# Application of Education Law as Determinant of Principals' Personnel Management Effectiveness in Public Secondary Schools in Imo State.

**By**

**[1]Oparaji, Israel C., PhD**
**Phone: +234810642909595**. Email: ic.oparaji@unizik.edu.ng

**&**

**[2]Anachuna, Obinna Nonso, PhD**
**Phone: +2348063260029. Email**: on.anachuna@unizik.edu.ng

**[1&2]Department of Educational Management and Policy, Faculty of Education, Nnamdi Azikiwe University Awka, Anambra State, Nigeria.**

**Abstract**
This study examined the application of education law as determinant of principals' personnel management effectiveness in public secondary schools in Imo State. Two research questions guided the study and two hypotheses were tested at 0.05 level of significance. The descriptive survey research design was adopted for the study. The population of the study comprises 5,286 teachers of public secondary schools in Imo State. Stratified random sampling technique was used to draw 529 teachers made up of 89 males and 440 females. The instrument was structured by the researchers and named "Application Education Law as Determinant of Principals' Personnel Management Effectiveness Questionnaire" (AELDPPMEQ). The instrument was validated by three experts, two from the Department of Educational Management and policy while one from the Department of Educational Foundation. The reliability of the instrument was obtained through Pearson Moment Correlation Coefficient with index value of 0.82 which was considered high enough for the study. Mean and standard deviation were used to answer the research questions while t-test was used test the hypotheses at 0.05 level of significant. The findings of the study revealed among others that principals of schools in the study area to a high extent apply education law in their personnel management practices. It was then recommended among others that government should encourage principals to apply education law to make for their personnel management effectiveness.

**Keywords: Education Law, Determinant, Principals, Personnel Management**

## Introduction

The school is people oriented. Any organization that is peopled with men and women of different orientation must ensure that there is social control put in place to guide the actions and inactions of the members so as to maintain decorum. It is only where there is peace and tranquility that success/development fosters. In the face of non-existence of rules and regulations, anarchy, rancor and violence prevail. All of these constitute enemy to the progress and advancement of any place where they exist. It is therefore very imperative that for any school organization to achieve success and attain its goal there must be established rules and regulations guiding the school operation. It is premised on this that education law becomes imperative for schools to thrive and attain their set goals. These rules and regulations or code of conducts could be synonymously referred to as the law. Since it is meant to guide the school activities and programmes, it is known as the education law.

Law can be defined as the body of rules and regulations that coordinate the activities of persons and institutions in a particular society. It consists of the written and unwritten laws or rules that regulate governance and the relationship between the rulers and the ruled. Laws establish governmental systems and branches of government and assign rules of engagement to them. Laws also set up agencies and

departments of government and stipulate their functions and branches of operations. Laws can be of different types and derived from varying sources but their operations are systematic and unique. This means that the application of law is procedural and the purposed is to stabilize behavioural patterns or ethics of conduct for both persons and institutions and place sanctions against misconduct even in education.

Education law is that branch of law that is concerned with education. Uyeyeni (2018) defines it as that portion of law that regulates activities in the education sector. In a more elaborate definition or meaning, education law is that part of law that regulates the programs, events and activities in the education sector. Beyond this, it is the law that guides the conduct or behavior of persons and the operation of programme of events in the school system. Schools are the creation of the government guided by law. They are social organizations that are administered, managed and directed by rules and regulations. Schools from the pre-primary to the university are knowledge factories intended to train, mold and 'build human beings whose behaviours would be in tandem with rules and norms of the society. This presupposes that laws are proactive with the framework for controlling and shaping the conducts of people in a given society or organization (Nduka, 2020).

As stated earlier, education laws can be written, unwritten, rigid or flexible but they have one commonality and that is, they regulate persons and activities in the education system. Ordinarily, laws are of six classifications which cover federal and unitary laws including the above mentioned four. However, their number, they are all meant for the same function which is to set order, peace and security of lives and property in the society and in the school system (Ikheloa, 2018). Education law and its operations are not very nascent. Historically, they can be traced to the years or era of Plato who designed the academy and embellished it with ethics of conduct for both those that work in the system and for the activities that would be taking place in the system (Oyakhilame, 2016). Between the 19$^{th}$ and 21$^{st}$ centuries, the scope of education law has widened and its sources are equally very identifiable.

