ABSTRACT
Education laws are the codes of instruction that regulate education policies and programmes. This paper examines the trend analysis of education law from the missionaries era to the takeover of schools by the Nigerian government. The Nigerian education system may be compartmentalized into two broad eras: namely the colonial era introduced a education era, 1842-1960 and the national education development policy era: 1996 – present. The colonial a number of education ordinances and codes designed for improvement of education during the period while the national education development policy era saw the emergence of edicts, acts, and laws to accelerate educational development. The importance of education law cannot be over-emphasized. It directs and regulates the students, teachers and all stakeholders for effective administration of education policy and planning.

Keywords: Education law, concept and purpose, sources and implications to educational policies and planning.

INTRODUCTION
The education system as a social organization is administered and managed through laws, rules and regulations. This is intended to control the behaviour and activities of members of the organization. The ultimate purpose is to ensure that law and order prevail and a conducive environment is created for efficient and effective achievement of goals and objectives of the organization. Education is perceived as a veritable tool for development and a major source to sustainable economy of any nation. It is therefore imperative to enact laws to control the excesses of all stakeholders in the system. These stakeholders include school administrators, teachers, students, parents, community leaders and members of community where schools are sited. Since the Nigeria gained her independence in 1960, the education industry has grown tremendously and perhaps has become the largest industry in the country in terms of number of people engaged in it. The industry attracts a large number of people with different backgrounds, ethnicity, religion etc. It is important for such a large complex organization to have laws, rules and regulations to guide, direct and control the activities of all stakeholders in the system.

Education law is as old as the development of formal education, although there was no education law before the independence. The missionaries and the colonial masters who introduced education in Nigeria in 1947 introduced education ordinances, common laws, conventions, decrees, statutes and edicts for the operation of education.
The Concept and Purpose of Education Law
The concept and knowledge of education laws cannot be overemphasized in that school personnel need to be conscious of this, bearing in mind that their actions or inactions may cause an infringement upon the rights of the students and may constitute human rights violations (Arop, 2010). Parents are becoming legally conscious of the fundamental rights of their children in schools and are ready to go to court with school authorities (Myna, P. S. and David M. (2003). Despite the growing awareness and importance of school related laws, many school personnel are ignorant of their basic rights and responsibilities. The knowledge of education law by principals, teachers and other school officials will enhance their effectiveness in handling and managing their students. Some of the court cases against school personnel are issues of assault and battery, sexual abuse, fraud in the form of extortion of money, suspension, expulsion, corporal punishment, shaving of hairs and cutting of skirts to size etc. The historical antecedents of the founding fathers of education had impact on the formulation of educational policies in Nigeria. The British introduced an indirect rule policy, a system of administration that account for the disparity or gap in the level of education development between the North and the South (Fabunmi, 2005).

The term “law” has been defined as a rule of civil conduct prescribed commending what is right and prohibiting what is wrong. It is the sum total of those general rules of action as are enforced by a sovereign political authority. In other words, law refers to a body of rules and regulations made by government for the purpose of ensuring peace and order. Nwagwu, (2004) opined that laws are conceived as institutionalized procedures and due process for resolving conflicts and controversies. He stated that law – provides prescriptions for settling disputes, obtaining justice and remedies.

In general, laws are also decisions and provisions for the establishment and protection of fundamental human rights. They intend to regulate relationship between individuals, groups, organizations, institutions etc. Igwe (2003) stated that the purpose of making law is to maintain order, justice, peace, co—existence and interaction among members despite their divergent interests and aspirations.

The enactment and promulgation of laws in education system is very important for effecting management and administration of secondary schools inorder to avoid frequent forces and litigations in the school system. According to Nwagu (2003), education laws are simply those laws that have been enacted specifically for the organization and administration and control of the education system. He explained that education laws were promulgated as ordinances during the colonial era, and during the military regime, the education laws were issued as decrees or edicts by the federal government.

Sources of Education Law
The founding fathers of education in Nigeria were the Christian Missionaries Education was used as the most effective tool for evangelization. The Nigerian educational system may be compartmentalized into two broad eras: namely The Colonial Education Development Era 1842 – 1960 and the National Education Development Policy Era 1996 – present (Okeke, 2007).

