



The Teacher and Students in School Administration: Issue of “Right”

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ABSTRACT

The school which represents the social system for the transmission of formal education is by no means excluded from the regulatory provisions of the society in the fulfillment of its goals. The school, with its members including principal, teachers, students and other auxiliary staff, are regulated by constitutional provisions for effective organization, administration and performance of its complex but essential functions. Importance is attached to education, and this has created a great deal of awareness to the point that parents, school administrators, students, teachers and others connected with the educational sector are now beginning to be conscious of what goes on within and around the educational arena. The awareness has led to people knowing or seeking for what is their “right” as far as administration of education is concerned. This growing awareness of the human rights as enshrined in chapter 4, section 33 to 46 of 1999 constitution of the Federal Republic of Nigeria, especially as it is relevant to school children has made the process and procedures for discipline students to be more problematic. The act of indiscipline attracts certain punishment or sanction. Unfortunately, most school teachers do not know their limits or the consequences of their actions and inactions. This paper therefore, takes a look at teachers’ instructional roles, students’ management and discipline, duty of care/students rights in school administration, and conclusion. Suggestions were made in line with the position of this paper.

Keywords: School Teacher, Students, Duty of Care, In loco-Parentis, Pastoral care, Constitution, Discipline and rights

INTRODUCTION

The school is the centre for teaching and learning a social system aimed at the production of ethical leadership, empowered with the knowledge of acceptable ways of doing things, behaving in accordance with platform of the society and the philosophical principles of the entrenched social ethos and principles. To achieve this, there must be effective school administration. School administration could be seen as the process of arranging and utilizing human, capital, financial and material resources that is meant for education, and systematically using them for the achievement of the school objectives. This means that there must be a leader to organize and coordinate human, materials and financial resources, so as to achieve the objectives of the school. The principal therefore, is the key figure responsible for the day to day running, organization and administration of the school, within the policy limits, rules and regulations governing the school system. This he does with the help of his teachers.

Teachers play very crucial and supporting role in ensuring that the numerous and divers administrative tasks that rest on their shoulder are achieved. According to Amirize (2000), the teacher is a guide and a counselor, who ensure that set objectives form the focus of attention and activities in class. He went on to

state that teachers co-ordinate efforts and activities by providing inspiring leadership, motivate, support, control and inspire their students. This explains that the ultimate realization of any set of goals of education depends on the teacher. He is responsible for translating educational principles into practice in his interaction with students in a learning environment. The ability to deliver lesson properly depends to a great extent on the skills and competence of the teacher if students are expected to know more and be able to apply their knowledge skillfully, then teachers must be models of such learning. The teacher is one whose common core of professional practice is linked with the classroom. There is the attendance register to be marked every school day, assessment of students on confidential record cards, punishment book in which the teacher is legally required to enter details of punishment awarded.

Amirize (2000), stated that the teacher as school administration, should among other things ensure that reasonable effort is made to protect the student from conditions harmful to learning or to health and safety and shall not intentionally expose the student to embarrassment or disparagement. Students are very important in teaching and learning process, because without students, there may be no school. It is therefore, imperative that they are considered in all aspect of teaching and learning process. It is important to note that students are the focal point of any curriculum design. Okonkwo (1996) described students as priceless assets and the most essential elements in education. Koko (2000), stated that schools are established to meet the needs of students. Essentially therefore, administrators must recognize this fact and place students' management at the core of every institutional activity.

Kalagbor (2006) opined that in school administrators, principals, and teachers are likely to be sued especially when their actions are below or beyond the power and authority granted in law. It is therefore, expected that while performing their administrative duties in the school teachers are obliged to act according to law in order to avoid any administrative abuse that may attract the intervention of legal institution, into internal school affairs. In other words, the teacher in discharge of his statutory roles should not infringe on the rights of students. They should endeavour to uphold the constitutional provisions, policies, decrees, relevant education laws etc, in order to protect their own right and the rights of students. Unfortunately, most teachers and school administrators are not in tune with the constitutional provisions, policies, decrees and relevant education laws that protect the rights of students/pupils, nor are they aware of relevant laws and provisions that protect them as in loco-parentis.

