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THEORETICAL FOUNDATIONS OF EDUCATION LAW, INEQUALITY AND SOCIAL JUSTICE IN NIGERIAN FEDERALISM: IMPLICATIONS FOR SECONDARY SCHOOL MANAGEMENT IN KWARA STATE

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ABSTRACT

Education law provides an institutional foundation for promoting equity, inclusion and social justice within educational systems. However, the existence of constitutional guarantees and statutory provisions does not necessarily translate into equal educational opportunities, particularly in federal systems 82haracterized by disparities in fiscal capacity, institutional effectiveness and resource distribution. This paper examines the theoretical foundations of education law, inequality and social justice within Nigerian federalism, with particular reference to secondary school management in Kwara State. It draws on rights-based theory, Rawlsian theory of justice, critical legal theory and the capability approach to explain how legal frameworks can protect learners' rights, promote equitable educational provision and strengthen institutional accountability. The paper also examines the constitutional and statutory foundations of education in Nigeria, the influence of federal arrangements on educational inequality and the challenges associated with implementing educational laws and policies. The analysis indicates that although Nigeria has established important legal and institutional frameworks for promoting educational access and inclusion, their effectiveness is constrained by weak enforcement, unequal resource distribution, inadequate funding, administrative fragmentation and differences in institutional capacity. These challenges have implications for resource allocation, teacher management, inclusive education, student welfare, school governance and accountability in Kwara State. The paper argues that education law can advance social justice when its provisions are translated into enforceable institutional practices supported by adequate funding, responsible leadership, legal awareness and effective intergovernmental coordination. It concludes that educational justice requires an integrated approach that connects constitutional commitments, statutory obligations and school-level management practices.

Keywords: Education law, educational inequality, social justice, Nigerian federalism, secondary school management, Kwara State.

1. Introduction

Education is widely recognised as an instrument of human development, democratic participation, social mobility and national transformation. It provides individuals with the knowledge, competencies and values required to participate meaningfully in society. It also contributes to the

development of productive citizens capable of responding to changing economic, political and technological conditions. Beyond its developmental function, education is increasingly understood as a fundamental human right that governments have a responsibility to promote and protect.
Despite several decades of educational reforms, inequality remains a major challenge confronting education systems. Differences in family income, geographical location, gender, disability, social background and access to educational resources continue to influence learners' opportunities and educational outcomes. Children from economically disadvantaged households and underserved communities frequently encounter greater difficulties accessing quality schooling than those from more privileged backgrounds. These disparities demonstrate that equal access to school enrolment does not necessarily guarantee equality in the quality of educational experiences, learning opportunities or eventual outcomes.

As noted by Arah (2025), the problem is particularly significant in developing countries, where poverty, inadequate infrastructure, population growth, insufficient public expenditure and institutional weaknesses undermine educational provision. In such contexts, educational institutions may reproduce existing social inequalities rather than provide opportunities for overcoming them. Addressing educational injustice therefore requires more than policies intended to expand enrolment. It requires legal and institutional arrangements capable of addressing the structural conditions responsible for unequal access, participation and achievement.

In Nigeria, educational inequality is closely connected with the country's federal structure, socio-economic conditions and the distribution of governmental responsibilities. The constitutional allocation of responsibilities, statutory frameworks and administrative arrangements create a system in which federal, state and local governments perform different functions in educational governance. Although this arrangement provides opportunities for shared responsibility and policy coordination, differences in the financial and administrative capacities of governments contribute to variations in educational provision. These variations are reflected in school infrastructure, teacher availability, instructional resources, access to technology and the quality of educational management.

The constitutional foundation of education in Nigeria is principally reflected in Section 18 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The section directs government to promote equal and adequate educational opportunities at all levels and to work towards the eradication of illiteracy. However, the location of these provisions within Chapter II of the Constitution creates an important legal limitation because Section 6(6)(c) generally excludes the enforcement of the directive principles of state policy through judicial proceedings, except where otherwise provided by the Constitution or legislation.

