

The Role of Contract Law in the Management and Operation of Secondary Schools in Nigeria

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Abstract

The application of contract law in the administration of secondary schools in Nigeria is essential in ensuring legal compliance, promoting accountability, and enhancing effective management practices within the educational sector. This paper explores the historical background, theoretical and practical aspects of contract law as it pertains to employment contract, service agreement, public private-partnership, governance and general key areas of focus include employment contracts for teachers, service agreements with government and private entities. This paper highlights the challenges such as inadequate funding and resources corruption, malpractice, inconsistent legal framework, lack of legal awareness and dispute resolve mechanisms. The findings emphasize the need for school administrators' awareness; 'adequate findings and resources should be allocated' about contract law and implementation of anti-corruption measures should be prioritized

Keywords: Contract Law, Secondary School Administration, Employment Contracts, Public Private Partnership, Educational Governance, Legal compliance

Introduction

The administration of secondary schools in Nigeria operates within a complex legal framework where the law of contract is pivotal. This body of law governs the agreements made between various stakeholders, including the government, school administrators, teachers, students, and parents. In a sector that is often subject to conflicts and legal disputes, an understanding of contract law is essential for maintaining smooth operations and ensuring compliance with educational policies.

The effective management and administration of secondary schools in Nigeria require the crucial application of the contract law. Contracts govern various relationships and transactions within the school system. These include employment contracts, student enrollment, and provision of goods and services. The application of contract law is essential for preventing disputes, ensuring accountability and transparency, and protecting the rights of all the parties involved, protecting the rights and parties involved. The application of contract law can lead to improved school

management. And better educational outcomes and enhance reputation for secondary school in Nigeria.

Administration refers to the process of coordinating and directing human and material resources to achieve specific goals and objectives (Rousseau, 2020). While Ibrahim (2020), defines administration as the process of promoting accountability, transparency, and quality assurance in education. Okeke (2022) said that administration is the management and organization of educational institutions, which includes schools' colleges and universities.

Law refers to the rules and regulation that govern the behavior of the students, teachers, and staff in educational institutions (Okeke,2022). Ejike (2021) also sees law as the policies, procedures, codes of conducts that ensures a safe, orderly, and productive learning environment. Law is also a set of norms, values and beliefs that help to shape our understanding of right and wrong, justice and morality (Atiyah, 2020). Contract law is a critical component of educational administration that helps to prevent disputes and promote stability in educational institutions (Obilade, 2020). Law of contract is an essential educational administration, which governs the relationship between schools, teacher, and students.

Education administration refers to the management and leadership of educational institutions such as schools, colleges and universities or refers to planning, organizing and supervising educational programs, policies and services to achieve academic excellence and student's success (Richardson, 2020). School administration is the process of managing and leading a school to achieve its educational goals and objectives. It involves planning, organizing, supervising, and evaluating the schools' programs policies and activities (Locke,2017).

The law of contract serves as a foundational element in the administration of secondary schools in Nigeria. By fostering clarity in relationships among stakeholders and ensuring compliance with legal standards, effective contract management can significantly enhance the governance and operational efficiency of educational institutions.

The Historical Background

The historical background of contract law in Nigeria reflects the colonial, post-colonial, and contemporary periods, each shaping the modern application of contract principles in various sectors, including the administration of secondary schools. Colonial Foundations (1900s – 1960): Contract law in Nigeria was introduced through British colonial influence. As the British expanded their administrative and educational reach, they brought along English common law, which included contract law as a primary component. British administrative practices necessitated legal frameworks for employment, procurement, and management of educational institutions. However, most contract applications during this period were limited to agreements between colonial administrators and expatriates, with minimal formal contracts for local employees in the education sector. Contracts related to schooling were primarily unwritten or based on informal agreements, given the nascent stage of formal education for Nigerians at the time (Ogunbiyi, 2017).

In 1914, traditional contracts governed relationships in Nigerian societies; including those related to education, this was when the indigenous and Islamic educational practices were prevalent. The formal education was later introduced by Christian missionaries with establishment of schools such as Methodist school. Post-Independence and Expansion of Education (1960s –

1980s): This is the era or period where Nigeria independence leads to the adoption of English common law. Following independence in 1960, Nigeria inherited and retained many aspects of British law, including the principles of contract law, which were now applied to a rapidly expanding educational sector. During this period, secondary education became more formalized as the Nigerian government began investing in education and establishing legal structures to support it. Employment contracts for teachers became more common, especially as secondary school education was institutionalized through initiatives like the Universal Primary Education (UPE) scheme in 1976, which indirectly impacted secondary education through an increased need for trained teachers (Ajayi, 2018). The Nigerian Labour Act of 1971 was enacted during this period, establishing guidelines for employment contract, wages and employees right which extended to school administration. However, implementation was inconsistent, as many rural schools continued to rely on informal arrangements for teachers and staff due to limited resources and awareness of contractual obligations (Eke, 2020). And it was in this period that military rules and economic instability affected the of contract law in education administration.

