



## Research Article

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# The Imperative of Education Law in Secondary School Administrative Practices in Nigeria

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## Abstract

*This study examined the imperative of education law in secondary school administrative practices in Nigeria. The study was guided by two research questions and two null hypotheses. The study employed an ex-post facto research design of descriptive survey method to generate data on education law and administrative practices from principals of selected public secondary schools in Nigeria. The random sampling technique was utilized to sample 124 principals. The instrument for data collection was the questionnaire. Findings revealed that knowledge of education law enhances administrative practices in all aspects of the school system. The paper concluded that education law enhances the school principals' administrative practices in all aspects of the school system. The paper recommended that school administrators should provide enabling environment for a harmonious working relationship with their staff and students by involving them in decision-making process.*

**Keywords:** Education Law, Administrative Practices, Principals, Students, Staff

## 1. Introduction

Leadership and administrative skills, coupled with knowledge of education law, are of fundamental importance in school administration necessary in bringing about effective teaching, learning and quality of education in schools. Therefore, school administrator/principals should be strategic in their approach by using data for decision making and employ strong communication skills in resolving emerging legal issues in the school. In the view of Williams (2013), school administrators must be prepared to apply knowledge of education law in a variety of situations. Some of such situations apply to school discipline, decision making on examination malpractices, expulsion of students from school and the right of students. He also stated that school principals and educators in general should be familiar with education law in order to limit their own legal liability and avoid legal issues in the classroom. Gallant (2004) proposed that school principals should be aware about school law not simply in reaction to the increasing number of education-related court cases, but also as a proactive approach of offering an effective defense against potential lawsuits. School principals with understanding of education law may be better positioned to make informed decisions addressing legal challenges in their administrative procedures," he added. They may be more equipped to foresee

legal issues arising from disciplinary proceedings and choices that may infringe on students' rights. They'd also be able to think about the legal ramifications and respond correctly. On the other hand, some school principals' lack of education law may result in costly and time-consuming litigation, which should be avoided.

The Education Welfare Act (2000) provided the guide for education law practices in regards to school discipline and other related administrative issues. This involves a code of behaviour as suspension. It was discovered that the Education Welfare Act establishes the law of discipline in state elementary and secondary schools."The board of management of the school is required by the Education Welfare Acts to draw up a code of behavior for students stating the disciplinary rules and procedures; a code of behavior must lay down the types of student behavior that may require disciplinary measures, nature of the disciplinary measures to be carried out, procedure to be followed before a student is suspended or expelled, as well as the ground for lifting a suspension," according to the report. The model of code of behaviour provides an aspect of legal knowledge for which the school principal should acquaint himself. Based on this model, before a student is expelled, the Educational Welfare Officer (inspector in the case of Nigeria) must be duly informed. The Educational Welfare Officer may then try to find a solution. This implies that there is a procedure for expelling a student. This is due to the fact that there is a law or an Act that regulates this action. This knowledge is significantly needed by principals of schools in Nigeria. This knowledge is capable of limiting some obvious abuses in school discipline.

## 2. Statement of the Problem

The administration of secondary education in some parts of the country appears to have school principals who may not have acquired the relevant legal knowledge required for a holistic school operation; whereas, the management of a school involves the rule of the law that should regulate the conduct of administrators, staff and students. Informed principals, with knowledge about education law, understand that the discharge of their duties is guided by the rules and regulations governing their schools. Consequently, litigation becomes inevitable where discipline and decision made by school authorities infringe on students' and staff's rights. It is against this background, that studies need to be carried out to investigate the extent some school principals employ knowledge of the law and relevant section of the 1999 constitution of the Federal Republic of Nigeria as amended, to solving the problems of school discipline. Similarly, the study seeks to establish how the knowledge of education law has guided decision making processes in this perceived area. Therefore, the basic question that comes to mind is that: To what extent would education law enhance secondary school administrative practices in both states?

