

classroom and engage in the assiduous task of intellectual development? However, suffice it to state that significant variations in the training of teachers have weakened the professionalization of teaching. For example, the teachers in the faculties of education and institutes of education in universities, colleges of education, departments of education in polytechnics and similar accredited tertiary institutions in the country obviously have monopoly over an esoteric body of knowledge. Definitely this cannot be applicable to teachers in primary or secondary schools who did not read education but had to undertake short courses such as postgraduate diploma in education to satisfy state requirement for continued employment.

Furthermore the Teachers' Registration Council of Nigeria offers one year Professional Diploma in Education (PDE). Can one year be considered as a long period of time for acquisition of a body of knowledge, skills and values? The hasty preparation of teachers will deny them the necessary training for effective teaching. In comparison with other professions such as law, medicine, and engineering among others, the preparation of teachers leaves much to be desired. Members of this profession definitely will not accept one year professional training for membership in view of the threat posed to the integrity of the profession by such arrangement. For teaching to be regarded as a profession, the teachers should take the responsibility of determining the minimum standard for entry into the profession. This should no longer be determined by the policy makers for the teachers. Efforts should be made to ensure that the minimum qualification for teaching by 2020

is first degree in education in an accredited institution. Short courses in education should be articulated for continuing human capital development and not for entry into the profession. Those intending to join the profession should undergo full course of training in the relevant discipline.

Degree of Autonomy

Each profession has a high degree of autonomy embracing control of entry into the profession, responsibility for maintaining and improving professional competence of members and control over working conditions. According to FRN (2005), it is obvious that all medical doctors, lawyers, engineers, pharmacists, etc at all levels of our national life, both in the public and private sectors submit to the provisions of the Acts regulating their respective professions. In the same way, all persons who perform jobs that rightly and legally constitute teaching as well as those who administer teaching and learning in the Nigerian education system must be trained teachers, registered and regulated. It is obvious that the TRCN has not lived up to its mandate in this regard. It has no control of entry into the teaching profession and working conditions of teachers, neither does it have the responsibility of maintaining and improving professional competence of members. These provisions exist only on the pages of policy documents. The task of the Council is enormous in the professionalization of teaching. However, because of the complex nature of the practice of teaching in the country, actual implementation of these policies will remain a mirage.

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In actual practice in Nigeria, no known body is in control of entry into the teaching profession. On completion of the prescribed courses in the accredited tertiary institutions, the teachers are certified and therefore considered eligible for entry into the profession. No additional preparation and evaluation are required. The TRCN professional examination before licensing has not been effectively implemented.

The Federal Government in recent times has made remarkable efforts in maintaining and improving professional competence of teachers through in-service training. Before now, the continuing development of the teachers was the sole responsibility of the teachers. This practice has resulted in haphazard response on the part of the teachers for life-long learning that affords them the opportunity to acquire new knowledge and skills for effective teaching. Worse still, some teachers considered it most unnecessary to go for further training since they believe that knowledge is constant and that the knowledge they acquired more than ten years ago will still be relevant in the practice of teaching.

Teachers in tertiary institutions are in better positions because for their career progression, they are required to attend conferences, workshops and also carry out research work, findings from which are published in peer reviewed journals. In some institutions, research grants are provided for academic staff. Teachers in both primary and secondary schools can benefit from this type of continuing professional development if the enabling environment is provided for them.

Employers of teachers whether government or private individuals are in control of the teachers' working conditions. Teachers' Unions such as ASUU, NUT, COEASU etc have severally gone on strike because of the working conditions of teachers. They have made tremendous success over the years. However, as in all other well established professions, like law, medicine, engineering, the professional body, in this instance, the TRCN should rise to the challenge of ensuring that the working conditions of the teachers are at par with what is obtainable in other professions.

Enforcement of Code of Conduct

Each profession has a responsibility for developing and enforcing a code of conduct. During the colonial period, each mission had its own rules and regulations guiding the conduct of the teachers. The variations reflected the philosophy of each mission. Government schools had their own rules and regulations. In all purposeful human activities, for the attainment of predetermined goals and objectives, rules and regulations must be articulated, made known to all stakeholders and religiously implemented.

The TRCN has expanded and modified the Teachers code of conduct as contained in the Nigeria Teachers' Service Manual a publication of the Federal Ministry of Education. The enforcement of the code of conduct is still a big challenge to the TRCN whose responsibility it is. The TRCN is yet to have a firm grip on the profession as a result, cannot control the conduct of the practitioners. A considerable number of teachers may not be aware of the existence of a professional code of conduct and therefore

cannot be guided by it. Since entry into the profession is not adequately regulated, control of the conduct of the teachers will continue to pose problem for the regulatory body. It is important that at the point of certification, a copy of the code of conduct is made available to the intending teachers to equip them with rules and regulations guiding the practice of their profession.

Definite Career Structure

The initial set of teachers employed by the missionaries and colonial masters knew practically nothing about career structure. The teachers were rather seen than heard and willingly accepted what was offered to them at the end of the month. Agitation was regarded as disobedience to the employers which can lead to dismissal. The teachers reward then was in heaven. Consequently, they settled for meager pay and endless workload. There were no definite relationship between the teachers' pay and the magnitude of work they carried out. The teacher in some cases doubled as a catechist. These problems among others necessitated effort towards collective bargaining that subsequently repositioned the teacher in the scheme of things.

In view of the variations in the training and nature of work carried out by the teachers, a common career structure is not practicable. The teachers' unions have over the years fought and successfully enhanced the career structure for teachers. Some states, however have not given adequate attention to remuneration of teachers. This will naturally affect the output of the teachers.

Definite Professional Culture.

Professional culture in this regard is the socially transmitted professional behaviour patterns. FRN (2004) stipulates that education has to be geared towards self realization, better human relationship, individual and national efficiency, effective citizenship, national consciousness, national unity, as well as towards social, cultural, economic, political, scientific and technological progress. They are also spelt out in the objectives of the teachers' code of conduct which according to FRN (2005) are:

- Re-awaken the sense of self-esteem, dignity, honour, selfless service and moral rectitude in the teacher.
- Protect the teachers' age-long position of nobility and leadership in the social, moral, and intellectual world.
- Build a strong moral foundation for the actualization of an educational system that can compete favourably in the global community.
- Boost public confidence in the ability of the teaching profession to regulate its self and to bequeath to the nation products that are capable of making maximum contribution towards the development of the nation in particular and the World in general.
- Provide objective yardstick for the assessment of the teachers' conduct and discharge of professional duties. Help to guarantee the safety of the professionals and sustenance of the desired prestige of the teaching profession.
- Spell out the type of relationship that should exist between the teachers on one hand and severally their

colleagues, students and other persons who would interact with them from time to time.

- To clarify teachers' rights, privileges, and obligations and their legal bases.

Decision making on Professional Issues.

Decision making is the important process of making alternative choices with the aim of providing solution to problems of interest. This explanation suggests that there are inherent problems in the educational system that teachers are better equipped to solve. Such problems range from classroom management to policy issues. The experience and professional expertise of teachers have not always been considered on professional issues.

This practice has not helped the educational system rather, it has resulted in frequent changes in policies and programmes with the resultant waste in both human and material resources. The low respect accorded to teachers by the general public and the government in particular constitute serious impediment to the involvement of teachers in decision making. The unique nature of the educational system demands that the teachers at each level should be involved in major decisions affecting such level. For example, primary and secondary school teachers should be involved in decisions affecting them respectively. It is not uncommon to engage the university professors in decisions affecting the primary level without involving the teachers directly involved. The educational system will be better served if the expertise of the teachers at each respective level is harnessed for the development of that level.

Sense of Altruism

The nature of teaching makes it impossible for the teacher to be detached from the learner. For effective teaching/learning to take place, the teacher should provide selfless service that transcends the classroom environment. This is why it is believed that the work of a teacher has no time frame a 24. The teacher in helping the learner has a responsibility to understand the learner. That explains why the intending teacher is exposed to such courses as psychology, sociology and philosophy among others. The teacher is expected to give individual attention to all members of the group to ensure active participation of the learners. When necessary, the teacher takes the problem of the learner to the home environment to facilitate understanding of the behavior of the learners. All these require a high degree of altruism that derives from a long period of professional training. Although teaching is generally regarded as an all comers occupation, only those individuals with a high level of commitment can actually provide selfless service.

Sense of Calling

According to Robbins (2000), professionals have a strong and long term commitment to their field of expertise, their loyalty is more often to their profession than their employer, they update their knowledge regularly, pay little attention to daily work hours and they are generally well paid. From the foregoing, teaching falls short of a profession in the sense that a considerable number of teachers lack commitment to the profession. Several teachers have

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remained in the profession because it has not been possible for them to find alternative and more lucrative employment. This lack of commitment is manifested in poor work attitude of teachers, high level of indiscipline exhibited by teachers and a consistent and persistent decline in the quality of education in the country. The employers of teachers and the TRCN share in this problem because they have failed to ensure that teachers benefit from improved work conditions. Furthermore, the TRCN has not successfully set out the machinery for enforcement of the teachers' code of conduct. No profession exists without a functional professional code of conduct that regulates the activities and behaviour of the practitioners. The teachers are not left out because they have a collective responsibility to strengthen the profession especially in the area of control of entry into the profession.

CHAPTER 17

LEGAL ISSUES IN TEACHING PROFESSION

The educational system exists in an open system, and it is in constant interaction with the external environment. It receives inputs in the form of human and material resources from the environment, processes them and empties same into the environment. The processing of the human input is the primary responsibility of the teaching profession. The complicated nature of the human person makes teaching the most challenging of all professions. It is generally believed that all individuals look alike but no two individuals are the same. There is therefore need for laws that will guide activities in the profession. Laws are very important in all human activities. They regulate and protect the rights of individuals in organizations and the society at large. According to Richey (1968:296) "law is an expression of public policy". Furthermore, Daniels and Daniels (2003:37) stated that law is a set of rules of behaviour for individuals, companies and governments. Tella (2006) subdivided public law into constitutional, administrative, and criminal. According to him, constitutional law stipulates the functioning of the state; administrative law implies the interest of the individual vis-à-vis government and criminal law implies the absolute duties of each individual to the community and the protection of community interest by the

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state. Educational laws are public policies and rules that are enforced for the protection of the rights of all stakeholders and for social control. Regrettably, teachers at all levels of the educational system are generally not very conversant with these policies and rules. The medical profession, because of the possible loss of life involved in the practice, is always very conscious of legal actions. Consequently, in the training of doctors, legal aspects of medicine are given very significant priority in the curriculum. The serving teachers and the intending teachers should be very familiar with all aspects of education laws.

Sources of Education Laws

In Nigeria, education laws were introduced as ordinances made during the colonial period. The Senate and House of Assembly are also empowered to make education laws. This is generally known as Act while laws are enactments or status passed by the regional or state legislature during civilian administration. Nigeria experienced over thirty years of military dictatorship, the decrees were enactments made during those years by the Federal Military Government while edicts were enactments made by the State Governments during the same period. The constitution is a major source of education law. According to Tella (2006) the 1914 Lugard Constitution, the 1922 Clifford Constitution, the 1946 Richard Constitution, the 1951 Machperson Constitution and the 1954 Lyttelton Constitution made no definite provision for education, but the 1963 -79 and the 1984 – 1999 military decrees made provisions for education.

As the name implies, customary laws are derived from the customs, tradition and culture of the people of a particular community or communities. They are designed to ensure protection of customary rights of the individuals provided that those rights do not interfere with fundamental rights of the people. Education law can also be derived from court rulings. When the court adjudicates cases presented before it where the constitution is silent, the resultant law is known as case law or common law. The court may be required to interpret disputed portions of the constitution, acts or laws. The court decisions traditionally rely on precedent set, that is, similar earlier court rulings. A very important source of education law is the Statute that established the educational establishment. It is a legal document containing detailed body of rules set out for the smooth operation of the establishment.