Reforms and Institutionalization of Education Laws (1990s – Early 2000s): In the 1990s, Nigeria underwent several reforms aimed at strengthening the education sector. The National Policy on Education, first enacted in 1977 and revised multiple times, thereafter, provided guidelines for contractual relationships within school administration. However, it was only in the 1990s, with increased emphasis on private sector involvement, that contract law began playing a more pronounced role in school administration. Secondary schools increasingly signed formal contracts for employment, procurement, and other administrative functions, influenced by a growing demand for quality education and accountability (Ene, 2019). The Nigerian government's Public Procurement Act of 2007 marked a significant milestone, establishing legal standards for contracting practices in public institutions, including secondary schools. This act sought to reduce mismanagement, encourage transparency, and ensure that all public procurement followed contractual guidelines. By setting specific rules, this legislation improved contracting processes in school administration, especially for procurement contracts (Amadi & Alao, 2021)

Contemporary Developments and Current Applications (2010s – Present): In recent years, the relevance of contract law in Nigerian secondary school administration has increased. The education sector's reliance on contracts has grown as schools strive for higher standards and accountability amid rising competition. Employment contracts now commonly outline roles, compensation, benefits, and conditions of service for teachers and staff, influenced by both the Nigerian Labour Act and sector-specific policies (Akpan, 2023). Furthermore, the increasing privatization of education has necessitated more rigorous contract management in both private and public secondary schools. The Federal Ministry of Education, alongside state educational authorities, has encouraged schools to adhere to contractual obligations and provided guidelines for effective contract management in employment and procurement. Technological advancements have also introduced digital contracts and online procurement processes, further professionalizing contractual practices in school administration (Afolabi, 2022).

Theoretical Framework

This framework is based on Contract Theory, which emphasizes the importance of agreement, consent, and obligation in contract law. Contract Theory examines how parties construct and manage agreements, focusing on the implications of contracts on behavior, performance, and accountability. In the context of secondary schools in Nigeria, contracts are

essential for establishing relationship among stakeholders, such as teachers, administrators, and service providers. Contracts can align the interests of educators (agents) with the goals of the school (principals), thereby promoting accountability and performance (Afolabi, 2021). Contract Theory posits that well-defined agreements clarify the roles, duties, and rights of parties involved. In the context of Nigerian secondary schools, this involves understanding the relationship between the school administration (principals, teachers) and other stakeholders, such as students, parents, and regulatory bodies. Contracts here aren't limited to employment but include adherence to school rules, safety measures, and ethical conduct within educational policies. School officials essentially enter an implicit contract with students and parents to provide quality education within a safe environment, while students are bound to follow school policies. Administrative Law Theory: Administrative law theory was also used, because, according to Olaniyi (2022) and Plutus (2023), administrative law theory encompasses different principles and frameworks that will govern the behaviour of administrative agencies and their interaction with the citizen, government entities and judiciary. Administrative is guided with a lot of principles which includes, rule of law, separation of power and judicial review, administrative law has a lot of theories which includes, red light theory, green light theory and amber light theory. Administrative law is used by the researcher because it will help to carry out some rules that will help to implement some things in the school and managerial activities to be effective.

Statement of the problem

The application of the law of contract in the administration of secondary schools in Nigeria, presents a critical challenge that has significant implications for educational management, legal compliance and overall effectiveness of school administration. Despite the importance of contractual agreement in ensuring clear responsibilities, expectations and obligations between school authorizes, staff, parents and service providers, there remains lack of consistent understanding and enforcement of these laws in many Nigeria secondary schools. This inconsistency frequent disputes, breaches of contract, and administrative ineffectiveness, which in turn affect the quality of education, school operations and stockholder relationship.

Moreover, the absence of standardized practices, and inadequate training for school administrators in contract law exacerbates the problem, including lack of contractual agreements, inadequate consideration for contract, unclear termination clauses and weak enforcement mechanism, ignorance of contract law by administrators, conflict between contract law and customary practices, delays in resolving contractual disputes, limited access to legal remedies, leaving many schools vulnerable to legal challenges and financial losses. Therefore, this study seeks to investigate the current practices, challenges, and implication of applying the law of contract in the administration of secondary schools in Nigeria, with the aims of providing recommendations for enhancing legal compliance and improving overall school administration

Objectives of the paper

The objectives of the application of law of contract in the administration of secondary schools in Nigeria can be seen as follows:

1. To identify the causes of contract law problems in secondary schools administration.
2. To identify the law of contract between the government and private partnership in secondary school administration in Nigeria.