## 3. Research Questions and Hypotheses

This investigation was guided by the following research questions:

1. What is the relationship between students' management and administrative practice among school principals in Bayelsa and Delta States?
2. What is the relationship between staff management and administrative practice among school principals in Bayelsa and Delta States?

The following null hypotheses were formulated and tested in the study:

1. There is no significant relationship between students' management and administrative practice among school principals in Bayelsa and Delta States.
2. There is no significant relationship between staff management and administrative practice among school principals in Bayelsa and Delta States.

## 4. Literature Review

### 4.1 Students, Staff and Legal Knowledge of School Principals

Students' rights, when violated, could lead to litigation. This is an aspect in school discipline for which the school principal should be knowledgeable. Thus, Peretomode (2001) sues for adherence to promulgated reasonable disciplinary policies and procedures as stipulated in school board. Due process means that suspension of students must be done in a fair and even handed manner. This is due to the fact that public elementary and secondary education is a constitutionally protected property right. As a result, before a student is suspended, he or she must be given due process. As a result, it implies that students have a legal right to:

- be aware of the school's rules ahead of time;
- provide meaningful notice of the misconduct charge against the students;
- explain the evidence against the students; and
- allow students to tell their side of the story.

These elements constitute students' rights in school administrative practices.

Disciplining kids, particularly those with persistent or major behavior problems, is a long-standing challenge for educators, noted the National Association of School Psychologists. "School principals must strike a balance between the demands of the school community and the needs of individual students," it said. The employment of punitive disciplinary methods vs helpful disciplinary practices is at the heart of this problem. It does, however, sue for best-practice practices that enable all children' access to a safe education. Effective discipline policies protect students' and staff's safety and dignity, preserve the learning environment's integrity, and address the causes of a student's misconduct in order to enhance positive behavioural skills and long-term outcomes.

Gbadamosi (2013) detailed a case that raised concerns about students' honesty, describing how a school administration in Osun State expelled a student suspected of witchcraft by a classmate without following due process. A ten-year-old SSS 1 student at the Federal Government Girls' College in Ipetumodu, Osun State, was engaged in the crime. The ten-year-old's was that one of her classmates had a dream. In her dream, she saw the expelled student as a "witch" who had murdered five of the school's kids. She stated that in her dream, she learned that the "witch" had murdered two classmates at her former school in Ibadan, the capital of Oyo State.

When the parents of the 10-year-old youngster arrived at school to pick up their child for the last Sallah break, the school principal informed them that their daughter had been expelled from the school on the grounds that she was a "witch" who planned to murder five other students. The parents, who were shocked by the turn of events, were stated to be perplexed as to how such an allegation could have resulted in the expulsion of any pupil. The parents tried everything they could to persuade the principal that such an allegation was baseless, but they were unsuccessful.

Consequently, the parents took a legal action on the school principal to protect the right of their child. In a letter dated 22 January to the principal, counsel for the girl's parents, Bola Adebawale, explained that the case brought to the Federal High Court in Osogbo was on "Fundamental Enforcement Action," and that because no counsel came to represent the respondent in court on 15 January, the court granted an interim order for the student to resume "all her academics and academic related activities as a student of the Federal Government Girls College, Ipetu." Furthermore, the report stated that Adebawale's chambers had written the school principal about the matter in October 2012, explaining that it was illegal to expel a 10-year-old student over an allegation and directing the school management's attention to sections 34 and 36 of the 1999 constitution, which contain several provisions about every individual's inalienable right.

One difficult aspect in school administration that seems to impose challenge on school administration affecting the ability of most school principals is the application of the rule of law to guide students and staff conducts. The process involved in regulating or implementing school rules as

it affects the rights and privileges of students and staff is contained in most school log books, from where the school principal is expected to draw his knowledge. There is no doubt that the challenge could be attributed to the low degree of legal knowledge among school principals. In the opinion of Moye (2015), legal knowledge impacts principals' practice. His observation is based on the survey which they conducted to determine how secondary school principals knowledge of the rights of students and staff legally threatened their administrative practices. This implied that the protection of the rights of students and the privileges accorded to staff is an aspect of the principal's responsibility. This is because knowing and respecting the right of their students and staff (teaching and non-teaching) as granted by the constitution is paramount to achieving a healthy school environment.