During the period 1842 to 1882, each mission managed its own educational system with its set of rules and regulations that generally emphasized character training and conversion of souls through mastery of the bible. According to Fafunwa (1991), this resulted in lack of uniformity in visually all aspects of school programmes such as school hours, syllabus, examination, supervision, financial support, and quality of teachers among others. In realization of these problems, the colonial administration, considered it necessary to establish standards by introducing general rules and regulations guiding establishment and administration of schools in the colony. These are known as education ordinances.

The 1882 Education Ordinance

He emphasized that the 1882 Education Ordinance which was based on the British Education Act of 1844 was the first attempt by the colonial government at introducing policy aimed at regulating educational activities in the jointly administered territories of Lagos, Gold Coast, Sierra Leone and Gambia. The Ordinance provided for the following:

A General Board of Education made up of:

- The Governor as President;
- Members of the Executive Council; and
- Not more than four other members nominated by the Government
- An Inspectorate headed by a Chief Inspector, known as Her Majesty's Inspector of Schools for the West African colonies.
- Three African Sub-Inspectors of Schools one for Gold Coast and Lagos, one for Sierra Leone and one for Gambia.
- Establishment of Local Boards of Education that would advise the General Board on the establishment of government schools; award certificates to teachers and ensure that the conditions for grant-in-aid were satisfied.
- One-third of the salary of the Inspector of Schools for the Gold Coast should be paid out of the Settlement of Lagos
- Criteria for grants for teachers' salaries included organization and discipline with special grants to schools which obtained a large percentage of passes and reached high standards of general excellence, a capitation pass

grant for each subject and a capitation grant in proportion to the average attendance at the school.

- Laid down rules for the annual examination of pupils, the methods of granting teachers' certificates, and the system of grants-in-aid.
- Two types of Primary Schools would exist:
- "government schools" to be maintained entirely from government funds; and "assisted schools" established by missions or private persons but given grants-in-aid by government for physical facilities and teachers' salaries. Grants would also be awarded for good organization and discipline and for pupil achievement i.e. "payment by results".
- Compulsory subjects in the school curriculum would be Reading, Writing, English Language, Arithmetic, and Needlework for girls; while optional subjects would be History and Geography.
- Religion would be taught in government schools; and in assisted schools, pupils were not to attend religious functions against their will.

The 1887 Education Ordinance

The 1887 Education Ordinance was the result of the separation of Lagos from the Gold Coast in 1886. Adeboyeje (1992) emphasized that this marked the beginning of a new era because it was the first Nigerian Education Ordinance. As should be expected, the Ordinance provided for a board of education with a composition similar to the 1882 Board. The specific provisions were as follows:

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- There shall be a Board of Education for the Colony, which Board shall consist of the Governor, members of the Legislative Council, the Inspector of Schools and four members nominated by the missions and appointed by the Governor to serve for not more than four years;
- It shall be lawful for the Board with and out of the monies so placed at its disposal, first to assist schools and training institutions, and secondly to institute scholarship;
- To children who shall have attended primary schools in the colony to enable them to proceed for secondary education;
- To natives of the colony who shall have attended either primary and/or secondary education in the colony to enable them to receive anywhere a course of technical instruction with a view to the development of the natural resources of the colony.
- No grant shall be made in aid of any school except;
- That the property and management of the school be vested in managers having power to appoint and dismiss the teachers and responsible for payment of teachers' salaries and of the other expenses of the school;
- That the requirements of the Board Rules with regard to teachers being certificated be satisfied in the case of the school;
- That the school in public examinations shall have attained the requisite percentage of proficiency;
- That the school at all times be open for inspection by the inspector, the sub-inspector or any member of the Board.

- That the school be open to children without distinction of religion or race; For primary schools, that the reading and writing of English Language, Arithmetic and in the case of females plain needle work, be taught at the school and that English Grammar, English History and Geography as class subjects;
- That by the rules of the school no child shall receive any religious instruction to which the parent or guardian of such child objects.
- It shall be lawful for the Board to fix different rates of grants for infant schools, primary schools, secondary schools and also industrial schools respectively, and also in respect of different degrees of excellence in the schools and in respect of different subjects of instruction

The Board may make a grant-in-aid of any training institution in respect of every teacher trained at such institution who shall have received at least two years instruction in the particular institution.

Education Code of 1903

The 1903 Education Code was specifically enacted for the Southern Protectorate. Adeboyeje (1992) stated that a significant feature of the Code was the emphasis on the quality of instructional programmes in the schools and the directive that instruction in certain branches of industrial work should be given at the more advanced schools. The new department of education was charged with the task of controlling and monitoring the establishment of new primary and secondary schools and also the maintenance of standard. Furthermore, the Code made provision for

payment of grant-in-aid based on performance in annual examination, the average school attendance and the report of school inspectors. The resultant effect was a shift from the old method of school administration to a new method that encouraged collaboration between the colonial government and the missions.

1908 Education Ordinance

For administrative and political convenience, the Protectorate of Lagos was merged with the Protectorate of Southern Nigeria in 1906. Consequently, in 1908, an education ordinance that would serve the needs of the whole area became necessary. It provided for the department of education headed by a Director and assisted by superintendents. Schoolmasters were also appointed. According to Ogbonna (2008:374), "the Ordinance empowered the education department to design and approve certificates for teachers, ensure improved conditions of service for teachers, monitor and control the establishment of primary and secondary schools in the Protectorate".

The 1916 Education Ordinance

The amalgamation of the North and South Protectorates in 1914 with Sir Fredrick Lugard as the Governor-General and Commander in Chief of Nigeria lead to his submission of a draft education ordinance and regulations for grants-in-aid that was approved in 1916 after serious criticism by both the missions and the colonial government. He wanted the control of the quantity and quality of education in Nigeria and thereby resisted the

proliferation of unassisted schools. The Ordinance made provision for the following new basis for grants-in-aid:

- Discipline, organization, moral instruction and general tone of the school (30 percent);
- Adequacy and efficiency of the teaching staff (20 percent),
- Results of class tests, periodic examinations and general progress (40 percent)
- Building, equipment and sanitation (10 percent)

It ensured that school inspectors visited schools regularly, (Fafunwa, 1991).

The 1926 Education Ordinance

The 1925 Memorandum shaped the course of education in the colony. However, it did not address the problem of proliferation of schools in the Southern part of the country. Unassisted schools multiplied to the point that it was obvious that necessary measures had to be taken to ensure the protection of the educational system. Adeboyeje (1992) stated that the 1926 code which came into effect to regulate the establishment of schools stipulated as follows:

- The expansion of the educational system must be controlled in order to maintain standards as well as ensure that expansion was within the financial capability of the government.
- A register of teachers must be provided and teachers were required to register as a condition for teaching in the Southern Provinces. This situation favored the emergency of teachers' unionism, which later resulted

in the formation of the Nigeria Union of Teachers (NUT) in 1930.

- Unless with the approval of the Director of Education and the Board of Education, no new schools could be opened. Some of the hundreds of non-assisted schools that were established during the past two decades could even be closed, if it was felt that they were not properly managed.
- The ordinance expanded and strengthened the existing Board of Education by including in its membership the Director, the Deputy Director, the Assistant Director as well as ten representatives of the various voluntary agencies, and redefining the board's function to include the offering of advice to the governor in the area of educational matters and the formulation of educational policies for the Southern Provinces.
- The Ordinance provided for the appointment of supervisors for the voluntary agency schools whose duties included the inspection of voluntary agency schools and submission of reports on such schools. (Ten of such supervisors, whose appointments according to the Ordinance must be approved by the Directors of Education, were appointed in 1927)

As was done in the previous systems, efficiency and tone of the school were emphasized in awarding grants-in-aid. In addition to this, schools were to be categorized as "A", "B", "C", or "D", based on inspectors' reports, in order to determine the amount of grants-in-aid to each school. The

ordinance also established the minimum salary that could be paid to teachers employed in assisted schools.

The Colonial Development and Welfare Acts

The Colonial Development and Welfare Acts were introduced to facilitate the development of the merged Southern and Northern Protectorates. The rapid expansion of the educational system and the deliberate attempt of the colonial administration to control education necessitated increase in the funding of education. The 1929 Act served the purpose of ensuring the regular provision of funds. It was the first Act that provided funds for research, planning, teaching and administration (Adeboyeje, 1992). He further explained that the Act limited the annual expenditure and was restricted to agriculture and industry. According to him, the 1940 Act emphasized the development of education and "any purpose likely to promote the development of any colony or the welfare of its people" and raised the annual expenditure to f5000.00 (Five thousand Pounds). The 1945 Act, provided for f120,000.00 (One hundred and twenty thousand Pounds) for the overall modern development purposes in Nigeria for ten years.

The 1935 Memorandum on Education in African Committees

The advisory committee on the British colonies issued the 1935 memorandum. According to Ogbonna (2008) the implications of the memorandum were that development of African education should be in agreement with other socio-

economic programmes and emphasis should be on the transmission of dynamic culture.

The 1943 Memorandum on Education in African Society

In 1943 the advisory committee on education in Africa issued the memorandum which recommended that:

- Government should provide more funds for increased education, which should be made universal eventually.
- A measure of emphasis should be placed on some form of adult literacy programme.
- Welfare plans and mass education should be effectively co-ordinated.

The resultant effect of the memorandum was increased funding of education and government efforts towards mass literacy and adult education programmes. It also brought about establishment of libraries in major cities in Nigeria, (Adeboyeje, 1992).

Ten Year Education Plan

In 1944, the colonial administration launched the first ever ten year education plan for Nigeria. The plan covered the period from 1944 to 1954. In 1946, the education plan become part of the ten year development plan for Nigeria, that is from 1946 to 1956, and Adeboyeje, (1992), emphasized that the objectives of the plan were as follows:

- Provision of a type of education that would be more relevant to Nigeria's need.
- Creation of better conditions of service for teachers teaching in the voluntary agency schools as a means of

providing more qualified and more contented teachers in such schools.

- Provision of more adequate financial assistance to the voluntary agencies involved in the educational enterprise.
- Provision of financial aid to native administration to enable them expand education in their areas.
- Achievement of controlled expansion within the limit of available financial resources.

Another historic event that took place in 1946 was the Richards Constitution which was Nigeria's first Constitution. According to Ukeje, Akabugu and Ndu (1992), it established the Northern, Eastern and Western regions in Nigeria and in 1947 a scheme which was in the form of a memorandum for implementation of the development plan was introduced. It provided for Advisory Boards of Education for each political region and one central board for the whole country that performed supervisory roles for the three boards. Through the same memorandum Local Education Committees that later became Local Education Authorities were established in the twenty seven provinces and charged with the responsibility of formulating education policies and facilitating education development in the areas.

The Western, Eastern and Northern Regional Education Laws

Between 1947 and 1954, Nigerians had three different constitutions. This became necessary because of the agitation of the nationalists who were dissatisfied with the administration of the country by the British colonial Government. Richard constitution of 1947 was short lived because of its contradictory provisions as they relate to education of Nigerians. According to Adeboyeje (1992), it divided Nigeria into three regions (West, East and North) and made education a regional service, made the Director of Education at the national level in charge of administration of education and the Deputy Directors in charge of education at the regional level. Furthermore, he explained that the constitution barred the regions from incurring expenditure on education above their budgetary allocations by the colonial Government. It also disorganized the existing procedure for grants-in-aid as articulated by the Philipson's report.