The first colonial education law known as the Education Ordinance of 1882 was meant for the British West African territories of Nigeria and Gold Coast now known as Ghana. The period was marked by intensive missionary activities and expansion in Nigeria. Prior to this time, the Church Missionary, the Wesleyan Methodist Missionary Society, the Roman Catholic Mission, the United Presbyterian Church of Scotland the Qua Iboe Mission, the Primitive Methodist Missionary Society and the Basel Mission established themselves in the southern part of Nigeria. The colonial government in Nigeria paid less or no attention to the education needs and aspirations of the people. It was between 1877 and 1882 that the colonial government made an annual grant of (£200) two hundred pounds to the Missionaries. This was the first participation by government in educational development in Nigeria. The grant was made on the condition that the money was spent on the maintenance of the schools. Based on this, some of the missions set up management boards to help regulate the curriculum, teachers’ salaries and conduct. The 1882 Education Ordinance also created an education board to manage education and laid down the criteria for the approval of grants by government for the payment of teachers’ salaries. It also included the quality of organization and discipline in the school academic standard. (Ijadula, 1998 and Ogunu, 2000).
The colonial education development initiated a number of education ordinances and codes designed for improvement of education during the period.

(1) **The Education Ordinance of 1887**
This was the first education law enacted specifically for Nigeria. It provided for an Education Board which consisted of the governor, the members of executive council and not more than four other nominated members. The board was given so much powers, which included establishment of local government boards; giving approval before opening of new schools, opening of government schools in districts that had no mission schools, reporting on the use of government grant—in–aid of building and teachers’ salaries, monitoring if they were fulfilling the conditions attached to such grants, the issuance of teacher’s certificates. The Education Ordinance also established an inspectorate which covered all the British African territories.

(2) **The Education Code of 1903 and Education Ordinance of 1908**
The education code established an education department for the protectorate of Southern Nigeria and in the same year, an education code was promulgated. It also established the post of a director of education to head the department of education, the training of teachers and appointment of school supervisors and inspectors. It also laid down rules for the provision of primary and secondary education, payment of grants in aids to all schools.

(3) **The 1916 Education Ordinance**
It ushered in a modification of the philosophy that education policy was the exclusive preserve of the government. It was an initiative of Lord Lugard aimed at improving the quality of education for Nigeria. It however encouraged education expansion in the south while it limited missionary expansion in the North.

(4) **The 1926 Education Code**
It was an attempt at professionalizing teaching in Nigeria. The Education Code registered teachers, ensured strict supervision and provided curriculum for different schools and syllabus for teacher’s examination. It was specifically made to curb the mushroom development of unassisted schools by the missions and private individuals especially in southern Nigeria.

(5) **The 1948 Education Ordinance**
The report of the Director of Education to review the ten year plan and that of Sir Sydney Phillipson on the procedure for assessing grants—in–aid were emphasized. The Ordinance decentralized education administration. It created a central board of education and four (Regional Boards, that is, the East, West, Lagos and North. It also recommended the establishment of Local Education Committees and Local Education Authorities.

(6) **The Education Act of 1952**
The 1952 education act was introduced to enable each of the three newly created regions to develop its educational policies. The membership of boards was modified. The central Director of Education’s role became mainly advisory. His title was changed to inspector General. All schools whether public or private were subjected to inspection by the regional director or the Inspector – General.

The National Education Development Policy Era saw the emergence of edicts acts and laws to accelerate educational development. These include:

(1) **The Education Edicts of 1966 – 1979**
The Federal Military Government enacted Decree No. 14 of 1967, and created twelve states from the existing four regions – The West, Mid-West, North and the East. Lagos remained the capital. In 1976 the states were increased to nineteen. Each state promulgated an edict for the regulation of education and its management. All the edicts had common features, which include: takeover of schools from voluntary agencies, establishment of schools management boards and a unified teaching service.