School laws and the educational system that determine students and staff rights and contained in several school documents including log book, state edict, memos, administrative code, ordinances, school minute books, bulletins, government policies decision, administrative procedure Act, choice law Act, statutory policies among others. These documents are resource materials schools authorities should draw inference from towards knowing how to relate with students and staff in the matter that concerns their rights. Although, these documents are valuable tools in equipping the school head in legal matters, they cannot replace their training in education laws.

#### 4.2 Administrative Practices in Secondary School

The school administrator has been identified by Peretomode (2001) as the school administrator. He also noted that, "his or her effectiveness depends on an array of skills he or she has to demonstrate arising from his knowledge in theories, techniques and principles of school administration". Of these skills, Timilehin and Adenike (2013) identified time management as a skill for effective administration of principals in Nigerian secondary schools. They came to the conclusion that keeping a readily accessible record of their appointment and tasks correlates with their effectiveness in their school administration.

In addition to time management skill of school principals, Akinola (2013) viewed the principals' leadership skills as valuable to their effectiveness in school administration. He noted that some of these skills associated with the leadership abilities of school principals, leading to their effectiveness include: technical skill, interpersonal skill, conceptual and administrative skills. He found a significant relationship between principals' leadership skills and school effectiveness. According to Stone (2016), there are five critical skills that good school principals must possess. These include articulating a vision of educational excellence for all children, cultivating leadership in others, improving instruction, and managing people, data, and procedures to foster academic achievement. The Education World observed that the application of these skills will enable the school principals to assist the classroom teacher to develop classroom management skill. It noted that strong classroom management skills are essential for successful teaching.

Accordingly, administrative skills can be defined as those skills that are needed by an administrator to be functional. This would involve several skills such as communication, organization and planning. Other skills involved would be computing, staffing and scheduling. The indication of this definition is that administrative skill has impact on the management of an organization or institution such as the school. This is because, it is these skills that determine how functional the administration of an institution would be. The dilemma of the function of principals in institutional theory, according to Furchtgott-Roth (2000), can be solved by studying a model of institutional entrepreneurship. Institutional entrepreneurs are defined as individuals with social skills, or the ability to drive collaboration among other actors by providing them with common meanings and identities, according to a sociological interpretation of the question. This argument points to the fact that administrative skills have a great impact on the success of an institution, particularly as these social skills are needed to motivate staff and students for effective school administrative practices. It also implies that most of the administrative skills of the principals of a school are sociologically

based. The Wikipedia (2013) described social skill to mean any skill facilitating interaction and communication with others. This means that social skills are vital for communicating and interacting with others effectively in the school environment. However, the function of the administrative skills of a principal is to be guided by the due process of the law.

#### 4.3 Education Law and Secondary School Administrative Practices

Training in education law and its related field supposedly equip the school principal for administrative competence. School principals, both male and female are expected to demonstrate high knowledge in the rule of law that governs the operation of their school settings. These principals, according to Oboabulam (2013), are entrusted with the overall management and administration of their institutions. "The success of any system of education is hinged on proper planning, efficient administration, and consequently their day-to-day administration should grow out of the life and social ethics of the community where they serve," the Federal Republic of Nigeria (2013) states in her 6<sup>th</sup> edition of her National Policy on Education.