These inconsistencies according to him, resulted in the 1951 constitution which gave significant political power to the regions by making provision for indigenous House of Assembly for each region and authority to the government in power to enact their own education laws, initiate and implement programmes. It also introduced at the regional level the position of the Director of Education as against Deputy Director in the 1947 constitution and establishment of the Inspectorate Division. The Inspector General of Education at the national level replaced the Director of Education. Although the constitution made provision for the

Government in power to appoint Ministers of Education along with other Ministers, they had no specific duties since policy matters relating to education were still defined by the colonial administration.

The 1954 constitution gave reasonable autonomy to the regions to take control of both primary and secondary education and this gave rise to the regional education laws. The political leadership of Chief Obafemi Awolowo the Action Group enacted the 1954 Education law, known as the Sessional Paper No. 6 of 1955 which actually took effect on 14th day of April 1955. This law empowered the Western Region Government to initiate, plan and implement the UPE scheme which gave primary school age children opportunity for free primary education. It also reduced the number of years for primary education from eight to six years and automatic promotion to the pupils.

Challenged by the UPE scheme in the West, the Eastern Region's Government in 1954 presented to the Regional House of Assembly Sessional Paper No.2 which was later enacted into law as the Eastern Regional Education Law of 1956 and cited as the Universal Primary Education Regulation of 1957. This law formed the basis of the introduction of free universal primary Education in the Eastern Region.

The Northern Government did not introduce the free universal primary education because of the age long resistance to western education. The political and religious leaders in the North had feared the implication of western education on the existing Islamic education and possible lose of power to the colonial Government. However, following

the Oldman report the Northern Regional Government in 1956 enacted education law that introduced Board of Education, Local Education Committees and Advisory Boards. It made provision for grants-in-aid to native authorities and voluntary agencies on equal basis and the replacement of the Director and Deputy Director of Education with the Adviser and Chief Inspector of Education respectively. It also modified the four-year primary programme followed by a three year middle school programme to four-year junior primary programme followed by a three to four-year and junior primary programme followed by a three-year senior programme.

Education Decrees and laws

Adeboyeje (1992), Ojedele and Ilusanya (2006), and Ogbonna (2008), listed the following as education decrees and laws of the Federal Republic of Nigeria.

- Decree No. 47 of 1971, established the industrial training fund which facilitated active financial participation in the practical and field training of students by industries and organizations.
- Decree No. 29 of 1972, changed the school year calendar from January to December to September to July.
- Decree No. 24 of 1973, established the National Youth Service Corps (NYSC)
- Decree No. 27 of 1973 established the West African Examination Council (Nigeria) as an offshoot of the WAEC Ordinance No. 40 of 1951 of Gold Coast now Ghana. It regulated the operation of the West African

Examinations Council in Nigeria. In the past it conducted entrance examinations into Federal Government Colleges. It still conducts examinations for secondary school leavers and is responsible for their certification.

- Decree No. 1 of 1974, established the National Universities Commission (NUC). This decree has been amended several times. It ensured a regulated and co-ordinated development of our university education. The NUC has its functions.
- Decree No 12 of 1976, established the Student Loan Board.
- Decree No 9 of 1977: Established the National Board for Technical Education.
- Decree No 46 of 1977: Provided for the Federal Government take over of all universities in Nigeria.
- Decree No 2 of 1978: Established the Joint Admission and Matriculation Board; it was amended by decree No 4 of 1993 to include polytechnics and colleges of education.
- Decree No 7 of 1978: Established the National Teacher Institutes to oversee rapid in-service training of unqualified teachers.
- Federal Polytechnics were established by Decree 33 of 1979.
- The National Open University Act of 1983 established the National Open University and the Governing Council and Senate.

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- Decree No. 4 of 1984 was for the Federal Colleges of Education
- Decree No 19 of 1984 which abolished private universities and barred the establishment of the same.
- Decree No 20 of 1984 this decree tagged miscellaneous offences decree provided in the section 3, sub section 2(1) was an administrative strategy designated to control examination.
- Decree No 16 of 1985 National Minimum Standards on Education and Establishment of institutions this authorized the Ministry of Education through the National Universities Commission, to assess and accredit course in both Federal and State Universities.
- Decree No 3 of 1986: Established the National Commission for College of Education (NCCE)
- Decree No 4 of 1986 was on Federal College of Education
- Decree No 13 of 1986 was on Federal Universities of Technology.
- Decree No 20 of 1986 changed school years from October to September to January to December.
- Decree No 7 of 1987: Established the National Teachers Institute (NTI).
- Decree No 26 of 1986 was on National Library Board (amendment).
- Decree No 28 of 1987 amended No. 33 of 1979 its specificity specified the composition of polytechnic council whose general function were also set out in section 5 decree No. 33 of 1979.

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- Decree No 32 of 1987: was on educational correspondence college's accreditation.
- Decree No 6 of 1988 was on University of Ife (transitional) provision amendment.
- Decree No 7 of 1988 provided an amendment on the university teaching hospital decree.
- Decree No 12 of 1988 established Student Loans Board.
- Decree No 26 of 1988 was used to proscribe and prohibit academic Staff Union of Universities from participating in trade union activities.
- Decree No. 31 of 1988 provided amendment of the National Primary Education Commission Decree.
- Decree 31 of 1988: This decree established the National Primary Education Commission (NPEC) to manage the development and financing of education throughout the federation. This was aimed at improving the organization and administration of primary education which had witnessed serious problems of financing and neglect. This decree gave a lot of powers to the NPEC and state government kicked against it such that in 1991 another decree was given to counter it.
- Decree No. 47 of 1988 is on copyright. Only Federal High Courts have jurisdiction for the trial of offences and disputes under this decree. It includes intellectual property in the field of education.
- Decree No 49 of 1988 provided amendment to the National Universities Commission Decree.

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- Decree No 53 of 1988 was on Nigeria Education Research and Development Council.
- Decree No. 3 of 1989 established the National Commission for Colleges of Education (NCCE)
- Decree No. 40 of 1989 established the National Mathematical Centre.
- Decree 47 of 1989 was on Student Union Activities and the purpose was to regulate membership and funding of Union activities.
- Decree No. 30 of 1989: Created the National Commission for Women. The aim was to reduce the high level of illiteracy among adult women by increasing access of girls to education at all levels to reduce the problem of lack of girl-child education. This sought to ensure the UN Human Rights Declaration and to protect the fundamental Human Rights of women who were considered one of the marginalized and disadvantaged groups in our country. The decree was to ensure that the girl child enjoyed equal educational opportunities with the boys.
- Decree No 33 of 1989 rests in the Joint Admission and Matriculation Board the responsibilities for general control of the conduct of matriculation examination for admission to tertiary institutions in Nigeria and the placement of suitable qualified candidates in the tertiary institutions
- Decree No 40 of 1989 covered the National Mathematical Center.

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- Decree No 41 of 1989 made provision for the regulation and control of student union activities.
- Decree No. 41 of 1989 established the National Commission for Nomadic Education. These were all in the spirit of achieving Education for all (EFA) as programmed by UNESCO and adopted by the Federal Government of Nigeria. The commission was to organize and manage the education of the migrant groups in the country. This includes the migrant farmers, fishermen and cattle herdsman.
- Decree No. 17 of 1990 established the National Commission for Mass Literacy and Non-Formal Education to work with all concerned in education and other agencies and Non Governmental Organizations (Ngo's) to eliminate illiteracy in the country.
- Decree No 36 of 1990 revoked the prescription of academic staff union of universities.
- Decree No. 37 of 1990 made miscellaneous provision for Federal Universities of Technology.
- Decree 3 of 1991 abolished the National Primary Education Commission and gave back authority to states and their Local Government Councils with full authority and control over the management of primary education much against the desire of primary school teachers. In 1993 another decree was given to readjust this decree.
- Decree No. 33 of 1992 established the Nigeria French language village at Badagry and the Nigerian

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Indigenous language village and the Nigeria Arabic language village with decree.

- Decree 3 of 1993 amended the 1985 decree and prescribed conditions for the establishment of private universities to nullify Decree No. 19 of 1984.
- Decree No 4 of 1993 referred to amendment of Joint Admission and Matriculation Board.
- Decree No 5 of 1993 provided amendment to Federal Polytechnic.
- Decree No 6 of 1993 touched on amendment to education minimum standards and establishment of institution decree.
- Decree No. 7 of 1993 was on Education Tax Fund. It compels companies and corporations to contribute 2% of their assessable pre-tax profit to support educational development. 50% is given to Higher Education 40% to primary and 10% to secondary education. It compulsorily makes companies to participate in financing education.
- Decree No 10 of 1993 provided amendment to the decree on National Universities Commission.
- Decree No. 11 of 1993 also referred to as the Universities (Miscellaneous Provisions) Decree was on appointment of principal offices retirement and pension of professors.
- Decree 12 of 1993 amended the NCCE Decree of 1989.
- Decree No. 30 of 1993 proclaimed Teaching an "Essential Service" to exclude teachers from going on strike.

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- Decree No. 31 of 1993 created the Teachers Registration Council of Nigeria (TRCN) to ensure full professionalization of Teaching in Nigeria
- Decree No. 70 of 1993: Established the National Business and Technical Examination Board (NABTEB) to conduct examination in business and technical subjects. It has a Post Examination Investigation Committee.
- Decree No. 96 of 1993 Re-established the National Primary Education Commission (NPEC). The new decree specified the structure and functions of the State Primary Education Board (SPEB), and that of the Local Government Education Authority (LGEA). It also provided for the establishment of the National Primary Education Fund and the criteria for disbursing the fund. The ratio was 50% on equality of states 30% on school enrolment and 20% for educationally disadvantaged states.
- Decree No. 33 of 1999 was on Examination Malpractices.
- National Examination Council Act of 2001, passed by the National Assembly as a parallel body to WAEC. NECO conducts examinations for secondary leavers and for the certification of successful candidates, NECO replaced the National Board for Education Measurement that was established by decree No. 69 of 1993.
- Universal Basic Education Acts of 2004, passed into law in 2004.

CHAPTER 18

EDUCATION COMMISSIONS REPORTS IN NIGERIA 1925-1961

The Phelps-Stokes Commission

The amalgamation of the North and South in 1914 provided the needed political ground for control of education in Nigeria. Fafunwa (1991) drew attention to the fact that at the end of the administration of Sir Fredrick Lugard, Sir Hugh Clifford took over as the Governor and he also showed interest in the control of education in the colony under his control. The administration of education under both Governors did not produce any clear policy on education. The proliferation of unassisted schools continued and the demand for education increased. The Christian missions, private individuals, and organizations intensified efforts at establishing new schools. This resulted in unhealthy competition among them. There were cases of land disputes that required the intervention of the Governor. These problems among others resulted in the setting up of two commissions in 1920 by the Phelps-Stokes Fund of U.S.A. in collaboration with the International Education Board to carry out a detailed investigation of education. From 1920 to 1921 one commission studied education in the West, South and Equatorial Africa and in 1922 submitted a report entitled Education in Africa. From 1923 to 1924 the second commission studied education in the East, Central and South Africa and submitted a report entitled Education in East Africa. According to Fafunwa (1991), the commission was chaired

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by Thomas Jesse Jones, other members were, Dr. James Kwegyir Aggrey, Henry Stanley Hollenbeck, Mr. and Mrs. Arthur Wilkie and Leo A Roy. The terms of reference of the commission were as follows:

- To inquire as to the educational work being done in each area to be studied at that time.
- To investigate the educational needs of the people with special reference to the religious, social, hygienic and economic conditions.
- To ascertain the extent to which item 2 above is being met.
- To report fully on the results of this study.