(2) **The 1979/1999 Federal Constitution of Education**
The constitution of the Federal Republic of Nigeria is the basic law from which all other laws draw their legitimacy. The 1979 constitution was the legal basis of education.
The objectives of education as provided in chapter II, section 18, sub-sections 1 – 3 of the constitution stipulate that:
(a) Government policy shall be directed towards ensuring equal and adequate educational opportunities at all levels.
(b) That government shall promote science and technology.
(c) The government shall strive as an when practicable, provide
   (i) Free compulsory and universal primary education
   (ii) Free secondary education and
   (iii) Free adult literacy programme.

The 1979 constitution puts education in the concurrent legislative list. Previsions are made for the devolution of power and responsibility between the two tiers of government: Federal and State Governments.

(3) The Education Law of 1999

The 1999 constitution of the Federal Republic of Nigeria, in Section 18 in Chapter two stated the educational objectives of the nation:
   - The inculcation of national consciousness and unity
   - The inculcation of the right type of values and attitudes for the survival of the individual and the Nigeria society;
   - The training of the mind in the understanding of the world around; and
   - The acquisition of appropriate skills and the development of metal, physical and social abilities and competencies as equipment for the individual to live in and contribute to the development of his society.

Chapter four presented the fundamental rights which individuals, organization and groups must respect as applicable to all operators and participants in education system.

(4) The Universal Basic Education Act of 2004

The act provided for all children formal basic education for school age children of pastoral nomads, migrant fishermen and adult literacy and non-formal education for out of school children, youths and illiterate adults. It also provides free compulsory and universal basic education for every child of primary and junior secondary school age and persons with special education needs. There is a National Council on UBE, State basic Education Board and Local Government Education Authority. Penalties are specified for defaulting parents.

Implications for Educational Policy and Planning

The historical antecedent of education policy formulation in Nigeria has a lot of implications for the Nigerian education system. The history of western education in Nigeria indicates that the mission undertook the education of the people for effective evangelization. Furthermore, the laissez-faire attitude of the British colonial officials in Nigeria had a lot of implications where the missions were law unto themselves in the south while in the North, under Lord Lugard, the missions were completely restricted from Islamic areas (Kosemani, 1982; Fafunwa, 2004; Imam, 2012).

Before the takeover of schools the voluntary agencies controlled education. However, as time went on, the dominance of the Christian missions was challenged, the Muslims especially in the west, established their own schools to advance their religion. Other business men also emerged as proprietors of schools. This era according to Fagbumni (2005) led to poor condition of schools, employment of inefficient and unqualified staff etc.

The effect of the voluntary agencies on control of education created rivalry among the various agencies. Schools were built not because there was infrastructure and teachers but to satisfy the demands and rivalry of their followers. This resulted in proliferation of unviable schools. Schools were ill – equipped and lacked basic working materials and human resources. This resulted in lack of functional and integrated educational system (Ejiogu, 1976). Schools were funded through grants – in – aid for payment of teachers’ salaries, supply of equipment and provision of buildings. This implies that while government controlled the purse, it did not control the policy and planning of the administration of the schools. Each of the missions administered its schools without guide lines. (Adesina, 1977 and Iman, 2003).
Thus the takeover of schools became inevitable to harness the production of the much needed manpower and to equip the ill-equipped schools. In view of these anomalies, some of the states were declared educationally disadvantaged. This has implication for national unity and integration. The universal primary education was also introduced to mitigate this ugly situation.

From the early days of the missionary education, ethnicity influenced the educational facilities. The current educational imbalance in Nigeria is to a large extent attributable to ethnic rivalry among the ethnic groups. The introduction of Basic Studies was to improve the quality of education in order to qualify the marginalized groups for admission into the universities. Some universities were also established as well as the nomadic education as a compensatory education scheme targeted at the nomadic Fulani. It also gave rise to the current admission policy which lays emphasis on 30% merit, 30% educationally less developed states and 30% catchment area and 10% discretion based on quota (Ali, 1978).

Furthermore, the colonial administration of schools led to irrelevant curricula, obsolete methods, high drop-out and repetition rates, and inequality of access to education.

**CONCLUSION**

It is worthy to note that the educational policy formulation started with the colonial era. The education offered was intended to assist the missions and not for the needs and aspirations of Nigerians. The impact of this is the poor implementation of educational policies and planning in Nigeria.

**REFERENCES**