Some studies such as those of Asuquo and Usoro (2004) attempt to provide a comparative analysis of legal competencies towards their administrative practices in secondary school setting. Results of their findings showed that male principals were not significantly better in their legal knowledge than their female counterparts. These findings support the notion that both male and female principals undergo the same capacity of training thereby making all capacities of principals to be exposed to appropriate training including legal knowledge that will enhance their administrative competencies. The Monash University (2014) point to the fact that, "feminist legal theory presents a fundamental challenge to existing knowledge about law". This implies that legal knowledge can be obtained by both male and female principals even they may perform their roles differently in the school system. According to the Education Encyclopedia (2014), the knowledge of law is shown in the role of school principals in respect of their gender. For instance, it observe that based on their knowledge on existing school legislation, principals are able to facilitate their schools' interactions with parents and others in the school community. It further reveals that this includes working with parents when discipline issues arise.

Legal skills meant for school operation are available for male and female principals. He/she needs a high level of proficiency in education law. This is because, as observed by Knock (2012), it is the school principal that keeps the school running, deals with higher level disciplinary problems, that while managing, directing and authorizing, they are still required to understand increased legislative compliance requirements. This skill will enable them to predict, anticipate and lead change, articulate and develop strategy, recruit and equip staff, communicate and inspire a community and be real and relational to everyone. The context or setting of the above may work best in developed nations because, recruiting of staff is not one of the responsibilities of school principals in Nigeria and in most developing nations. There is no doubt about the fact that principals play a vital role in setting the direction for successful schools.

School leadership, according to Davis, Darling-Hammond, LaPointe, and Meyerson (2005), necessitates legal knowledge preparation. This is due to the fact that they are required to mediate between the often conflicting interests of parents, kids, district office officials, unions, states, and federal agencies, as well as be attentive to the growing spectrum of student needs. They consider the following to be the principal's job description, implying that the field has begun to recognize the vital role and rising demands placed on school principals, which is long needed. Therefore, with adequate knowledge in law, it seems many principals (male and female) may not be able to withstand the varied expectations on their position. Their research also indicated a slew of issues regarding the quality and efficacy of leadership training normally provided by universities and other institutions. They agreed that the legal knowledge base of most school principals is weak and outdated. This conclusion is based on a number of factors, including the fact that curriculum frequently fail to give a foundation in education law, mentoring programs and internships frequently lack depth or

opportunities to put leadership abilities to the test in real-world circumstances, and so on.

Due to the enormous responsibilities of the principal’s office in the school system, Arikewuyo (2009) suggest that as school administrators, the principals need to be formally trained before they assume administrative positions. A distinction is not found in his study of a particular training for male and another type for female principals. This indicates that gender is not a strong factor to consider a principal for training in any part of their profession, including legal knowledge experiences. Cranston (2002) observed that principals (male and female) are expected to possess legal knowledge in order to enhance their skills and leadership capacities. This agrees with the notion by Ekundayo (2010) that modern day school principals should be knowledgeable, professionally competent and resourceful.

## 5. Methodology

This design of this study is a descriptive survey study based on ex-post facto design. The population of the study comprised all 617 principals of public Secondary Schools in Bayelsa and Delta States. The researcher adopted the random sampling technique involving the multi-stage procedure. The instrument used for data collection was the questionnaire. Data generated in the study were collated, organized and analyzed. The descriptive statistics of the mean and standard deviation (SD) were used to measure the rating scale with a mean score of 2.5 as benchmark for accepting the perception of participants on each question item that measured the research questions raised for the study. Also, the formulated null hypotheses were analyzed using the “Pearson Product Moment Correlation (PPMC)” statistics at 0.05 level of significance.