The critical analysis of the education system by the commission revealed the inadequacies and failures of the education provided by the missions, private individuals and organizations and the colonial administration. He stated that the commission's report emphasized the following:

- The record of colonial government in Africa is a mixture of the good and the bad, the effective and the ineffective, the wise and the unwise.
- Although the educational facilities in Africa were largely credited to the missions, and although a great service had been rendered by them. Many of the missions did not realize the full significance of education in the development of the African people.
- The adaptation of education to the needs of the people was urged as the first requisite of school activities. Much of the indifference and even opposition to education in Africa was due to the

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failure to adapt school work to African conditions, and school methods which had been discarded in America and Europe were still in vogue in Africa.

- Many of the failures of educational systems in the past were due to lack of organization and supervision. Governments and missions in Africa failed to apply sound principles of administration to their educational work.
- The education of the masses and of native leadership had been neglected.
- There was an obvious lack of co-operation among the three groups representing "European and American Civilization" government officials, missionaries and traders. Worse still, the participation of the natives has naturally been even less than that of any other groups.

The commission's report drew the attention of the colonial government to the failure of the education system to address the needs of the people especially in the area of production of skilled manpower for agricultural and industrial development. It criticized the missions for apparent insensitivity to the cultural values of the Africans and undue emphasis on conversion of souls through religious instruction. Furthermore, the report showed that there were no well defined educational objectives in the colony. These issues raised, by the commission positively influenced the colonial administration. It necessitated in 1923 the setting up of an Advisory Committee by the Colonial Office in London on Native Education in British Tropical African dependencies. The resultant effect of the

work of the committee set up to advise the colonial government on the development of native education in the colony was the 1925 Memorandum on Education in British Colonial Territories. The memorandum was the first policy on education in the history of colonial administration in Africa. It fully articulated the nature and objectives of education in the colony. It spelt out the following educational principles:

- Government reserves the right to direct educational policy and supervise educational policy and supervise educational institutions through inspection and other means, while voluntary agencies should be encouraged and advisory Boards of education set up in each colonial territory to ensure active co-operation of all concerned.
- Adaptation of education to local needs so as to conserve all desirable elements in local tradition and organization, while it serves as an instrument of progress and change.

Regarding religious and moral training as fundamental to the development of a desirable education, and according it complete equality with secular subjects.

Material and economic development of African Dependencies should be accompanied by a corresponding increase in educational expenditure, and the best available personnel should be attracted to the Education Department in order to achieve the ideals of education.

- Voluntary agency schools which attain a satisfactory standard of efficiency should be accorded equal recognition in the scheme of education with the schools directly organized by the government and should be

grant-aided. Grants-in-aid to school should not be dependent on examination result.

- Use of African languages as well as English Language in education should be encouraged, while adapting the content and method of teaching in all subjects to African conditions. Capable workers and textbooks in vernacular should be provided for this purpose.
- Since qualified, dedicated and industrious teachers constitute an indispensable pillar in a sound education system, African teaching staff should be adequate in numbers, in qualifications and in character, and should include women. The principles laid down in the Memorandum should guide the teacher-training institutions. In order to improve village schools, trained "visiting teachers" should be employed to serve as a source of inspiration to teachers in such schools. Inspectors of schools should be friendly and make the aims and objectives of education clear. In addition they should offer valuable advice, and supervise schools according to the rules laid down by the government.

Technical and vocational schools should be established and supervised with the help of the government, departments concerned. Manual vocation should be accorded equal dignity with the clerical service. It should be recognized that female education is an integral part of the whole educational system which poses many problems. An adequate system of education should make provisions for primary education; various types of secondary schools and technical and vocational schools and institutions (some of which may later attain university status for subjects like

teacher education, medicine and agriculture); and adult education; while at the same time advancing the education of the whole community.

Elliot and Asquith Commissions

In 1943 the colonial government set up the Elliot and Asquith commissions in response to the dissatisfaction of Nigerians on the nature of higher education provided by the departmental training schemes and the Yaba Higher College. According to Fafunwa (1991) the Elliot Commission was specifically charged with the task of looking into the organization and facilities of the existing centres of higher education in British West Africa, and to make recommendations regarding future university development in that area. The Commission which was headed by Sir Walter Elliot had three African members namely; Rev. I. O. Ransome-Kuti of Nigeria, Dr. K.A. Korsah of the Gold Coast, and Dr. E.H. Taylor-Cumming of Sierra-Leone. The other British members included Dr. Julian Huxley, Mr. Arthur Creech Jones M.P. and Dr. Margaret Read. The commission carried out in dept study of the existing facilities and also interacted with prominent individuals and groups in West Africa such as the missionaries, students studying in Britain, principals of schools, former governors and key individuals in the colonial administration.

The report of the Commission which was submitted in 1945 was in two parts; the majority report and the minority report. While the majority report recommended establishment of three university colleges in Nigeria, Gold Coast and Sierra-Leone, the minority report recommended

one university college in West Africa to be located in Nigeria while others each should have territorial colleges. The majority report was accepted in 1947, and that resulted in the establishment of University College in Ibadan to offer courses in arts and sciences, agriculture, forestry, veterinary science, medicine and teacher education. The Asquith Commission which studied higher education in the colonies, recommended that an inter-university council for higher education in the colonies should be established was accepted by the Elliot commission. The council was to facilitate the development of the new universities, by providing assistance in the areas of employment, academic development and advise to the secretary of state.

Phillipson Report

The obvious effect of the second world war on the economy of the British government had direct implications on the administration of the colonies. Provision of grants-in-aid for educational development posed a big challenge. Consequently, in 1947 the Governor,

Sir Arthur Richards set up the Sydney Philipson one man commission to investigate and advise the government on the development of education in Nigeria especially as it relates to grants- in- aid. The report according to Fafunwa (1991) was accepted and published in 1948 and it stipulated that:

- Educational cost should be jointly shared by the public and the local communities.
- Local contribution should be based on zonal adjustment in order to make richer areas pay more.

- The approved committee for voluntary agencies should be redefined.
- The existing Voluntary Agency and Native Authority Schools should be accepted as part of the National Education system.
- Primary education should be taken as a national responsibility with an ultimate objective of a free and compulsory universal primary education.
- Grants-in-aid should facilitate balanced development of the whole primary education system in the country.
- Grants-in-aid should be used to foster development of education from primary and secondary to higher education level.

The Ashby Commission

Adesina (1982) reported that in 1959, the government of Nigeria set up the first Commission to study Nigeria's needs in the field of post- secondary school certificate and Higher Education over a period of twenty years ranging from 1960-1980. The commission which was a combined team of three Nigerians, three British, two American experts was chaired by Sir Eric Asby and other members were Professor K. O. Dike, Professor R.G. Gustavson, Professor H.W Hannah, Sir Kashim Ibrahim, Professor F. Keppel, Sir J.F. Lockwood, Dr. Sanya Onabamiro and Mr. G.E. Watts. He emphasized that the members of the Commission interacted with key stakeholders within and outside Nigeria and noted the following:

- The rapid rate of educational development in the country.

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- There was imbalance between the primary and secondary education and between secondary post secondary education
- The teachers were generally very poorly trained and uncertificated
- The failure of the secondary level of the educational system to absorb the number of pupils from primary schools.
- Young brilliant school leavers were not interested in Agriculture, technical and commercial education including veterinary and other similar courses
- There was undue emphasis on literary education at the secondary and post-secondary levels
- There was a huge gap between the educational development of the North and South
- An average of 25 pupils per school were enrolled in the 22 schools

Only 553 pupils in the sixth form were enrolled in the 22 schools in the country and this obviously limited the number of individuals that gained admission into the universities. However, the Commission further noted that private candidates who obtained their ordinary and advanced General Certificate of Education were also offered admission into universities. Based on the following observations and recommendation of the Harbison's report the Commission recommended as follows:

- The Federal Government should give support to the development of the new University of Nigeria, planned in 1955 and opened a few weeks before the publication of the Ashby report in 1960;

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- a university should be established in the north using the old site of the Nigeria college in Zaria as its base;
- a university should be established in lagos with day and evening degree courses in business, commerce and economics;
- university college ibadan, should move away from its conservative position widen its curriculum and develop into a full university;
- all university in Nigeria should be national in outlook;
- there should be wider diversity and greater flexibility in university education;
- all the university should have B.A (education) degree courses in
- courses in engineering, medicine, law commerce and agriculture, should be offered;
- the new Nigeria university should confer its own degree;
- a national university commission should be set up to a particular in terms of finance, staff and courses
- The Federal Government accepted the Commission's report which was submitted in September 1960. Rather than the establishment of four universities in the country, the Federal Government accepted the minority report that proposed five universities at Ibadan, Nsukka, Ife, Zaria and Lagos. It also accepted Harbison's estimates of future manpower needs of the country as minimum requirement on the basis that the estimates were too conservative

Harbison's High-level Manpower Study

The Nigerian Government appointed Professor Harbison to look into the future high-level manpower needs of the country for ten years from 1960 to 1970. This study stands out in the history of Nigeria because it was the first Government efforts at investigating the high-level manpower needs of the country and the possible educational implications. Professor Harbison cautioned that while infrastructural facilities could be developed in a few years, it should take ten to fifteen years to develop individuals that will occupy managerial and administrative positions to operate them. He grouped the high level manpower into senior and intermediate categories. By his estimate, about 2000 graduates will be produced every year between 1960 and 1970. In addition 5400 intermediate manpower will be produced by post-secondary institutions within and outside Nigeria annually. Harbison's report further emphasized that the services of expatriates should be gradually discontinued after 1970 and positions occupied by them should be taken over by Nigerians.

The Taiwo Committee Report

The UPE in the Western region was a noble move aimed at revolutionizing formal education in the region. However, the scheme had inherent set backs among which, were poor funding, lack of teachers and most importantly, falling standard of education. The Government therefore set up the Taiwo Committee in 1968 to look into the scheme and make recommendations that would facilitate the

development of primary education. The Committee was specifically requested to:

- Review the Primary Education System in the Western State
- Consider measures necessary for
- Raising the academic standard of Primary School education and the moral stamina of our youths
- Effecting economies in expenditure or exploring other sources of augmenting the government's annual subvention other than by charging school fees;
- To submit recommendations

The Taiwo Committee recommended that:

- A series of syllabus committee be set up to review the existing syllabus so that Primary Education would become more functional in terms of the child's and the community's needs;
- Primary School as well as State Library services be established,
- Teacher's conditions of service be improved and teachers in rural areas paid higher salaries;
- Nursery education be encouraged;
- Schools be merged into economic and efficient units,
- Eight Divisional School Boards be created to replace the Local Education Committees. Such boards should be responsible for the appointment, termination, deployment and promotion of teachers, general welfare of teachers, in-service training, management and maintenance of schools (including supervision,

receiving and disbursement of grants, registration of primary school children); and

- Local contribution to education be increased (The Taiwo Report, 1968).

Dike Committee

Following the challenge posed by the introduction of universal primary Education by the Chief Obafemi Awolowo lead Action Group in the Western region, the NCNC Government under the leadership of Dr. Nnamdi Azikiwe Government in the East introduced the Universal Primary Education in 1957. The programme was poorly planned and as a result was short lived. The problems associated with the scheme were among others; lack of trained teachers, inadequate facilities and equipment, poor funding and strong opposition from the Catholic Church. These problems called for the need for review of the scheme and in 1958, the Dike Committee was set up. The committee's report which was published in 1962 drew the attention of the Government to the fact that the scheme was capital intensive and that it would take all the Government's financial resources to adequately fund the scheme. The committee therefore recommended as follows:

- A review of the scheme with emphasis on quality education.
- Recruitment of trained teachers
- Opening of more Secondary Schools
- Closure of local authority schools
- The head teachers of the voluntary agency schools should be appointed from among the school teachers

- Reduction of the number of teachers training institutions and expansion of existing ones.
- Grants-in-aid based on joint government and local contribution should continue, (Fafunwa, 1991).