The sources of education law could therefore be traced to the constitution, decrees, educts, acts of parliament, state legislations and bye-laws passed or enacted by the local government areas. In a more simplistic form, education law also includes instructions or directives from the government through the Ministry of Education, education agencies or parastatals like the National Universities Commission, Secondary School Management Board and its primary school counterpart, the Teachers' Service Commission and even rules and regulations from school authorities themselves (Johnson, 2019). Due to increase in frontiers of knowledge leading to the emergence or creation of new and different academic disciplines, it therefore behooves on the individuals (staff and students) that operate in the school to be acquainted with contents of education law that constitute their rules of engagement in order to make for the realization of educational objectives. That is why, the contents of education are for both staff and students and they provide for how they should conduct themselves and do their jobs and equally places sanctions against misconduct (Enyilabe, 2021).

Education law therefore covers a lot of activities that go on in the school system both acceptable and unacceptable. The acceptable or positive events in the education section are concerned with recruitment policy, remuneration, criteria for promotion and appointment of staff into administrative positions and the associated motivational procedures and benchmarks. The essence of the law in this regard is to minimize bias in policy formulation and implementation so as to ensure objectivity which is needed for goal attainment in the school system (Idika, 2016). Unacceptable activities in the school system are the various wrong action that create disaffection and hinder work of flow in the school system. There is the need to guide against their occurrences and possibly place sanction in order to make for discipline and synergy that are required to achieve result or meet targets. There are two types of unacceptable behaviours or activities which can be grouped as criminal offence and tort or civil offence (Ajayi, 2020).

Criminal offences in the school system could be in the form ofa teacher stealing school property or diverting school property meant to facilitate teaching and learning to personal use without the authorization of the school. It equally includes putting female students in a family way when she is not married to the teacher. It can also take the form of breaching the rights to life and personal liberty of a student by a teacher by inflicting pain or life threatening bodily injury for offences that would require corporal punishment. It equally covers depriving a student from sitting for an external examination he registered for because he has not paid his school fees. The state can take up any of such offences against a teacher. A criminal offence is an offence against the state (Oninrisi, 2021). These offences can also

attract litigations against a student by parents or the school authority or the state especially where a student kills another student intentionally or unintentionally. The intention (mens rea) of the offender is not determined when the right to life is violated except for self-defense or a situation of determinism.

Tort is an offence committed against an individual. Tort or civil offences are more in the form of negligence. Tort is an offence that results in an inquiry or a person's bodily harm, property or reputation. The word tort is taken from the Latin word tortus which means twisted, crooked or dubious. In that respect, tort can be defined as a body of rights, obligations and remedies applied by the court in civil cases that provide relief for wrongs done to another person (Black's Law Dictionary, 2009).

Negligence is the failure or inability of a person to exercise the duty of care expected of a reasonable prudent person. Negligence is the legal theory that is used in tort cases. To show that negligence has occurred, the plaintiff has to prove that the four elements of tort have taken place. These elements are duty, breach, causation and damages. Inability to prove the occurrence of these four elements of tort could establish a case ofalibi. In order words the case be thrown away for lack of evidence or lack of merit (Adeoluwa, 2016).

Duty is the care owed to someone by another person. It is the care owed to a plaintiff by a defendant. In the school system, the teacher owes the duty of care to students. At school teachers should exercise the necessary care of an average reasonable prudent person to the students while in class, during sports activities and other co-curricular events. The reason is to ensure that no student sustains any form of bodily injury (Ikheloa, 2018). The case of breach is one that entails not doing what one was supposed to do. A breach is therefore is said to have occurred when the defendant fails to do what a reasonable prudent person would do in that same circumstance or situation. It could as well be the other way. That is the defendant did what a reasonably prudent person would not do in the same circumstance or situation. Teachers should restrict their activities in the school within their rules of engagement to avoid a breach of the duty of care (Oyebade, 2019).

Causation which is one of elements of tort occurs when the breach of duty of the defendant results in the injury sustained by the plaintiff. Where the inability of a teacher results in the injury sustained by a student, it can be said that the teacher caused or is responsible for the bodily or reputation injury of the student. This will definitely result in the payment of damages (Manfa, 2022). Damages in a simple language can be called compensation. It is a payment for actual comprehensive injury suffered by a victim or plaintiff. If a student can prove that the trouble or injury he is suffering from was caused by a teacher's (defendants) negligence of his duty of care, then the teacher is held liable for damages.

A teacher or even the school can as well be held liable for damages if he takes an action he was not supposed to take which resulted in the injury (bodily, psychological or reputational) suffered by the student. Beyond, the above elements of negligence that are offences in the school system that education law tries to guide against (Oyeyeani, 2018) Such other offences that education law is guiding against are defamation which can be divided into slander which is verbal and libel which is written. Each of them is used to demean a person's reputation. Teachers should avoid making abusive or derogatory statements against their students that can demoralize them and reduce their human persons before other students. There is equally the case of assault which is concerned with attempting to inflict physically injury on the students. This is always between students but occasionally involving teachers. All these civil wrongs and even the criminal offences earlier discussed attack liabilities and damages of varying degrees (Nhuyiwa, 2021).