The Compulsory, Free Universal Basic Education Act, 2004, provides an additional statutory foundation for compulsory basic education. Other relevant instruments, including the Child Rights Act, 2003, and the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, provide further legal foundations for protecting learners and promoting inclusive educational

opportunities. Nevertheless, the existence of these legal instruments does not automatically eliminate educational inequality. Weak enforcement, inadequate funding, administrative inefficiency, limited public awareness and inconsistent implementation frequently create differences between legal commitments and actual educational experiences. This situation raises important questions concerning the capacity of education law to promote social justice within a federal system characterised by varying levels of institutional and fiscal capacity.

These issues have significant implications for secondary school management in Kwara State. School administrators operate within a framework of constitutional provisions, national education policies, state education laws, administrative regulations and institutional directives. Their responsibilities extend beyond routine administration to include the protection of students' rights, equitable distribution of resources, supervision of teaching and learning, management of teachers, maintenance of discipline, promotion of inclusive education and accountability for school performance. The manner in which these responsibilities are discharged can either promote educational justice or reinforce existing inequalities. Against this background, this paper examines the theoretical foundations of education law, inequality and social justice within Nigerian federalism, with particular attention to their implications for secondary school management in Kwara State. It discusses relevant theoretical perspectives, analyses the Nigerian legal and federal framework, identifies institutional challenges affecting educational equality and proposes measures for strengthening socially just secondary school management.

2. Conceptual Clarification

2.1 Education Law

Education law refers to the body of constitutional provisions, statutes, regulations, judicial decisions and legally recognised principles that govern the establishment, administration, financing and delivery of educational services. It defines the rights and responsibilities of governments, educational institutions, school administrators, teachers, parents and learners. It also establishes standards for educational access, institutional governance, professional conduct, student welfare, discipline, inclusion and accountability.

According to Arah (2017), education law serves both regulatory and protective functions. Its regulatory function establishes the legal standards and procedures guiding the operation of educational institutions, while its protective function safeguards the rights and interests of individuals participating in the educational process. Legislation governing compulsory basic education, for instance, establishes governmental obligations to provide schooling, while child protection and disability legislation establish safeguards against discrimination, abuse and exclusion. In Nigeria, education law derives from constitutional provisions, national and state legislation, regulations and judicial decisions. These instruments collectively provide the legal foundation for educational administration and the protection of learners' interests.

For secondary school management, education law establishes the boundaries within which principals and other administrators exercise authority. Decisions concerning student admission,

discipline, teacher supervision, resource allocation, staff welfare, examination administration and school safety must conform to applicable legal requirements. Effective secondary school management therefore requires not only administrative competence but also an adequate understanding of the legal principles governing educational institutions.

2.2 Educational Inequality

Educational inequality refers to differences in access to educational opportunities, availability of resources, quality of instruction, participation and learning outcomes among individuals and groups. It arises when learners' educational experiences and achievements are substantially influenced by circumstances such as family income, geographical location, gender, disability and socio-economic background.

Educational inequality manifests in several forms. Access inequality occurs when some groups encounter greater barriers to school enrolment and completion. Resource inequality arises when schools differ considerably in infrastructure, instructional materials, qualified teachers and learning facilities. Process inequality occurs when learners receive different levels of instructional attention, support and participation. Outcome inequality becomes evident when differences in educational experiences translate into unequal levels of academic achievement, competencies and subsequent opportunities.

In Nigeria, educational inequality is influenced by variations in state revenue, rural and urban development, household economic circumstances, school infrastructure and the availability of qualified teachers (Arah, 2020). These conditions affect public secondary schools differently, even within the same state. In Kwara State, promoting educational equality therefore requires attention to differences in the circumstances of schools and learners across urban, rural and underserved communities. Educational inequality should not be understood merely as a difference in school performance. It also reflects the distribution of opportunities and institutional resources within society. Addressing it requires deliberate interventions that identify disadvantaged learners and schools and provide appropriate support to overcome structural barriers.

2.3 Social Justice in Education

Social justice in education refers to the fair distribution of educational opportunities, resources, rights and responsibilities, together with the removal of institutional and social barriers that prevent individuals from participating fully in the educational process. It extends beyond equal access to include equity, inclusion, recognition, participation and accountability.

Fraser's conception of social justice provides a useful framework for understanding these dimensions. It draws attention to redistribution, recognition and representation (Fraser, 2008). Redistribution concerns the fair allocation of educational resources and opportunities. Recognition addresses the dignity, identities and legitimate needs of individuals and groups who experience discrimination or marginalisation. Representation concerns the participation of affected individuals and communities in decisions that influence their educational experiences.