Review of Related Literature

Contract law and secondary school administration, play a very vital and crucial role in the administration of secondary school in Nigeria, such as governing the relationships between schools' teachers and students (Okeke, 2022). For examples, in the case of contract in Nigeria secondary school, as legal implication. It was held that, a school's failure to provide a safe learning environment for students constitutes a breach of contract. Contract law and teacher employment is essential in regulating teacher employment in Nigerian secondary schools, as it sets out the terms and condition of employment (Ejike, 2021). Contract and the teacher employment in Nigeria secondary schools, it was states that "a teacher contract can be terminated for misconduct, but only after following due process. Contract law and public-private partnerships was review that, "contract law is critical in public private partnerships in Nigeria secondary education, as it ensures that partnership is fair and equitable" (Ibrahim, 2022). The role of contract law in public-private partnership in Nigerian secondary education, it was held that, "a partnership agreement must clearly outline the role and responsibilities of each party. Contract law and customary "contract law must be applied in a way that takes into account customary practices in Nigeria secondary" schools (Rousseau, 2020). Because social theory and contract law in Nigeria says that, social contract theory is a theory that views contract law as a means of maintaining social order and cooperation. Customary practices can influence the interpretation of contract law in Nigeria secondary schools. Accountability and transparency, contract can ensure accountability and transparency in secondary school administration by outlining clear roles and responsibilities (Williamson,2007). For instance, secondary school in Nigeria enters a contract with a private company to provide educational resource the contract outlines the terms of the agreement, which includes payment and delivery schedules. Contract law governs agreements between parties, ensuring mutual obligations are met. In the educational sector, particularly in secondary schools, contract law plays a significant role in formalizing agreements between various stakeholders, such as schools and teachers, suppliers, service providers, and government entities. A foundational understanding of contract law's principles-offer, acceptance, consideration, and intention to create legal relations-is essential for effective school administration (Adeyemi, 2015).

Secondary schools often engage in contracts with suppliers for materials, technology, and infrastructure. According to Eze and Ojukwu (2020), procurement contracts are vital for ensuring timely and consistent delivery of school supplies, which impacts the quality of education. Well-drafted contracts reduce risks, enforce compliance, and provide recourse for schools if service providers fail to meet expectations. Procurement laws in Nigeria, such as the Public Procurement Act of 2007, influence these agreements and aim to minimize corruption and mismanagement. When contractual terms are breached, Nigerian contract law provides for remedies such as damages, specific performance, or rescission. Olaniyan (2022) discusses how breach of contract cases, especially in employment, lead to financial and operational repercussions for schools. For example, wrongful termination can result in lawsuits and reputational damage, impacting school administration and policy formulation in the long term. Nigerian government policies, including those by the Ministry of Education, support contract law enforcement by encouraging standardized contracts in school administration. Adegoke and Ayodeji (2023) recommend periodic training for school administrators on contract law basics and its implications to improve adherence and reduce legal risks. Also, policy updates are suggested to address unique challenges in public vs. private schools and to consider rural-specific difficulties in contract law administration.

Review of Empirical Study

The application of law of contract in the administration of secondary schools in Nigeria is very crucial according to (Obun, Akpama & Ayang, 2012). An empirical review on the application of the law of contract in the administration of secondary schools in Nigeria highlights the importance of legal right, keeping of good relationship. One major theme is the understanding the legal rights and responsibilities of both school administrators and teachers. For instance, a study by Obun, Akpama, and Ayang (2012) recommends that school administrators undergo training in education law to better manage issues related to teacher and student conduct. They stress that such training would help reduce violations of students' human rights and mitigate legal disputes arising from school indiscipline. Moreover, the research emphasizes the legal principle of *in loco parentis*, which outlines the responsibility of teachers and administrators to act in place of parents regarding student care and discipline. Olaniyi (2012) also reviews that, effective contract administration is very essential for a smooth operation of secondary schools in Nigeria, because a comparative study of public and private secondary schools in Cross River State found that contract administration was a significant factor in determining administrative effectiveness. These studies emphasis the legal right to provision in school administration, and the important of legal duties among schools personnel in secondary school in Sokoto State. In a nutshell the study also found out that, there's need, for the right, providing education for children and adequate provision of food and shelter to be given to them, protection from harm, and survive by the parent and government. Moreover, the study explores the role of education, in regulating keeping a good relationship between school authorities, teachers, students, and parents, because teachers cannot function without the students.