One of the offences a teacher can be indicted of in the school system is strict liability offence. This is an offence that the defendant is held liable without considering his intention or reason (mens rea) for committing such offence. Example of such offence is depriving a student from writing examination or causing an injury that can result in the death of a student. Another type of offence is vicarious liability offence. This involves a superior officer being held liable or responsible for the offence committed by his subordinate. This comes up in the process of delegation of duty. When a junior worker commits an offence while executing a delegated assignment, his boss who delegated the duty to him is held liable. This calls for caution on the part of principals and other principal officers of the schools (Imola, 2022). These offences can attract two types of damages. They are liquidated and unliquidated damages. Liquidated damages are the ones that can be determined or calculated while unliquidated damages are the ones that cannot be determined or calculated unless by the court. In view of all that have been discussed, principals of schools should be abreast of the above provisions of the education law. The application of the knowledge of these laws will help principals in the personnel

management practices.

Personnel management practices involve placing school personnel or teachers in the context of this study in their right positions based on the qualification, experience and competence. It equally has to do with effective reward system, inclusiveness in decision making and in implementing decisions made. The ability of principals to carry out the above tasks using the provisions of the education law accounts for their personnel management effectiveness. Principals being the executive and administrative heads of public secondary schools should be guided by their job design as prescribed by law. Public schools are the schools set up and administered by the government whether federal or state. The extent to which principals in public secondary schools in Imo State apply these education laws in personnel management is not known, hence this study became imperative.

**Statement of the Problem**

Education law is that branch of law that is specifically enacted to regulate activities in the education system. It does not only regulate activities, it coordinates the behavior of persons (staff and students) and all forms of academic and co-curricular activities. The purpose as it were is to ensure that education programmes are carried out as planned leading to the achievement of educational set goals or objectives. Following the above is the need for the discipline of personnel and the synergy required to ensure and enhance results academically and administratively in the school system. However, the attitudes of staff and students in public secondary schools in the study area need much to be desired.

Staff and students go late to school and there seem to be regular poor academic performance of students which is lampooned by both parents and examination bodies. This is anchored by poor attitude to work by both academic and non- academic staff. This puts one in bewilderment as to whether there is existing law guiding the principals' school personnel management? If there are, to what extent are they being applied in running the school affairs? It is against this background that this study investigated the application of education law as determinant of principals' personnel management effectiveness in public secondary schools in Imo state.

**Purpose of the Study**

The main purpose of the study was to examine the application of education law in principals' personnel management effectiveness in public secondary schools in Imo State. Specifically, the study ascertained:

1. the extent of Principals' application of education law in personnel management effectiveness in public secondary schools in Imo State.
2. the problems affecting principals' application of education law in personnel management effectiveness in public secondary schools in Imo State.

**Research Questions**

The study was guided by the following research questions:

1. To what extent does the application of education law determine principals' personnel management effectiveness?
2. What are the problems affecting the application of education law that would determine principals' personnel management effectiveness?

**Hypotheses**

The following null hypotheses were tested at 0.05 level of significance:

1. There is no significant difference in the mean response ratings of the male and female teachers on the application of education law as it determines principals' personnel management effectiveness.
2. There is no significant difference in the mean response ratings of male and female teachers on the problems affecting the application of education law by principals for personnel management effectiveness.

**Methods**

The descriptive survey research design was adopted for the study. The population of the study comprises the 268 principals and 5,286 teachers of public secondary schools in Imo State. Stratified random sampling technique was used to draw 529 teachers made up of 89 males and 440 females. A

questionnaire was the instrument used for data collection. The instrument was validated by three experts, two from the Department of Educational Management and policy while one from the Department of Educational Foundation. The reliability of the instrument was obtained through Pearson Moment Correlation Coefficient with index value of 0.82 which was considered high enough for the study. Mean and standard deviation were used to answer the research questions while t-test was used test the hypotheses at 0.05 level of significant.

## Results

**Research Question 1.** To what extent does the application of education law determine principals' personnel management practices in Imo State public secondary schools?