## 6. Result and Discussion

### 6.1 Research Question One

What is the relationship between students’ management and administrative practice among school principals in Bayelsa and Delta States? Data on this variable were subjected to mean score and standard deviation statistics. The result is presented in Table 1

**Table 1:** Analysis of Students’ Management and Administrative Practice

s/n	Items	No	Rating Scale					Total score	— X	SD	Remark
			SA	A	D	SD					
1	Code of conduct regulates students’ behaviour.	124	316	117	4	1	438	3.53	0.88	Accepted	
2	Management involves the supervision of students’ activities.	124	112	258	12	1	383	3.08	0.77	Accepted	
3	Appointment of class leadership assist administration of a school	124	348	93	6	0	447	3.60	0.90	Accepted	
4	Principals are held liable for accidents arising from a dangerous attractive premise.	124	116	243	12	5	376	3.03	0.75	Accepted	
5	Conducive learning environment enhances students’ performance in school	124	296	129	8	0	433	3.49	0.87	Accepted	
6	The safety of students is the concern of school authorities.	124	248	159	8	2	417	3.36	0.84	Accepted	
<b>Grand Mean and Standard Deviation</b>								<b>5.02</b>	<b>1.25</b>		

Table 1 contains item 1-6 of the questionnaire. These items measure the responses of the 124 principal on the variable of students’ management. Their responses were subjected to a rating scale which produce the following mean and standard deviation results, where item 25 mean =3.53, SD =0.90; item 26 mean =3.08, SD =0.79; item 27 mean =3.60, SD =0.92, item 28 mean =3.03, SD =0.89; item 29 mean =3.49, SD

=0.89; item 30 mean =3.36, SD =0.86. From the result which show a high rate of positive response indicates that there is a correlate between students’ management and administrative practice.

6.2 Research Question Two

What is the relationship between staff management and administrative practice among school principals in Bayelsa and Delta States? Result on this test is shown in Table 2

Table 2: Analysis of Staff Management and Administrative Practices

s/n	Items	No	Rating Scale				Total score	X̄	SD	Remark
			SA	A	D	SD				
7	Administrator serves as a guide to various teacher in conjunction with the heads of department	124	292	132	6	1	431	3.47	0.86	Accepted
8	Administrator provides staff needs to achieve school efficiency	124	212	195	6	0	413	3.33	0.85	Accepted
9	In-service training develops staff competence	124	236	147	26	0	409	3.29	0.82	Accepted
10	Lack of job commitment can earn a staff demotion.	124	232	165	10	3	410	3.30	0.82	Accepted
11	School authorities motivate staff to make them become efficient in their duty.	124	216	177	10	3	406	2.66	0.66	Accepted
<b>Grand Mean and Standard Deviation</b>								<b>4.51</b>	<b>1.12</b>	

Table 2 measured item 7-11 on the setting of staff management and administrative practices. 124 participants were utilized. Their responses on each item were rated on a 4 point Likert moderated scale. Generated data were analyzed using the mean and standard deviation statistics respectively. The following results were obtained where: item 31 mean =3.47, SD =0.89; item 32 mean =3.33, SD =0.85; item 33 mean =3.29, SD =0.84; item 34 mean =3.30, SD =0.84; item 35 mean =3.27, SD 0.83. This result established a correlation between staff management and principals’ administrative practice.

6.3 Hypothesis One

There is no significant relationship between students’ management and administrative practice among school principals in Bayelsa and Delta States. Table 3 presents the relevant data.

Table 3: Pearson r Analysis of Students’ Management and Administrative Practices

States	No.	X̄	SD	Df	Cal. value	Crit. value	Level of sig	Decision
Bayelsa	33	20.03	1.94	122	.122	-1.709	0.05	Rejected (significant)
Delta	91	20.64	1.66					

The calculated Pearson r of .122, as shown in the table above, is greater than the level of significance of 0.05. The null hypothesis is found to be false. It means that in Bayelsa and Delta States, there are substantial differences in student management and principal administrative practices.

6.4 Hypothesis Two

There is no significant relationship between staff management and administrative practice among school principals in Bayelsa and Delta States. Data from this analysis is presented in the Table below



**Table 4:** Pearson r Analysis of Staff Management and Administrative Practices

States	No.	$\bar{X}$	SD	Df	Cal. value	Crit. value	Level of sig	Decision
Bayelsa	33	16.76	1.85	122	.821	-1.017	0.05	Rejected (significant)
Delta	91	17.18	2.11					

The calculated Pearson r value of .821 is greater than the level of significance of 0.05, as shown in Table 4. The null hypothesis is found to be false. This suggests that in Bayelsa and Delta States, there is a strong link between staff management and principals' administrative practices.