Application of Law of Contract in the Administration of Secondary Schools in Nigeria

The application of the law of contract in the administration of secondary schools in Nigeria involves several critical areas, including employment contracts, service agreements, governance, and compliance with regulatory frameworks. Below is an overview of these applications

1. **Employment Contracts:** Employment contracts define the terms and conditions of teachers' employment, outlining their duties, rights, salary, and duration of service. In Nigeria, these contracts are vital for ensuring accountability and establishing clear expectations between teachers and school administrations, the Nigerian Labour Law and the *Industrial Relations Act* provide a legal framework. Recent legal cases have reinforced the necessity for clearly defined contracts to avoid disputes over termination or job expectations (Ogunyemi, 2023).
2. **Service Agreements:** Schools often engage service providers for various needs, including transportation, catering, and maintenance. Service agreements outline the terms of these services, including performance standards, payment terms, and consequences for non-compliance. Clear service contracts help mitigate risks associated with poor service delivery, ensuring schools receive the expected quality and performance (Adeyemo, 2023).
3. **Public-Private Partnerships (PPPs):** Increasingly, Nigerian secondary schools are forming partnerships with private entities to enhance infrastructure, technology, and educational resources. These partnerships require robust contracts to ensure alignment of interests and responsibilities. The public procurement Act and specific educational policies guide the formation of these contracts, ensuring transparency and accountability in the procurement process (Ojo, 2022).

4. **Governance and Compliance:** Proper governance in educational institutions requires adherence to legal standards, including the principles of contract law. This ensures that schools operate within the legal framework, thereby enhancing accountability and reducing corruption risks (Federal Ministry of Education, 2023). The National Policy on Education and guidelines from the Nigeria Educational Research and Development Council (NERDC) stress the need for adherence to contractual obligations in educational governance, promoting ethical practices (NERDC, 2023).

Challenges of Application of Law of Contract in the Administration of Secondary Schools in Nigeria

The application of the law of contract in the administration of secondary schools in Nigeria faces several challenges that can hinder effective governance, accountability, and service delivery. Below are some of the key challenges, they are:

1. **Lack of Legal Awareness and Training:** Many school administrators and staff lack adequate training and understanding of contract law, this knowledge gap can lead to poorly drafted contracts and inadequate enforcement of contractual obligations. Without proper training, contracts may be vague, leading to disputes and challenges in enforcement, which can affect the school's operations and relationships with staff and service providers (Adebayo, 2023).
2. **Inadequate Funding and Resources:** Many secondary schools in Nigeria operate under severe financial constraints. Limited funding can hinder the ability to enforce contracts, manage resources effectively, and engage qualified personnel. When schools cannot meet their contractual obligations due to financial limitations, it leads to conflicts with employees and service providers, compromising educational quality and service delivery (Ogunyemi, 2022).
3. **Corruption and Malpractices:** Corruption in the procurement process and contract management is a significant challenge. Irregularities can lead to unfair contract awards and non-compliance with established guidelines. Corruption undermines the integrity of the contractual process, resulting in substandard services and products, which negatively affect school operations and student outcomes Independent Corrupt Practices Commission (ICPC) (2023)
4. **Inconsistent Legal Framework:** The legal framework governing contracts in the education sector can be inconsistent, with overlapping regulations from various government agencies leading to confusion. This inconsistency can create loopholes that parties exploit, making contract enforcement challenging and resulting in disputes that prolong litigation (Ojo, 2023)
5. **Dispute Resolution Mechanisms:** Ineffective dispute resolution mechanisms can prolong conflicts arising from contract breaches. Many schools may not have access to adequate legal resources to resolve disputes efficiently. Prolonged disputes can disrupt school operations and lead to increased legal costs, further straining limited resources (Ogunleye, 2022).

Suggestions of Application of Law of Contract in the Administration of Secondary Schools in Nigeria

To enhance the application of the law of contract in the administration of secondary schools in Nigeria, several strategic suggestions can be implemented. These recommendations aim to address existing challenges and improve governance, accountability, and service delivery. Below are key suggestions

1. **To enhanced Legal Training for School Administrators to Implement** regular training programs for school administrators and staff on contract law, negotiation skills, and effective contract management (Adebayo, 2023)

2. Enough funds should be allocated in carryout schools administrative works
3. There's need to strengthen regulatory frameworks so that, the existing legal frameworks governing contracts in education can address inconsistencies and gaps.
4. Implementation of Anti-Corruption Measures, there's need to establish strict anti-corruption policies and practices in contract management, including transparent procurement processes and regular audits to reduce corruption risks which will enhance trust in the contractual process and improve the quality of services and resources acquired by schools.
5. Effective Dispute Resolution Mechanisms is very necessary Creating accessible and efficient dispute resolution mechanisms, such as mediation or arbitration, specifically tailored for educational contexts.

Conclusion

Addressing these challenges is crucial for improving the application of contract law in the administration of secondary schools in Nigeria. Recommendations include enhancing legal training for school administrators, improving financial management practices, ensuring transparency in procurement, and developing effective dispute resolution mechanisms. By implementing these suggestions, secondary schools in Nigeria can significantly improve their contract management practices. These changes will foster a more transparent, accountable, and effective educational environment, ultimately benefiting students, staff, and the broader community

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