**Table 1: Responses of the male and female teachers on the application of education law determine principals' personnel management practices in Imo State public secondary schools.**

| S/N | Item: To what extent does the application of education law determine principals' personnel management practices in the following areas? | MALE (89) | | | FEMALES (440) | | |
|---|---|---|---|---|---|---|---|
| | | X | SD | RMK | X | SD | RMK |
| 1 | Staff motivation | 3.06 | 0.53 | HE | 1.95 | 0.68 | LE |
| 2 | Support teamwork | 2.57 | 0.57 | HE | 2.37 | 0.26 | LE |
| 3 | Direction of teachers' activities | 3.06 | 0.53 | HE | 2.27 | 0.11 | LE |
| 4 | Staff discipline | 2.93 | 0.46 | HE | 2.36 | 0.34 | LE |
| 5 | Involvement of teachers in decision making | 2.64 | 0.32 | HE | 3.27 | 0.13 | HE |
| 6 | Effective communication network | 3.17 | 0.57 | HE | 3.15 | 0.53 | HE |
| 7 | Encouraging staff training | 2.93 | 0.46 | HE | 2.20 | 0.23 | LE |
| 8 | Providing needed facilities | 2.77 | 0.38 | HE | 2.10 | 0.51 | LE |
| 9 | Building good interpersonal relationship | 2.89 | 0.44 | HE | 2.37 | 0.38 | LE |
| 10 | Appraising staff performance | 2.68 | 0.34 | HE | 2.13 | 0.46 | LE |
| 11 | Mentoring teachers | 3.00 | 0.48 | HE | 2.40 | 0.26 | LE |
| | **Grand mean &SD** | 2.88 | 0.46 | HE | 2.22 | 0.35 | LE |

Table 1 displayed the responses of the respondents on the application of education law in personnel management practices with items with serial numbers 1-11 on the male teachers' side positing to a high extent that the application of education law determines principals' personnel management practices. This is obtained from the mean scores of the items being above the criterion mean of 2.50. On the contrary, the female teachers to low extent posited that the application of education law determines principals' personnel management practices as seen in items 1,2 and 3 as well as items 7-11 with all the mean scores below 2.50 which is the benchmark. The females however to a high extent aligned with their male counterpart that the application of education law determines principals' personnel management practices. The grand mean stood at 2.88 with SD of 0.46 and 2.22 and SD of 0.35 for male and female teachers respectively.

**Research Question 2**: What are the problems affecting the application of education law that would determine principals' personnel management effectiveness?

**Table 2: Responses of the male and female principals on the problems affecting the application of education law by principals for personnel management effectiveness.**

| S/N | Item: the following are the problems affecting the application of education law in my school ? | MALE (48) | | | FEMALES (86) | | |
|---|---|---|---|---|---|---|---|
| | | X | SD | RMK | X | SD | RMK |
| 1 | Insubordination from the personnel | 3.37 | 0.68 | A | 3.02 | 0.50 | A |
| 2 | Fear of personnel who finds themselves at the corridor of power | 3.18 | 0.56 | A | 3.17 | 0.58 | A |
| 3 | Lack of support from the education board/ministry of education | 2.83 | 0.40 | A | 3.15 | 0.57 | A |
| 4 | Not knowledgeable on the application of education law | 2.33 | 0.28 | D | 2.22 | 0.21 | D |
| 5 | Ambiguous nature of the education law | 2.29 | 0.45 | D | 2.18 | 0.36 | D |
| 6 | Fear of litigation from the personnel | 3.31 | 0.60 | A | 2.87 | 0.43 | A |
| 7 | Attempting to avoid being high handedness | 3.06 | 0.53 | A | 3.05 | 0.52 | A |
| | **Grand mean & SD** | 2.91 | 0.50 | A | 2.80 | 0.45 | A |

Table 2 showed the responses of the male and female principals on the problems affecting the application of education law in the public secondary schools. Items 1,2,3 and 6,7 with all their mean scores above the criterion mean of 2.50 for both male and female principals agreed that insubordination from the personnel, fear of personnel who belong to the power that be, lack of support from the ministry of education among others are the problems affecting application of education law in the public secondary schools. On the opposite side, male and female principals disagree that not knowledgeable on the application of education law and ambiguous nature of the education law are problems affecting the application of education law in public secondary schools with the items with the serial numbers 4 and 5 which have their mean scores below the criterion mean of 2.50. The grand mean yielded 2.91 with SD of 0.51 and 280 with SD of 0.45 for both male and female principals accordingly.

**Hypothesis 1:** There is no significant difference in the mean response ratings of the male and female teachers on the application of education law as it determines principals' personnel management effectiveness.