Banjo Commission

Fafunwa (1991) stated that the Minister for Education, Chief S.O Awokoya, under the political leadership of Chief Obafemi Awolowo of the Action Group proposed and obtained approval to introduce free Universal Primary Education in January 1955 in the western region. This resulted in quantum leap in the school enrolment, massive training of teachers, sudden increase in budgetary allocation to the educational sector, the expansion of the secondary level to include technical education and modern schools. He explained that the Western Government in 1960 considered it necessary to review the UPE programme, the Banjo commission was therefore set up with the following terms of reference.

- To review the existing structure and the working of the Primary and Secondary School System.
- The adequacy of otherwise of the teacher education programme
- The inter-relationship between Primary Education and various types of Secondary Education including pre-University Education

Based on its findings the commission recommended as follows:

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- That untrained teachers should gradually leave the system
- Improved conditions of service for teachers
- Teacher/pupil ratio should be 1-40
- Introduction of better ways of checking account
- Retention of the six year free primary education
- Establishment of a college for the training of technical teachers
- Renaming all secondary and grammar schools as senior secondary schools.

The Oldman Commission

The obvious educational gap between the North and the South was a source of concern for the Northern political and religious leaders. The gap was as a result of the reluctance of the said leaders to accept western form of education. They feared that the western education will influence the Islamic education. Consequently, between 1952 and 1960, while the Western & Eastern regions introduced free, Universal Primary Education the Northern Region emphasized educational development in the rural areas and adult literacy programme. In response to the foregoing, the Northern Regional Government in 1961 set up the Oldman Commission to advise it on the development of primary education in the following specific areas:

- The financial and administrative implications of introduction of free, universal primary education.
- The nature and extent of local contributions to the cost of Primary Education.

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- Empowering of the Local Education Authorities to take charge of primary education
- Review of the existing education law and regulations guiding grants-in-aid
- The development of the primary school inspectorate and
- The development of the machinery for primary education

The commission recommended as follows:

- There should be a working partnership between the native authority and the voluntary agencies;
- It was imperative to clearly define the ultimate aim of universal primary education so that everybody would understand it.
- There should be an appraisal of the relationship between primary education and other forms of education, particularly secondary and teacher education;
- The imbalance in the distribution of primary schools in the region should be corrected;
- Government should set up LEAs.
- Government should provide both long and short-term estimates of the costs of education and the costs should be shared by the government, native authorities and the voluntary agencies;
- LEAs should bear increasing financial responsibilities.
- Administrative and inspectorate duties should be separated.

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- Courses should be provided for training educational administrators who would man the new education authorities. The recommendation of the committee guided the 1962 Northern Nigeria Education Law. (The Oldman Report, 1961)

CHAPTER 19

THE TEACHERS, STUDENTS, PARENTS AND THE LAW

In Nigeria, education is legally a collective responsibility of the Federal State and local Governments. Part II of the second schedule of the Nigerian Constitution stipulates that the establishment of Universities, Professional, Technical or Post – Primary Education is on the concurrent legislative list while schedule IV charged the Local Government Councils with the responsibility of provision and maintenance of primary, adult and vocational education. The National Policy on Education made extensive provision for all aspects of the educational system in Nigeria.

The legislative arm of Government enacts laws and may delegate the power to make educational rules to the administration who in turn ensures that the education policies and programmes are implemented by the government agencies and functionaries. For example, the Government (Federal and State Ministries of Education) through the National Universities Commission, National Board for Technical Education, National Council for Colleges of Education, School Board and State Universal Primary Education Board exercise legal control over public education system in Nigeria.

Education is a basic need and every citizen of Nigeria has a right to it. Consequently section 18a-d under chapter 11 of the Constitution stated that:

- The Government shall direct its policy towards ensuring that there are equal educational opportunities at all levels.
- Government shall promote science and technology.
- Government shall strive to eradicate illiteracy and to this end shall as and when practicable provide:
 - Free compulsory and universal primary education;
 - Free secondary education;
 - Free university education;
 - Free adult literacy programme.

The teachers and the educational administrators in the discharge of their duties should be very conversant with legal basis of their daily tasks. This has become very necessary because of the complexity of the educational system occasioned by the complexity of socio-economic and political environment. Worse still, the world has been reduced to a global village and Nigerian is a key player.

In Nigeria, the educational system has not been the subject of law suits as is the case in politics, the business sector and the medical profession. However, with increase in the population of educated Nigerians the educational system will definitely experience increase in the number of legal cases. As people become more educated, they also become more conscious of their legal rights and when there is infringement, they may wish to have such issues settled in the law court. Teachers should therefore know their rights

and responsibilities to avoid being subjects of law suits by parents or other individuals. Individuals in the medical profession receive courses in medical jurisprudence as a major part of their training. Teachers generally are not exposed to this type of professional training as result, they operate in the educational system without functional knowledge of the legal rights and responsibilities.

The Legal Rights of the Teacher

Article 1 of the UN Universal Declaration of Human Rights proclaimed that all human beings are born free and equal in dignity and rights and Article 2 stipulated that everyone is entitled to all the rights and freedom set forth therein, without distinction of any kind, such as race, colour, sex language, religion, political or other opinion, national or social origin, birth or other status (UN, 1948).

The teachers are naturally beneficiaries of these rights. Furthermore, entrenched in Chapter IV, sections 33-34 of the 1999 Constitution are the fundamental rights of all Nigerian Citizens. These rights include:

- Rights to life;
- Right to dignity of Human person;
- Right to personal liberty;
- Right to fair hearing;
- Right to private and family life;
- Right to freedom of thought, conscience and religion
- Right to freedom of expression and the press;
- Right to peaceful assembly and association;
- Right to freedom of movement;

- Right to freedom from discrimination;
- Right to acquire an immovable property and
- Right against the compulsory deprivation of property.

As an employee of the Federal, State or local Government the teachers are entitled to all rights and privileges of public servants in the Federal Republic of Nigeria provided they execute their professional duties diligently without fear or favour to the best of their abilities. Teachers' code of conducts should guide their activities in the discharge of their duties. If a teacher is found wanting in the discharge of his duties, the appropriate disciplinary measures should be taken following due process. This starts with determination of the magnitude of the offence to ascertain whether the case should be handled at the school level or referred to a higher body. When a case is established against a teacher, the teacher has right to fair hearing during disciplinary inquiry. Section 36, of Chapter IV of the 1999 constitution stipulates that

In the determination of his civil rights and obligations, including any question or determination by or against any Government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

According to Kayode and Segun (2006) the following constitute infraction by teachers

- Lateness to school and school assemblies
- Interval absenteeism from school
- Lateness to the classroom for teaching

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- Failure to prepare lesson notes
- Failure to attend staff meetings
- Failure to make use of the blackboard in teaching
- Examination malpractices (aiding or abetting)
- Indulging in behaviors that tend to degrade the personality of a student, e. g hair cutting as punishment or cutting skirt to size, etc.
- Failure to perform duty as house master – not keeping appropriate house records.
- indecent dressing
- contributing to the delinquency of a minor
- deliberate negligence of duty
- Beating or punishing students in disregard to rules and regulations for punishment.
- Stealing of school property e.g stencils, stationery, typewriter, stop watches, microscope, etc.
- Fighting with colleagues or students.
- Rudeness or insubordination to the principal or his representative.
- Corruption or fraudulent practices, e.g collecting illegal dues from students, embezzlement of school fees, etc.
- Failure to keep records of test and examinations
- Failure to mark class register – as class teacher
- Aiding students in destabilizing the peace and unity of the school
- Forgery of certificates and other personal documents; giving false information

The Teachers, Students, Parents And The Law

- Engaging in activities or crimes that will jeopardize or bring disrepute to the teaching profession or to the school
- Drinking alcohol while on duty or getting intoxicated to school
- Sleeping while on duty
- Smoking while on duty, particularly while teaching
- Leaking official and confidential document to unauthorized persons
- Drug addiction
- Religious fanaticism and terrorism
- Male teacher flogging female students on the exposed buttocks
- Going home before the normal closing hour
- Falsification of accounts
- Forging of transfer certificates or results of students

They also listed the following as professional misconduct by the various Schools Managements Boards as entrenched in the Education Laws or codes in some States:

- Conviction for a felony or misdemeanor;
- Conviction for an offence contrary to the provisions of the Education Law;
- In relation to an application for registration as a teacher, knowingly furnishing to the register of teacher's information a fact which is false in a material particular.
- In relation to an application for employment as a teacher, knowingly making a statement, which is false with the intent to defraud and failing to disclose to

the school board any material information within the knowledge of the offender;

- having carnal knowledge of a child who is attending an institution at which the offending teacher is a member of staff;
- Conduct prejudicial to the maintenance of order and discipline in an institution; and
- Conduct in respect of the staff or pupils in an institution, which is disgraceful or dishonorable.

If a teacher acted contrary to established rules appropriate disciplinary action should be taken against the teacher. The nature of the misconduct will determine the nature of the action to be taken. These include among others, warning, interdiction, suspension, demotion, termination of appointment, dismissal, compulsory retirement, placement on half salary, denial of annual increment, denial of promotion etc

Teachers Liability

Parents/guardians send their children and words to school and by so doing have delegated to a reasonable degree their parental duties to their children to the school authorities and teachers. The principle of in loco parentis is based on this belief which is as old as formal education in this country. The school administrators and the teachers are empowered by law to control and discipline students. This is necessitated by the fact that for smooth operation of the school and for effective teaching and learning there is need for discipline, peace and orderly conducted of the learners.

However, the teachers should be conscious of the legal limits of their activities, According to FRN (1990) teachers' liability include:

- Students shall be instructed as to the dangers inherent in a particular activity as well as how to perform the activity. The student's age shall also be taken into account in any given activity. If short comings have been detected in past practices, they shall be rectified.
- If a student is injured, the activity shall be terminated.
- In a matter of dispute concerning exercise of authority over pupils, the court will judge the teacher's behaviour in the light of what is deemed to be behavior that is reasonable in the circumstance. The principle of "in loco parentis" shields and defends a teacher in the performance of his duties.
- A teacher is liable for pupil's injury if it can be proved that the injury was caused by the teacher's negligence. Negligence occurs when the teacher
 - Takes any action that would not have been taken
 - Failure to do what shall have been done
- A teacher may legally administer corporal punishment in accordance with the State policy
- Teachers are advised not to transport students in their private vehicles while on official excursions
- If an accident or injury occurs, the teacher shall make a complete record of the circumstances and what occurred as soon as possible after coping with the emergency itself.

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- There is liability on a teacher whose conduct falls below a commonly accepted standard of care expected of the teacher to his students.
- Except with the prior written consent of the State Ministry of Education, a teacher shall not commence legal proceedings on behalf of the State or threaten or commence legal proceedings relating to matters arising out of his official duties.

The Student and the Law

On 20 December, 1959, the UN Assembly adopted the following Declaration of the Rights of the Child:

- Freedom from discrimination based on gender, age, race, colour, language, religion, ethnicity, or any other status, or on the status of the child's parents;
- A standard of living adequate for a child's intellectual, physical, moral, and spiritual development;
- Right to a healthy and safe environment.
- Right to the highest possible standard of health and to equal access to health care.;
- Right to equal access to food and nutrition;
- Right to life and to freedom from prenatal sex selection;
- Right to freedom from cultural practices, customs and traditions harmful to the child, including female genital mutilation;
- Right to education -- to free and compulsory elementary education, to equal access to readily available forms of secondary and higher education, and

to freedom from all types of discrimination at all levels of education;

- Right to information about health, sexuality and reproduction;
- Right to protection from all physical or mental abuse;
- Right to protection from economic and sexual exploitation, prostitution, and trafficking;
- Right to freedom from forced or early marriage;
- Right to equal rights to inheritance;
- Right to express an opinion about plans or decisions affecting the child's life.