Findings on this variable stated that there is significant difference in students' management and administrative practices in Bayelsa and Delta State. This difference exists as a result of variation in school location. Existing literature on the impact of location of principals points to the fact that due to availability of social amenities, principals in the urban cities are more accessible to the use of modern technology such as Internet services for processing relevant and recent information that will equip them for their school operations. Stewart (1996) found that exposure differs as well as opportunities in relation to obtaining information about the relevance of legal knowledge in the education practices. The study by Ugomma, Ochai and Obasi (2014) found that application of information and communication technology can be improved through the training of students and personnel in the use of ICT. They also found that ICT knowledge can be applied in the areas of accessing results online, filing of students' personal data and communication. Thus, there is improved student personnel management through the use of technology, particularly among school principals in the urban area where there is availability of social amenities and infrastructure and facilities to enhance performance of school administrators in the management of school personnel including students.

Akpan and Onabe (2016) found that management of students' personnel results in sustainable secondary education. They came from this conclusion after investigating seven hundred and ten (710) senior secondary two (SS II) students from a population of 6,131 for the study. The instrument for data collection was a 4-point response type scale. The data collected were analyzed, using Pearson's Product Moment Correlation at 0.05 level of significance. The supply and effective administration of students' personnel guidance/counselling and recreational services had a beneficial impact on sustainable secondary education in Calabar Educational Zone of Cross River State, Nigeria, based on the study's findings. As a result, it was suggested that the government and school administrators collaborate to offer necessary facilities for effective administration of students' personnel services in order to improve long-term secondary education. Nwakpa (2015) also discovered that the school administrator, in collaboration with the school staff, is responsible for managing the kids' personnel. That it is an essential core and functional responsibility of the school principle, and that services to students should come first in the school administration's planning stage.

Data analyzed on this issue discovered that there is a significant difference in staff management with regards to administrative practices in Bayelsa and Delta States. This finding is supported in the study by Uko (2015). He found out, based on survey report which they conducted on the application of education law in the handling of teaching and non-teaching personnel in the school system that, due to the fact that there is limitation and different level of awareness on the part of school administrators, the rule of law is applied differently among school principals. He discovered that school principals' knowledge of rights of staff legally threatened their administrative practices.

Furthermore, Peretomode (2001) investigated control and discipline of teachers. He found that teacher's professional misconduct attracts warning, suspension, demotion, revocation of certificate, termination, outright dismissal and compulsory retirement. He indicated that teachers have right to fair hearing before severe disciplinary action is taken as provided for in the state education laws and codes. Supporting this finding was the ruling delivered by Justice J.S. Anyanwu in the case of J.I.J. Uchegbue V. Iwandu and B. Adikuru (1986). The justice used the example of Adam and Eve, pointing out that when Adam and Eve ate the forbidden fruit in the Garden of Eden, the Almighty God did not



punish them without first hearing from them, according to Genesis.

Another court case was cited which was a Supreme Court of Nigeria ruling. It was a case between Mrs. Yesufu Amada, and Garba and Others V. The University of Maiduguri (1985). In reading the lead judgment, the presiding judge, Justice Andrew Otutu Obaseki, stated that courts have always distinguished between hearing a man as a witness in an administrative investigation and hearing him in defense of his conduct or integrity. The implication of the court decision is that no teacher should be punished for an alleged offense without first being given a fair hearing.

## 7. Conclusion and Recommendation

From the findings of the study, it can be concluded that education law enhances the school principals' administrative practices in all aspects of the school system including the management of students and staff. School administrators should provide enabling environment for a harmonious working relationship with their teaching and non-teaching staff and students by involving them in decision-making process that affect every aspect in the school system.

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