Teachers Instructional Roles

Instruction entails the interaction between persons, materials, ideas, performance and objects of the contrived curriculum environment. Irisominabo (2008) viewed teacher's instructional roles as the activities involving both the teacher and the learner as part of the schooling experience. Expectedly, the instructional roles of the teacher are dictated by the content of the curriculum. Kalagbor (2006), stated that principals and teachers always perform their instructional duties and responsibilities in line with the curriculum content. According to Kalagbor (2006), this involved all the learning experiences and opportunities planned for learning. Hence, one can say that curriculum could be viewed beyond subject matter, to include the type of physical and emotional environment that students are exposed to. This is in line with Irisominabo (2008) when he opined that-curriculum involves pattern of relationships, school organizations, house groupings, club etc, through which the learner acquire expected behavioural change (attitudes, values, skills etc)

The ultimate realization of any set of aims of education depends on the teacher. The teacher is responsible for translating educational policy into practice in teaching and learning process. According to Amirize (2000), the teacher's roles include helping the student to realize his potentials as a worthy and effective member of society. This would include stimulating the spirit of inquiry, the acquisition of knowledge and understanding and the thoughtful formulation of worthy goals. Amirize (2000) went on to state that the fulfillment of these obligations to the students demands that the teacher:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning
2. Shall not unreasonably deny the student access to varying points of view
3. Shall not deliberately deny, suppress or distort subject matter relevant to the student's progress

4. Shall not intentionally expose the student to embarrassment or disparagement
5. Shall not on the basis of race, colour, creed, sex, national origin, marital status, political or religious beliefs, social or cultural background or sexual orientation, unfairly exclude any student from participation in any programme, deny benefits to any students, grant any advantage to any student.
6. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
7. Shall not use professional relationship with students for private advantage
8. Shall not disclose information about students obtained in the course of professional services, unless disclosure serves a compelling professional purpose or is required by law.

Students' Management and Discipline

Education is seen as the pivot or cornerstone of individual, political, economic, technological, social and cultural development of any nation. These could evolve through the process of teaching and learning which take place both in formal and non-formal education. It is perhaps for this reason most-countries placed highest premium to education. Formal education is the training that is provided in educational institutions based on a well articulated curriculum, set up to achieve specific objectives. The focal point in the curriculum is the students. Amirize (2000), stated that schools are established to meet the needs of students, who are the future drivers of the economy, technology, and political advancement of any nation. This therefore, implies that management of students' academic and welfare needs should be a major function of the school. Sadly, school management see's these matters as social or welfare services and major function of institutional heads who may delegate such functions to teachers, matrons, prefects etc. In most institutions there are no specialized units to cater for student's academic and welfare needs.

Koko (2005) in support of the above view stated that pathetically, most educational managers do not appreciate the importance of students' management as core human management activity. Rather, student's management is perceived as ancillary services or welfare matters by administrators, which the schools should handle haphazardly. Fafunwa (1974) stated that any management technique adopted in school management will be judged by its overall effect on the children who come in and out of the system. Even though, students are the focal instruments for the achievement of school goals, they are not above the law. This is the major reason why administrators of education should place more emphasis on discipline and control of student's behavior that may hinder educational progress. According to Amirize (2000), students can be disciplined for cult related activities, drug, weapon possession, stealing, destruction of property, bully, examination malpractices, disruptive behavior, alcohol, violence against students or teachers etc.

Peretomode (1995) while explaining the importance of discipline in school administration argues that discipline is crucial for the survival, efficiency and effectiveness of an organization. Without-discipline he further stated, no school as an organization can work smoothly and be able to achieve its set objectives, vision and mission of the school to the society. It is worthy to mention that rules, regulations, policies, procedures, school laws and students legal rights derived from the civil rights as enshrined in the constitution of the Federal Republic of Nigerian 1999, must be obeyed by every member of the school community, and defaulters should be disciplined. Adesina, as cited by Dittimiya in Peretomode (1995), described discipline as when students are taught to respect the school authorities, to observe the school laws and regulations and to maintain an established standard of behavior. To support this, Ndu as cited in Okah (2005) sees discipline as a type of training that develops character, orderliness, self-control, and efficiency.

School rules and regulations are proffered to protect members of the school community. These rules and regulations must be exercised within the ambit of the school handbook and the law. Situations where cult related activities, wide range of examination malpractices, disruptive behavior, consumption of hard drugs and alcohol, possession of weapon etc, by students/pupils, in most schools, do not portray that student's management and discipline has been effectively carried out.

