teachers in the sampled secondary schools. Mean score (2.50) and above was used to interpret the item as accepted while a mean value below 2.50 was used to interpret the item as not accepted. Standard deviation was used to ascertain the distance of individual scores from the mean.

2. Results and Discussion

2.1. Research Question One

What is the extent of knowledge of education law of contract among teachers in secondary schools in Cross River State?

| S/N | Educational Laws of Contract | Extent of Knowledge |
|-----|-----------------------------|---------------------|
|     | Mean | Sd  | Mean | Sd  |
| 30. | Duty to protect students.   | 3.12 | 0.85 |
| 31. | Duty of care for students.  | 3.27 | 0.92 |
| 32. | Duty of care to fellow teachers. | 2.40 | 0.91 |
| 33. | Duty of care to members of the school community. | 1.49 | 0.82 |
| 34. | Not being negligent to duties. | 2.94 | 0.89 |
| 35. | Malfeasance.               | 1.24 | 0.78 |
| 36. | Nonfeasance.               | 2.12 | 1.02 |
| 37. | How to breach duties.      | 3.60 | 0.77 |
| 38. | Standard care.             | 1.40 | 0.88 |
| 39. | Contributory negligence.   | 2.36 | 0.82 |
|     | Grand Mean Score           | 2.39 |     |

*Table 1: Extent of Knowledge of Educational Law of Contract among Teachers in Secondary Schools in Cross River State*

Items 30-39 in cluster three of the research instrument were used to answer the research question. The data are provided in Table 1.

The result in Table 1 shows that each of the items 30, 31, 34 and 37, in the cluster on the extent of knowledge of education laws of contract among secondary schools in Cross River state obtained a mean score above the cutoff point of 2.50. They were therefore accepted whereas each of the items 32, 33, 36, 38 and 39 recorded mean score below 2.50.
and was rejected. However, the overall mean score of the cluster was 2.39 which is below 2.50 and was rejected indicating that the respondents were unaware of the education law of contract as applicable in the administration of staff and student personnel services.

2.2. Research Question Two

What is the extent of knowledge of education law of liability among teachers in secondary schools in Cross River State?

| S/N                                  | Educational Laws of Liability | Extent of Knowledge |
|--------------------------------------|------------------------------|---------------------|
|                                      | Mean                         | Sd                  |
| 40. Imparting constructive ideals in students. | 3.33                         | 0.86                |
| 41. Creating opportunities for learning. | 3.07                         | 0.84                |
| 42. Being on time for school activities. | 2.94                         | 0.73                |
| 43. Being prepared to impart knowledge. | 3.10                         | 0.92                |
| 44. Giving learners accurate feedback. | 3.27                         | 0.85                |
| 45. Treating Learners fairly.         | 3.04                         | 0.91                |
| 46. Treating learners respectfully.   | 2.29                         | 0.76                |
| 47. Providing learners with relevant materials. | 3.19                         | 0.80                |
| 48. Freely giving out necessary information. | 2.88                         | 1.01                |
| 49. Maintenance of school personnel services. | 1.99                         | 0.76                |

| Grand Mean Score | 2.91 |

Table 2: Extent of Knowledge of Educational Laws of Liability among Teachers in Secondary Schools in Cross River State

Items 40-49 in cluster four of the research instrument were used to answer the research question. The data are presented on Table 2.

The results of the responses of the respondents on Table 2 show that the items 40-45, 47 and 48 in the cluster obtained mean values higher than the 2.50 cut off point for this study and therefore accepted while items 46 and 49 had a mean score below 2.50 and was rejected. However, the grand mean score of the cluster on of knowledge of education law of liability among teachers in secondary schools in Cross River State was 2.91 and therefore accepted which implies that the teachers are aware of their liability while administering students’ personnel services in Cross River State secondary school system were very high because it is a critical task area that is most likely to lead to conflict and litigation.

2.3. Extent of Knowledge of Education Law of Contract among Teachers

The results of the study on Table 7 revealed that teachers are ignorant of the education law on contract which has resulted in the violation of their roles as administrators/supervisors. They are ignorant of their duty of care to the members of the school community and therefore lack the ability to maintain standard care in Cross River state secondary schools. The violation of these standard care amounts to role violation by them. Little wonder then the respondents were inclined to the opinion of not having a duty of caring for fellow teachers and members of the school community hence their involvement in contributory negligence. There are required standards in appraisal process in secondary schools and their violation amounts to role violation by the principals and teachers.

Teachers in Cross River State appear to be oblivious of implications of not adhering to laid down rules and standard while appraising staff and students in secondary schools. This is in line with the findings of Nnabuo (2001:21) who reported that there was no relationship between principals’ role performance and their awareness of the legal implications of their appraisal. Udeazor (2003:52) also reported that principals’ awareness of their institutional supervisory functions is unreasonably low. On the contrary, Igwe (1990:85) reported that the principals’ role performance was significantly related to the legal implications of their instructional supervision and evaluation roles.

2.4. Extent of Knowledge of Education Law of Liability among Teachers

Research question four was posed to elicit the responses of the respondents about their opinion on the extent of knowledge of education law on liability among secondary schools' teachers in Cross River State. The results of the study on Table 8 revealed that the teachers are aware of their responsibility to students and can therefore be sued if a teacher injures a student while attempting to discipline the student. It is surprising that principals and teachers who are expected to be the managers had contrary views on maintenance of school personnel services (mean score 1.99) on which legal decisions are based. This again exposed their ignorance to education laws and simple legal principles and concepts related to secondary school management. The principal cannot do everything by himself; hence he has to delegate some duties to his subordinates. According to Igwe (2004:14) the principals’ role performance effectiveness will to a large extent depend on the modalities adopted in the delegation of duty and the assignment of responsibility. For the principal’s delegation role to be effective, the ability, qualification, experience, personality trait of the teacher must be considered. The findings of this study agrees with Igwe (1990:40) who reported that the principal’s perception of his delegation of duty and assignment of responsibility was significantly related to his awareness of his liability for the act of omission or commission of his staff.
3. Conclusion

This study investigated level of awareness of education laws among secondary school teachers in Cross River state. The study found among other things that principals and teachers in secondary school system lack adequate awareness of education laws guiding the operations and management of students' personnel services. It is important that every principal and teacher understands, appreciates and applies the education laws to avoid constant conflicts and legal actions against them that will naturally impede on the growth and effective performance of their statutory functions and achievement of the educational goals of secondary school system.

Principals and teachers are often involved in torts for which they could be liable especially in the area of infringement on human rights of students while performing students' disciplinary measures. For personal security and defense and as a guide to right decisions and actions that can be legally defensible, principals and teachers should take interest in education laws.

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