The students are also beneficiaries of the Constitutional rights stated earlier. Furthermore, the school rules and regulations are legal measures entrenched in the administration of schools and violation of these rules may lead to disciplinary action being taken against a student. According to Kayode (2006) the following generally constitute prescribed code of conduct for students.

Staff/Student Relationship

- Staff quarters are out of bounds to students unless for acceptable reasons.
- Any student who feels offended by a staff member should not take the law into his own hands. He should report to the principal or his assistance.
- Due respect should be shown to teachers.
- Any indecent approach to a female student by a male staff should be reported to the principal.

Student/Student Relationship

- Use of corporal punishment and other forms of torture is forbidden.
- Fighting and bullying are prohibited.
- No case should be reported to parents without first reporting to the principal.
- Fagging and servitude are forbidden.
- Punishments by prefects should be reasonable and just, and must be fulfilled even if a student wants to protest against them.
- Senior students should show good example and junior students should respect their seniors.
- There should be no indecent behavior between male and female students, or among them.

Beginning and End of Term

- Boarders must return to school on opening day before 6.p.m.
- Boarding fees must be paid full one week after reopening date and tuition fees not later than one month after reopening.
- Students must not leave school for vacation or holidays before authorized time and date.

General Rules

- No students should leave the school premises until closing except with exit card.
- Stealing is a serious offence.
- Loitering during classes is not allowed.

The Teachers, Students, Parents And The Law

- Good student behavior inside and outside school premises is necessary.
- Proper dressing is important and only the official school uniform should be worn during the term whether inside or outside the school, including at all social gatherings.
- Students must participate in physical education and sporting activities.
- Every student should belong to a school club or society approved by the school.
- School functions can only be organized with permission of school authorities.
- Proper care must be taken of school property including furniture and equipment. (Culprits will pay for damage to these).
- Students must keep the school clean.
- Smoking, alcoholic drinks and dangerous drugs are prohibited.
- Strikes, demonstrations and riots are forbidden.
- Punctuality is essential.

It should be naturally expected that when these rules are violated from time to time, the offence should attract reasonable punishment. The school authorities and the teachers should act within the limits of their authority to avoid litigation. Kayode (2006) advocated the following common law principles to guide the school authorities in administering punishment:

- That the punishment be not unreasonable.
- Nor excessive, in view of the age, sex, and strength of the pupil.

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- Or excessive in view of the gravity of the offence.
- Nor administered maliciously.
- Mass punishment, in which an entire class is punished for the offence of one (often unidentified).

Parents and the Law

It is now generally accepted that the task of educating the children cannot be left for the teachers and school administrators alone. Experience has shown that when teachers and parents collaborate in the training of the children, better results are achieved. It is therefore a legal responsibility for parents as major stake holders to take active part in the education of their children and wards. The second millennium development goal aims at achieving universal primary education. Consequently the Federal Government in 1999 launched the Universal Basic Education Programme to ensure that all children benefit from formal education. This goal cannot be achieved if parents fail to send their children and wards to school. It is a violation of the human right of a child if a parent fails to send the child or ward to school. Furthermore, the parents have legal rights to know the nature of academic activities, their children are exposed to and how they are progressing in the school. They also have right to transfer their children to another school of their choice.

CHAPTER 20

MANAGEMENT OF TEACHER EDUCATION PROGRAMMES

The educational system in Nigeria has experienced tremendous changes in all ramifications. It has metamorphosed from the mere mastery of the 3Rs (Reading, Writing and Arithmetic) during the colonial era by teacher/catechist to more complex task of acquiring diversified knowledge for technological development in the modern world. This poses great challenge to the management of the teacher education programmes. Management is the systematic process of harnessing all human and material resources for the attainment of organizational goals. All managers plan, organize, command, coordinate, direct, report, budget and control resources for the sustenance of organizations. According to Robbins (2000) these management functions have been condensed to four, namely, planning, organizing, leading and controlling by modern management scholars.

The management of the teacher education programmes is the well articulated and systemic process of planning, organizing, leading and controlling all aspects of the teacher education programmes for the training and production of quality teachers that will be professionally and strategically equipped to reposition the educational system for the technological development of the country.

Increasing demand for internal efficiency as a result of complexities in social, political and economic environment has made individuals occupying what should have been traditionally regarded as administrative positions in the educational system to become managers. Teacher education programmes in Nigeria cannot address the needs of this country if it is not adequately managed.

Management of resources in respect of higher education in the country is carried out at three levels, namely; the Federal and State Ministries of Education, the Supervising agencies and the individual institutions. According to the FRN (1986), the National Council on Education is made up of the Federal Ministers and State Commissioners of Education while the Joint Consultative Committee on Education (JCC) is made up of Professional Heads of Departments of the Federal and State Ministries of Education and Educational Experts. Together they cover all the needed grounds in educational policy formations below the level of the National Council of Ministers.

Furthermore, the report stated that the implementation of the National Policy on Education has been a steady one with great emphasis on the technological development of the country. The policy implementation as it concerns the tertiary level has involved considerable changes in structure and curriculum. In conformity with the objectives of the national policy on education, the reins of educational administration and management are firmly held by the Federal and State Ministries of Education.

The Federal Government, through the Federal Ministry of Education among other functions, is responsible

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for the determination of the National Policy on Education, the collection and collation of necessary data for accurate financial planning and projections in order to identify specific project priorities. Other functions according to FGN (1986) include ensuring uniformity of standards in education and facilitating exchange of ideas amongst the states, ensuring quality control of education in the country, coordinating general educational policies and procedures through the National Council on Education which is in turn assisted in an advisory capacity by the Joint Consultative Committee on Education.

In carrying out these functions enumerated above, the Federal Ministry of Education has six divisions, viz; Administration, Finance and Management, Policy, Planning and Development, Inspectorate Services, Technology, Technical and Vocation, Higher Education and Schools and Educational Services. For effective educational administration, the structure and functions of the State Ministries of Education are similar to those of the Federal Ministry of Education. Higher education is the joint responsibility of the Federal and State Governments.

National Universities Commission

As part of the recommendation of the Ashby Commission, the National Universities Commission was established in 1962 and charged with the responsibility of ensuring an orderly and coordinated development of universities in the country and to act as a buffer zone between the universities and the government.

Decree 1 of 1974 as amended by the National Universities Commission Decree No. 49 of 1988 made NUC statutory and charged it with the following functions:

- To advise the President, Commander-in-Chief of the Armed Forces on issues related to the universities and
- To prepare, after consultation with all the State Governments, the Universities, the National Manpower Board and such other bodies as it considers appropriate, periodic master plan, for the balanced and co-ordinated development of all universities in Nigeria and such plans shall include:-
 - The general programmes to be pursued by the universities in order to ensure that they are fully adequate to meet national needs and objectives.
 - Recommendations for the establishment and location of new universities as and when considered necessary, and in accordance with the Commission's approved guidelines,
 - Recommendations for the establishment of new academic units in existing universities or the approval or disapproval of proposals to establish such academic units.
- To make such other investigations relating to higher education as the Commission may consider necessary in the national interest.
- To make such other recommendations to the Federal Military Government and State Governments relating to universities and other degree awarding institutions

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as the Commission may consider to be in the national interest.

- To inquire into and advice the Federal Military Government on the financial needs both recurrent and capital of university education in Nigeria and in particular to investigate and study the financial needs of university research and to ensure that adequate provision is made for this in the university.
- To receive block grants from Federal Military Government and allocate them to Federal Universities in accordance with such formular as may be laid down by the Federal Executive Council.
- To take into account, in advising the Federal Military Government and State Governments on University finances such grants as may be made to the universities by State Governments and by persons and institutions in and outside Nigeria.
- To allocate, analyse and publish information relating to university education in Nigeria and from other sources where such information is relevant to the discharge of its functions under this Decree.
- To undertake periodic reviews of the terms and conditions of service of personal engaged in the universities and to make recommendations thereon to the Federal Military Government where appropriate.
- To recommend to the Visitor of a university that a visitation be made to such university as and when it considers it necessary.
- To act as the agency for channeling all external aid to the universities in Nigeria.

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- To carry such other activities as are conducive to the discharge of its functions under this decree.
- To lay down minimum standards for all universities in the Federation and to accredit their degrees and other academic awards after obtaining prior approval thereof through the Minister from the President, Commander-in-Chief of the Armed Forces.

National Board for Technical Education

Sections 5 and 6 of the National Board for Technical Education Decree No. 9 of 1977 states the functions of the Board as follows:

- To advise the Federal Military Government on, and to co-ordinate all aspects of, technical and vocational education falling outside the universities and to make recommendations on the national policy necessary for the full development of technical and vocational education for the training of technicians, craftsmen and other middle level and skilled workers.
- To determine, after consultation with the National Manpower Board, the Industrial Training Fund and such other bodies as it considers appropriate, the skilled and middle level manpower needs of the country in the industrial, commercial and other relevant fields for the purpose of planning, training facilities and in particular to prepare periodic master plans for the balanced and co-ordinated development of polytechnics and colleges of technology and such plans shall include:

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- (i) the general programme to be pursued by the polytechnics and colleges of technology in order to maximize the use of available facilities and avoid unnecessary duplication while ensuring that they are adequate to the manpower needs of the country; and
- (ii) recommendations for the establishment and location of new polytechnics and colleges of technology as when considered necessary.

To inquire into and advise the Federal Government on the financial needs, both recurrent and capital, of polytechnics and other technical institutions to enable them meet the objectives of producing the trained manpower needs of the country.

To receive block grants from the Federal Military Government and allocate them to polytechnics and colleges of technology in accordance with such formula as may be laid down by the Federal Executive Council.

To act as the agency for channeling all external aid to polytechnics and colleges of technology in Nigeria.

To lay down standards of skills to be attained and to continually review such standards as necessitated by technological and national needs.

To review methods of assessment of students and trainees and to develop a scheme of national certification for technicians, craftsmen, and other skilled personnel in collaboration with ministries and organizations having technical training programmes.

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To advise on, and take steps to harmonize entry requirements and duration of courses at technical institutions.

To undertake periodic review of the terms and conditions of service of personnel in polytechnics and colleges of technology and to make recommendations on technological and vocational education to the Federal Government.

To allocate, analyze and publish information relating to technical and vocational education.

To consider any matter pertaining to technical or technological education as may be referred to it from time to time by the Minister and to

To carry out such other activities as are conducive to the discharge of its functions under this decree

National Commission for Colleges of Education

The National Commission for Colleges of Education was established in 1989 by Decree No. 3. Its primary responsibilities are to:

- Advise the Federal Military Government through the Minister and co-ordinate all aspects of teacher education falling outside the universities and polytechnics.
- Make recommendations on the national policy necessary for the full development of teacher education and the training of teachers.
- Lay down minimum standards for all programmes of teacher education and accredit their certificates and

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other academic awards after obtaining thereof prior approval from the Minister.

- Approve guidelines setting out criteria for accreditation of colleges of education in Nigeria.
- Determine, after consultation with the National Manpower Board and other bodies it considers appropriate, the qualified teachers' needs in the country for the purpose of planning, training facilities and in particular to prepare periodic master plans for the balanced and co-ordinated development of colleges of education and such plans shall include:-
 - (i) the general programme to be pursued by colleges of education in order to maximize the use of available facilities and avoid unnecessary duplication while ensuring that they are adequate to the manpower needs of the country;
 - (ii) recommendations to the Minister for the establishment and location of new polytechnics and colleges of technology as when considered necessary;
 - (iii) recommendation to the Minister for up-grading of any college of education to or de-recognition of any college of education as a degree awarding institution;
- Inquire into and advise the Federal Military Government on the financial needs, both recurrent and capital, of Colleges of Education to enable them

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meet the objectives of producing the trained qualified teachers of the country.