Duty of Care/Students Rights in School Administration

The school as the custodian of children (pupils and students) exercises certain relationship with students, which empowers or give legal responsibility to a teacher or the school to take on some of the functions and responsibilities of a parent. In doing this, the schools and colleges have to act not only in the best interest of the students as they deem fit, but also be mindful of students constitutional rights, and civil liberties. The teacher's right to discipline students in the school system, stem from the fact that he/she is in loco-parents, to the children.

The concept of in loco-parents is a legal doctrine which describes the relationship that exists between the teacher and the pupils or students in the place of a parent in the school system. Nweke in Kalagbor (2015), stated that schools that plays the role of in loco-parents, demonstrate certain discretionary actions over their students or pupils in terms of rules, sanctions and discipline. He went on to state that the school must take reasonable care to avoid acts or omissions which should be reasonably fore-see what would likely to injure a pupil or student. This implies that teachers should as much as possible avoid negligence in cause of their in loco-parentis duties.

Garner (2004) sees negligence as the failure to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation. Is it important to state that teachers are liable for their individual act of negligence and ought to exercise maximum caution in cause of their duty? Students have rights just as every citizen of the Federal Republic of Nigeria as stated in section 33-46 of the constitution of Federal Republic of Nigeria, 1999, to seek for justice in court of law, on any breach of their Fundamental Human Rights. Wokocha (1993) in support of the above assertion emphasized that student's rights are those rights that are recognized by the government and can be claimed by going to court.

In view of this rights and their related concern in student management, Ozurumba (1997) noted that a number of law suits have been instituted in recent years against teachers in Nigeria, for infringement on student's rights. On March 20, 2020, for instance, an Ogba Magistrate Court, in Lagos State Nigeria presided by Mr. Nwaka, reminded two female teachers, Bukky Adamu, 25 years and Ronke Adekoye, 30 years of Dupwai Montessori School, located at Adesola Street, Off Sanni Balogun Road, Abule Egba Area of Lagos, in correction service (prison), in a matter brought before the court by the parents of master Samuel Olayemi, a pupil of the school for unlawfully shaving the pupils hair without the consent of his parents.

School administrators should be aware of their limits in exercising in loco-parentis functions. Familiarization with the knowledge of the law is therefore, necessary for teachers in the school system to be effective in the discharge of their roles. It is important to emphasize that teachers are individually liable for act of negligence. Teachers should be guided by appropriate code of conduct when dealing with students or pupils. Disciplinary acts should be dispensed with reason, care and inconformity with existing statutory policies in order not to subject their right as empowered to legal questions. Their pastoral care (principal/teachers apart from their teaching role take the responsibility of caring for the school child in area of health, psychological and emotional needs within the content of in loco-parentis) functions as role partners to the school child should be in accordance with relevant educational guidelines.

CONCLUSION

Every school manager, or administrator want to ensure that there is tranquility within the school society for effective and efficient administration of the educational process. Formal education is the training that is provided in educational institutions based on a well planned curriculum. To achieve effective and efficient teaching and learning outcome, and to put to check deviant behaviors by pupils/students, it is important that disciplinary measures should be put in place by the school authority. Discipline in most Nigerian schools has become a major problem faced by school administrators. This could be traced to the dynamic nature of the school environment, organizational climate, break down of moral values, disregard for law and order etc.

It is important that the teacher while performing his instructional role and that of the role of in loco-parentis should ensure that he carries out his duty within his legal limit. In other words, the rights of

pupils/students, as enshrined in the 1999 Constitution of the Federal Republic of Nigeria, are not infringed upon. In Nigeria, teachers and school administrators are not very conversant with the laws relating to the protection of pupils/students, in the school system and this has often created room for legal interpretation.

Suggestions

Based on the issues discussed, the following suggestions were made:

1. Education law should be taught as a subject at the undergraduate level, especially those in faculty of education, since most of them would be involved in management of pupils/students
2. Workshops and seminars should be organized from time to time for both, teachers and principals, on issues concerning education law, as to acquaint them of their rights as in loco-parents and also the rights of pupils/students
3. Parents Teachers Association should put in place internal mechanism to handle cases of infringement of fundamental human rights of students by teachers to minimize the intervention of the courts.

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