**Table 3 displaying the t-test statistical difference between the mean scores of the male and female teachers on the extent application of education law determines principals' personnel management practices**

| Variables | N | Mean | SD | D/F | t-crit | t-cal. | Decision |
|---|---|---|---|---|---|---|---|
| Male | 89 | 2.88 | 0.46 | | | | Not |
| | | | | 530 | 1.96 | 1.64 | significant |
| Female | 440 | 2.22 | 0.35 | | | | |

Table 3 displayed 2.88 mean score with SD of 0.46 for male teachers as well as the mean scores of 2.22 with the SD of 0.35 for female teachers. The degree of freedom stood at 530, t-cal of 1.64 as against t-critical of 1.96. since the t-calculated is less than the t-critical, the null hypothesis is not rejected but upheld that there is no significant difference between the mean scores of the male and female teachers on the extent application of education law determines principals' personnel management practices.

**Hypothesis 2:** There is no significant difference in the mean response ratings of male and female teachers on the problems affecting the application of education law by principals for personnel management effectiveness.

**Table 4 showed t-test statistics on the differences between the mean scores of the male and female principals on the problems affecting their application of education law in personnel management practices.**

| Variables | N | Mean | SD | D/F | t-crit. | t-cal. | Decision |
|---|---|---|---|---|---|---|---|
| Male | 48 | 2.91 | 0.50 | | | | Not |
| | | | | 135 | 1.96 | 1.28 | significant |
| Female | 86 | 2.80 | 0.45 | | | | |

Table 4 indicates that the mean scores of 2.91 with SD of 0.50 as well as 2.80 with the SD of 0.45 for both male and female principals. The degree of freedom gave rise to 135, t-calculate of 1.28 against t-critical of 1.96. Since the t-critical is greater than the t-calculated, the null hypothesis is not rejected but declared that there is no significant difference between the mean scores of the male and female principals on the problems affecting the application of education law in personnel management practices in public secondary schools of the study area.

**Discussion of Findings**

It is the finding of this study that the application of education law to high extent determines the personnel management practices in public secondary schools in Imo State as posited by the male teachers. The female teachers however to a low extent posited that education law determines the personnel management practices by principals in secondary schools in Imo State. It is therefore very controversial in their take as to the application of education law in personnel management practices. Education law guides the school activities so as to protect the inalienable right of the human elements in school for goal attainment. It is based on this assertion that Idika (2016) lucidly put that the essence of the law in the school is to minimize bias in policy formulation and implementation so as to ensure objectivity which is needed for goal attainment in the school system. This is because the presence of law in any gathering fosters progress while lawlessness begets chaos and anarchy which is counter-productive.

Another finding of the study is that all the respondents agreed that insubordination from the personnel, fear of personnel who belong to the power that be, lack of support from the ministry of education among

others are the problems affecting application of education law in the public secondary schools. On the opposite side, male and female principals disagree that not knowledgeable on the application of education law and ambiguous nature of the education law are problems affecting the application of education law in public secondary schools in Imo State. These problems could be crippling lots of progressive activities and programmes in the school leading to poor implementation of educational policy and result being a mirage. This is the reason Nduka (2020) maintained that laws are proactive with the framework for controlling and shaping the conducts of people in a given society or organization. The scholar is aware of the impediments of the application of education to personnel management practices thus advocates for strict compliance despite all odds if the goal must be attained.

**Conclusion**

Following the result analysis and the findings, it is concluded that application of education law by the public secondary school principals to a high extent determines personnel management practices. The principals however were faced with enormous problems in the application of education law by the public secondary school principals in personnel management practices.

**Recommendations**

Based on the findings, the following recommendations were made:

1. The government through her agencies agency should encourage the school principals to apply education law in the personnel management practices in public secondary schools in Imo State.
2. The principals should be supported by the appropriate education board to enable them apply education law in personnel management practices.

**REFERENCES**

Erwin, C. (2023). Education, the first Amendment and the constitution. University of California Barkeley, School of Law.

Deja. G. (2023). The forgotten: Nye and School Segregation University of Buffalo Law School.

Carter, B. (2023). Revisiting the "Tradition of Local Control" in public school. University of Michigan Law School.

Siyuan, C. (2023). A Review of 2022/23 International Moots Season Singapore Management University.

Nicholas E. (2023). Education and Democracy St. John's University, School of Law.

Wended, P. (2016). Improving Higher Education Regulation. The Regulatory Review in Depth.

Adam, L. et al (2016). Behavioural Economics of Education: Progress and Possibilities. All Faculty Scholarship.

Fehintola, O. (2014). Teachers' characteristics as correlates of student in Saki-west Local Government Area of Oyo State. *Journal of educational and Social Research*. Vol. 4, No. 6

Mamas, R.P. (2012). Implementation of education law in secondary school" Approaches, prospects and problems, science, technology and Arts Research Journal, 2012, 1 (3) 59-67.

John, D. (2020). Legal Mathew and Education Law Oxford Bibliographies Do1:10.1073/080/9780199756810-0023.