- Receive block grants from the Federal Military Government and allocate them to colleges of education in accordance with such formula as may be laid down, from time to time, by the National Council of Ministers.
- Act as the agency for channeling all external aids to colleges of education in Nigeria.
- Advise on, and take steps to harmonize entry requirements and duration of courses at the colleges of education.
- Lay down standards to be attained and to continually review such standards.
- To review methods of assessment of students and trainees and develop a scheme of national certification for the various products of colleges of education in collaboration with Ministry of Education and Universities to which the Colleges are affiliated.
- Undertake periodic review of the terms and conditions of service of personnel in colleges of education and make recommendations thereon through the Minister to the Federal Military Government.
- Collate, analyze and publish information relating to teacher education in Nigeria.
- Consider any matter pertaining to teacher education as may be referred to it from time to time by the Minister; and

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- To carry out such other activities as are conducive to the discharge of its functions under this decree
- There also exists the position of a Visitor who, on the recommendation of the governing council through the Minister or Commissioner for Education appoints the head of the institution. Full responsibility for the proper running of the affairs of the institution should rest with the Council. The day-to-day management of each institution is the responsibility of the head of the institution, the principal officers and other heads of academic and non-academic units. It must be emphasized that the decision making structure of each institution is committee ridden.

The Federal and State Governments exert tremendous influence on the individual institutions through the supervising agencies. This raises the issue of autonomy of the institutions which is needed for them to create and transmit knowledge. However, since each institution of higher education receives inputs from the environment, processes and empties same into the environment as finished products and services, it therefore, performs vital role of sustaining continued growth of the society. The institutions attempt to strike a balance between their internal structures, plans and processes with the external expectations and pressures; to economize; adapt to the needs of current society; train their teachers, make their teaching and research more relevant to the requirements of the economy; improve the standards of behaviour of their members; be more democratic in their government, serve the local community, concentrate upon the development of science and technology; maintain awareness of

their role as the protectors of the national cultural heritage; encourage creativity, have closer relationship with industry, educate people to live in the world of the 21st century; take their responsibilities to the international world of trade and learning more seriously; and to be more positive in providing opportunities for the mature and disadvantaged (Pratt and Lockwood, 1985).

In carrying out these enormous responsibilities the society continues to regulate the activities of tertiary institutions through the governmental agencies, accrediting agencies, and professional bodies. The external pressures are complex, changing and very unpredictable. Demographic trends result in exponential increase in student intakes at a time of declining resources. Political considerations are increasingly responsible for higher learning in the country. More perplexing is the unfortunate situation of states not quite capable of paying staff salaries requesting for approval for establishment of tertiary institutions which are generally capital intensive. The existing institutions have experienced progressive reduction in the level of real funding. This is attributable to world economic crises which had direct impact on the national economy, the high rate of inflation, declining political priority given to higher education and the unstable political system. The result of all these is decline of public esteem of higher education which is manifested in the unending criticism with respect to quality of output and accountability. There is generally a crumbling of confidence and doubt in higher education.

CHAPTER

21

TEACHERS AND POLITICS IN NIGERIA

Politics cuts across all spheres of life and embedded in every aspect of human endeavour. Man is a political animal and all his orientation, interactions, activities and decisions are directly or indirectly shaped by political considerations. Believing that politics focuses on who gets what and how? Who influences decision or changes a situation or behaviour, therefore, education and its key player, the teacher, can not be isolated from politics which is a great determinant of the operations of the educational system.

Deutch (1974) in Okeke (2004) observed that politics involves the self-direction of communities, the allocation of values, the search for legitimate patterns of compatible values and policies, the art of the possible and sometimes a fundamental resettling of priorities. It also involves the coordination of social learning, the attainment of the goals, the setting of new ones, and even the self-transformation of an entire country, its people and its culture.

Okunamiri (2005) opined that politics is often interpreted to mean the unbridled struggle for power among individuals or groups. Hence it is being perceived as a dirty game not meant for the sanitized humanitarian act of education, and its key player, the noble teacher who is a role model. However, the most current or recent approaches to

the study and definitions of politics emphasize units of behaviour which embraces those events and acts that are political in nature and which occur at any institution that determines who gets what and when in the affairs of a group.

Politics and Education

There is this general claim that education is independent of politics but Akinmode and Agbo (2006) posited that education is very much a part of politics. Examples abound to buttress the fact that the history of education is full of conflicts and struggles. Decisions that evolve from the struggles are essentially political. Therefore, education traditionally regarded as a political neutral area is now a strong political domain (Okeke 1997). Subscribing to this view, Lassa (2006) affirmed that education and politics are related in a circular-fashion, on the one hand, schooling influences the formation of political norms and values and provides one of the several qualifications for political office holding, on the other hand a political process is involved in educational policy making and in public controversies over certain policies. According to Babalola and Emunemu (2005) in Akinmade (2006), politics of education is any effort made consciously or unconsciously to influence the education system, whether by legislation, pressure group or union, experimentation, private investment, internal innovation or propaganda. These imply that persons who are directly or indirectly engaged in education decision-making are involved in a political activity. Education decision-makers

do not carry party labels but they are engaged in directing and controlling human behaviour.

It is pertinent to state that politics in education does not connote politicization of knowledge nor is it characterized by political parties, campaign promises, patronage and spoils. But it is concerned with all processes in a society which focus on power, influence and authoritative allocation of resources and values. In other words, politics in education refers to a way of looking at the public school system and its management, a process of control, governance and decision-making in the public school system, a method by which social values and resources are allocated for different people to achieve chosen aims (Okeke, 2006). Every educational plan is subject to the pressures and conflicts of various interest groups, and education as an instrument of change has been largely political and its contents and control are essentially matters of political dispute.

The relationship between the two is complex and controversial, so education enterprise is intertwined with politics (McCafrey 1977). It has to be noted that politics is "a force in action and that one who controls the education of the masses controls the thinking of the people. Education has its own politics and politics is freedom so decisions on educational issues need not be the exclusive preserves for any one group of people nor a special arm of government.

Special Illustrations of Politics of Education in Nigeria.

Education has become a political issue in many countries of the world because of its perceived central role in the allocation of resources and its potentiality in creating

wealth. The Okeke (1997) observed that in recent times, community pressures on educational policy-making and institutional administrative powers at various levels and hierarchies have come under party political influence and control.

Politics has become a vital determining factor in educational development process. For example, the appointments of Vice-Chancellors of Universities, Rectors, Provosts, Chairmen of Governing Councils, Principals of secondary schools, promotions to the rank of Professor, Registrar and other principal officers cadre are shielded with political considerations. Even employment and transfer of secondary school teachers have political undertones.

Furthermore, there is politics of school management. Education is in the concurrent list as provided by the 1999 Constitution of the Federal Republic of Nigeria, which empowers the three tiers of government to legislate on it (i.e. Federal, State and Local Government) as far as it is not inconsistent with the constitution. In view of this, there has been political struggle among the three tiers of government on education.

One cannot forget the politics of quota system and Federal character. This policy makes admissions to Federal Unity Schools, and the Universities to be based on quota at the expense of merit, a practice where a candidate with a lower JAMB score or common entrance score is admitted leaving a candidate with a very high score simply because of his/her state of origin. This policy seen as an attempt to distribute and share available resources/spaces equitably between educationally advantaged states and the less

advantaged ones. But, this has created hatred and discrimination among the citizens of the country because it makes the citizens not to be equal before the law and are being discriminated against. Also the location or siting of an educational institution as well as allocation of funds are not free from political connotations.

Even in the area of pupil personnel administration, parents, relations and other highly placed personalities in the communities where schools are sited interfere in disciplinary measures schools and teachers adopt on students. Cases abound where principals or teachers are beaten up by relations of students that are disciplined by the school authority. This explains why the principle of "In-loco-parentise" in schools is not effectively carried out (Emenalo, 2007).

Teachers and Politics

A teacher is a key player in the process of teaching and learning and he causes any desired change in the learner to realize the educational goal. Traditionally, teachers are expected to play a passive role in politics but the fact remains that teachers have the capacity for political actions and should not surrender their political rights by virtues of their occupation. They are used to exercising a certain amount of leadership and personal autonomy and influence over issues and persons. If it is accepted that politics involves the use and the regulations of powers, influences and authority over issues, teachers may not be isolated from it.

Stressing this point, Okeke (1997) stated that politics is too serious a matter to be left to the politicians and politics

of education should not be left neither to the educationists nor politicians. But the fact remains that teachers should never meddle into politics that will jeopardize the interest of their profession and the process of teaching and learning.

Local politics that can generate ill-feelings, conflicts, strain relationship between the school, the teacher and the community should be carefully avoided. Nevertheless, teachers can interact, discuss and participate in decisions and activities that are of interest to them, the students, the employer, the profession and the general process of teaching and learning.

Reasons for Teachers Participation in Politics

1. Emergence of New Environment

A new environment has emerged which demands that the educationists should not only be able to interpret the political forces that usually determine the direction for the development of educational system but by right should also play meaningful political roles by utilizing the political space, power of expertise, intimate knowledge and political alliances within the system (Okeke 1997). If we accept the view that politics involves the use and the regulation of power, influences and authority in the allocation of things which people want, teachers may not be left out in the struggle among actors in education governance, and in pursuing conflicting desires of public issues.

2. Expansion of Education

The expansion of education at all levels in Nigeria created a high degree of political modernization and

awareness among the citizenry. Political modernization is the process where in-groups contest for the control over the organization, resources and centers of power. This political development has created individual participation irrespective of one's occupation. Hence teachers with their level of education, training and experience have acquired a reasonable degree of political modernization.

3. Conflict Inherent in an Education System

In the education system, conflict rather than stable harmony seems to be inherent, and the conflicts and failures in the system are usually attributed to the teachers by the general public. Therefore, from the professional point of view, teachers are increasingly enmeshed in general politics and politics of education in particular.

This explains why politics and strike actions may not be seen as strange bed fellows or being out of place. A strike action is a strategy adopted by teachers to address an unattended need or problem by the government.

4. Political Dispute in Content, Control and Operation of Education

The fact cannot be denied that the content, control, functions etc of education are matters of political dispute. Teachers who are at the centre of education process may not be insulated from the politics. Moreover, teachers like other individuals are involved in multiple and conflicting roles in education-bound and non-education-bound settings.

5. Right to Political Participation.

Teachers have all the rights of citizenship and fundamental human rights and are allowed by the national constitution the freedom of religion and political opinion/participation. Since teachers are capable of political actions, their political rights should not be surrendered simply because of their profession.

6. Politics not a Profession

Teachers are qualified no less than other citizens to participate in the machinery of government. Since neither the constitution nor the court of law has made politics a profession by itself, it is open to any one qualified to play it. Moreover, people who conglomerate together and designated as politicians in the Nigeria context belong to different occupations and professional groups.

7. Citizenship Education of Youth

It is the duty of the teachers to give youths citizenship education. They train them to exercise their full political and citizenship rights, then how would teachers be sitting on the fence and remain passive in political matters?

Conditions for Teachers Political Involvement

It is in realization of the hard fact that teachers may not be insulated or isolated from politics, that the National Joint Negotiation Council of Teachers 1965 in Okeke (2004) recommended that:

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- Teachers who seek election into a legislature should be granted leave of absence without pay while they are away from school on electioneering campaign.
- A teacher who is elected into a legislature should be granted leave without pay for the duration of the membership of such legislature with the approval of the Ministry of Education.
- A teacher who engages in activities connected with Local Community, a Public Board, Commission or Cooperation shall not be entitled to remuneration other than hotel bills, traveling and mileage allowances in addition to his salary.

The foregoing have not said that teachers should be kept out of political activities in Nigeria rather it is saying that the image and status of the profession as well as the functioning of teaching should be protected. After all, people from other professions such as Medicine, Law, Engineering, Clergy etc participate actively in party politics in Nigeria. However, it is expected that teachers' relationship with their students, teaching and evaluating of students should be devoid of politics. There should be no undue sentiment, favoritism nor lobbying for marks or special attention in the teaching/learning process.

Areas of Teachers Involvement in Politics

Best practices are worthy of emulation. Shanker 1976 in Okeke (2004) stated that in the USA, there is direct participation of teachers in national elections. Teachers are mobilized to put pro-education candidates in the White House. Similarly, in Nigeria, teachers have shifted from the

position of passive observers in the government and active political participations. In addition to other roles, they function as adherents or supporters of socio-political groups e.g. teaching profession, political parties, religious sects, economic classes, ethnic groups, youth clubs and movements etc.

Teachers are known to have held and still hold top political offices such as Vice-President, Minister, Commissioner, Chairmen of Boards, and Commissions, Secretary of Panels etc.

Electoral posts and Committees are usually handled by teachers e.g. Returning officers, presiding officers etc.

At various communities and associations, teachers hold leadership and administrative positions and exert greater influence that usher in change and development. They are motivators, organizers, planners, executors etc.

Most political manifestoes speeches and strategies are articulated, fine-tuned and written by teachers.

Radio and Television discussions on issues of public interest and importance are mainly carried out by teachers and this forum is usually used to critique the art of governance.

Teachers/Political Actors

Teachers have always been involved in the politics of Nigeria. The President of the Federal Republic of Nigeria, His Excellency Dr. Goodluck Jonathan, the late President Alhaji Umar Yaradua were Lecturers.

In the past, Dr. Nnanna Ukaegbu, a former School Principal was a gubernatorial candidate, the former National

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President of NUT. Chief A.A. Ezenwa, and Mr. Joe Asogwa who were University Lecturers were gubernatorial candidates in Anambra state.

Also, Governors Aper Aku (Benue state), Ambrose Ali (Bendel State), Alhaji Aminu Kanu (Presidential Candidate for Peoples Redemption Party PRP), President Shehu Shagari, Dr. Ogbonnaya Onu (Abia State Governor and Presidential Aspirants) Dr. Chuba Okadigbo former Senate President and Presidential Aspirant) were teachers/educationists. Even past heroes and nationalists and elder statesmen like S. O. Awokoya, R. I. Uzoma, E. E. Esua, Alvan Ikoku, R. W. I. O. Ransom Kuti etc who were educationists held political offices in Nigeria.

CHAPTER 22

CHALLENGES FOR TEACHER EDUCATION

The dynamism of the society, coupled with constant reforms, changes and innovations in the educational system stemming from scientific and technological discoveries have continually generated a lot of challenges for Teacher Education. In Nigeria it is confronted with myriads of problems ranging from lack of adequate finance, lack of clear-cut policies, untrained or under trained teachers, inability to respond to the ever changing society etc, hence it has not been able to realize its goals (UNESCO 2001) in Nwangwu, 2009).

However, this uncomfortable state has presented a lot of challenges for teacher education to grapple with. For teacher education in Nigeria to remain relevant in the dynamic contemporary society, it has to brace up with the challenges of the time, which mainly revolves around. Input – process – output issue.

Attraction of good quality candidates into teacher education programme. Ojo, (2006) lamented that the major challenge confronting teacher education today is the inability to attract good quality and quantity candidates. The paucity of good applicants into teacher education has compelled most teacher education institutions to admit students who scored lower cut-off marks and did not choose

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Education in JAMB, and who have no flair for teaching profession. These students do not take their education courses seriously and would always want to change to other preferred courses.

Similarly, most Colleges of Education resort in admitting greater number of students through the Pre-NCE Programme. Through this route, many academic dregs find their way into the teaching profession in Nigeria.

This is buttressed when Adebayo (2007) attributed the shortage of qualified teachers in secondary schools to the low level of production of prospective teachers from the Teacher Education Institutions. He also noted few students in subject like Physics, Mathematics and Languages in teacher education institutions while large enrolment of students continues to be high in the humanities. Consequently, this makes the production of potential teachers to remain low in sciences and languages but constantly high in the humanities.

In view of these, it behooves on teacher education institutions and teacher organizations to ensure that the right type, quantity and quality of candidates are admitted to study education as a course. This is expedient because by International Conventions, the selection of entrants into teacher education is one of the factors that determine standards in teacher education. Others are the programmes of study and factors relating to the teacher preparation of the institutions. A major challenge is the management of human and material resources in institutions of higher learning especially universities which performs the special role of producing teachers of teachers. Asiabaka (2002), in a study

that analyzed critical administrative problems facing universities reported that leadership styles of vice-chancellors, secret cult activities, poor recreational facilities and disciplinary problems constitute serious problems for attainment of university goals. These findings have far reaching implications for the teacher education programme.

Status of the Teaching Profession

The low status accorded to teaching profession contributes to the brain drain in the profession and the general aversion by the youths to the profession. This poses a great challenge to the teacher education institutions, organizations and the teachers themselves to re-position, redeem and reclaim the past glory of the teaching profession. The implementation of the Teachers' Salary Structure will re-position teachers in Nigeria. Furthermore, a critical review of the teachers' conditions of service with particular emphasis on the teaching/learning environment should be given priority attention.

Curriculum Revision

A millennium complaint curricular should be the concern of teacher education. Curricular that are responsive to the ever changing world, are needed to address issues on Universal Basic Education (UBE), HIV/AIDS, sexual education, value orientation, innovation and invention resulting from scientific and technological advancements.

Subscribing to this, Nwangwu (2009) noted that the current teacher education curriculum is inadequate to realize the goals of teacher education as provided in the national

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policy in education. He therefore suggested for the expansion of the curricular to provide such issues as sexuality, peace, gender and environmental entrepreneurship education.

In the contemporary changing society with interdependency, teacher education programmes need to be designed to incorporate both local and international content.

The local and international content of teacher education as opined by UNESCO (2001:7) include components that will enhance and strengthen the nations needs (for local contents) while international contents according to guidelines for global and international studies in education focus on the issues of:

1. What should our students be expected to know and understand about the world?
2. What skills and attitudes will our students need, to confront future problems which will be global in nature?
3. How are the global and international dimensions of learning being addressed by the new academic standard?
4. What do scholars from international relations discipline and experienced practitioners of global education believe students should know, and how can these insights be incorporated into the existing studies?
5. What global and international education guidelines are appropriate for pre-collegiate education?
6. How will schools implement these guidelines when confronted with so many other problems?

It is believed that when teachers are knowledgeable on these issues raised, they will be adequately equipped and re-tooled to impact knowledge that is global in nature to their students.

Furthermore, teacher education curriculum needs to be revised and enriched with appropriate ICT curricular content to empower teachers to teach basic computer and use it as an educational resources to deliver their lessons.

ICT is revolutionizing the world of scholarship in the developed world. For instance, one cannot access books in the library without being computer literate, one becomes academic vegetable if not computer compliant. It has permeated virtually all aspects of human endeavour, that we have e-government, e-library, e-conferencing, e-education etc. this means that any one who is unable to use computer at the basic level, to browse, and check mails is a 21st century "illiterate. This should be the concern of teacher education to ensure that both teacher trainees and the serving teachers receive sufficient and practical knowledge about computer. However, the efforts of Teachers Registration Council of Nigeria (TRCN) in mounting computer workshops for serving teachers is appreciated but it has to be a continuous process with a follow up exercise.

Preparation of New Generation Teachers

It has been stressed by Nwangwu (2009) that the 21st century competent teacher should:

- (a) Possess and continually develop the knowledge skills in learning technologies to be able to appropriately

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and responsibly make use of tools, resources, processes and systems to retrieve, access and evaluate information from various media.

- (b) Use that knowledge and skills to assist learners in solving problems, communicating clearly, making informed decisions, as well as in constructing new knowledge, products or systems in diverse and engaged learning environments.
- (c) Possess the mastery of basic computer/technology operations and concept.
- (d) Able to apply technology in institution, apply concepts and skills in making decisions concerning the social, ethical and human issues related to computers and technology.
- (e) Understand and appreciate the changes in information technology, their effects on workplace and society, their potential to address life long learning and work place needs.
- (f) Use telecommunications and information to access resources to enhance instructions.

In the light of these, expected qualities of the 21st century teachers, teachers education is highly challenged. Already, there is the general impression that the quality of teachers produced in Nigeria over the years fell short of national expectations and needs due to inadequate teacher preparation. National University Commission (NUC) study reported in Ijaiya (2008) affirmed that education graduates produced in the last ten years have no strength, have nothing to offer as teachers, because they were rated low in certain areas. Like (a) Willingness to learn (11.6%)

Punctuality to school (15.4%) Ability to discipline (8.0%). Other areas are lack of practical skill, poor classroom management and control, shallow subject matter knowledge, poor computer skill, inability to communicate effectively in English, lack of professionalism, lack of self-reliant and entrepreneurial skills, poor attitude to work etc.

These revealed deficiencies call for a shift from a mere awarding of teaching certificate to those who take and pass specific courses, to a performance-based standards, which demands teacher trainee to show that they actually possess the needed knowledge, skills, abilities and enthusiasm to teach in today's challenging environment. In other words, the application of knowledge in a way that can be observed or measured has to be the focus of teacher education. Competencies as knowledge and mastery of subject content and theoretical aspects of course work in education, skills as knowledge of how to plan, teach and evaluate pupil's learning outcomes need to be expressed in behavioral terms and made public.

Similarly, the practical components of teacher education, micro-teaching and teaching practice which are gradually being undermined in Teacher Education are serious challenges. One should not lose sight of the fact that full professional preparation makes the task of teaching far easier. Teaching is a wearing work and makes a lot of demands on the nervous power and vitality of the teachers, especially when they engage in what they are not knowledgeable enough to do, (Segun 1990). When teachers do not have sound professional training, they lack sense of standard or knowledge of what good teaching is, they

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become utterly helpless to correct their mistakes because they are not conscious of them and would continue to make the same mistake, and at the same time keep wondering what the matter is with the school system.

In view of this, in the processing of trainee teachers, Teacher Education Institutions need to ensure, adequate lecture contact hours with students, practical and performance based learning, experiences and the exposition of the would be teachers to an enriched and contemporary knowledge, skills and pedagogy to avoid anachronism.

Mismatch in Teacher Production

The need to have intimate relationship between Teacher Education Institutions and Federal Ministry of Education and Universal Basic Education Commission in terms of supply, and demand of teachers should be of great concern to Teacher Education Institutions. An effective relationship and communication between these bodies will help to avoid mismatch in the production of teachers. Efforts have to be intensified in producing along the target areas, graduates that educational system will find useful. This will help to reduce the production of unwanted graduates thereby eradicating unemployment. Cases abound where large number of teachers are graduated yet there is dearth of teachers in many disciplines, especially in the science, technical, vocational and ICT areas.

Gender Balancing in Teacher Production.

Teacher Education Institutions are faced with the challenge of attracting both males and females into Teacher Education. Observations have shown that most Teacher

Education Institutions in the Southern part of the country have more female teacher trainees while the Northern states have mere males. It becomes necessary that Teacher Education Institutions make-efforts to design strategies on how to attract and produce both male and female teachers for the school system.

Other areas

Other areas of challenge for teacher education are: the mounting of workshops, seminars or conferences for teachers by contractors/consultants who lack the capacity to retool teachers, adequate supervision of continuing education like the NTI Programme, sandwich, evening or saturday programmes etc which produce teachers.

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We believe that teaching is the most rewarding and most challenging of all professions, yet many young people due to limited knowledge show little or no interest in joining the profession.

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