Applied to secondary education, redistribution requires that schools serving disadvantaged communities receive adequate teachers, classrooms, instructional materials and other facilities. Recognition requires school administrators to respect differences in gender, disability, culture, religion and socio-economic circumstances without allowing such differences to become grounds for discrimination. Representation requires that students, parents, teachers and communities have meaningful opportunities to contribute to school governance and decisions affecting educational welfare.

Social justice in education therefore involves creating conditions in which every learner can participate meaningfully, benefit from quality instruction and develop the competencies required for personal and social advancement. Education law provides an institutional foundation for achieving these objectives by establishing standards, defining responsibilities and creating mechanisms for accountability.

2.4 Nigerian Federalism and Educational Governance

Federalism refers to a constitutional system of government in which governmental powers and responsibilities are distributed between a central authority and constituent units. In Nigeria, the federal system comprises the Federal Government, 36 state governments and 774 local government areas. Each level performs constitutionally or statutorily assigned functions, while some responsibilities require cooperation and coordination across levels of government.

Educational governance in Nigeria reflects this shared institutional arrangement. The Federal Government provides national policy direction, establishes regulatory and coordinating institutions and supports educational development through intervention programmes. State governments exercise substantial responsibility for the administration and financing of public secondary education, while local governments perform specified functions, particularly in relation to primary education and local educational support.

The distribution of responsibilities creates opportunities for policy coordination and adaptation to local needs. However, it also presents challenges where financial capacity, administrative competence and institutional accountability differ across governmental levels. States with stronger revenue bases may be better positioned to provide infrastructure, recruit personnel and improve educational services than states with more limited fiscal resources.

From the perspective of educational justice, federalism must therefore be assessed not only by the constitutional distribution of responsibilities but also by the extent to which it guarantees reasonable educational opportunities across different geographical and socio-economic settings. Effective federal educational governance requires cooperation, adequate funding, transparent resource allocation and accountability among the various levels of government. For Kwara State, secondary school development must be understood within the broader national legal and fiscal framework while remaining responsive to the educational needs of communities within the state.

3. Theoretical Foundations Linking Education Law and Social Justice

This paper is anchored on four complementary theoretical perspectives: rights-based theory, Rawlsian theory of justice, critical legal theory and the capability approach. These theories provide analytical foundations for understanding the relationship between educational rights, resource distribution, institutional power and learners' opportunities to achieve meaningful educational outcomes.

3.1 Rights-Based Theory

Rights-based theory conceptualises education as a fundamental human right rather than a privilege or discretionary social service. It maintains that every individual is entitled to educational opportunities without discrimination and that governments have corresponding obligations to respect, protect and fulfil this entitlement. The theory is reflected in international human rights principles and in national constitutional and statutory provisions that recognise educational access and the protection of learners. In Nigeria, Section 18 of the 1999 Constitution (as amended) directs government to promote equal and adequate educational opportunities at all levels. The Compulsory, Free Universal Basic Education Act, 2004, further establishes obligations relating to free, compulsory and universal basic education.

The rights-based approach can be understood through four interrelated requirements: availability, accessibility, acceptability and adaptability. Availability requires governments to ensure that sufficient educational institutions, teachers and learning facilities exist. Accessibility demands that educational opportunities be physically and economically accessible without discrimination. Acceptability concerns the quality, relevance, safety and appropriateness of education. Adaptability requires educational institutions and programmes to respond to the diverse needs and circumstances of learners.

An important limitation in the Nigerian context is that the educational objectives contained in Chapter II of the Constitution are generally non-justiciable by virtue of Section 6(6)(c), subject to constitutional and legislative exceptions. Nevertheless, statutory provisions and applicable legal instruments provide additional foundations for protecting educational rights.

The rights-based theory is relevant to secondary school management in Kwara State because it establishes that school administrators have responsibilities beyond maintaining institutional order and achieving examination results. They must protect students from discrimination, arbitrary punishment, exclusion, harassment and other practices that undermine their educational rights. In practical terms, principals should ensure fair admission procedures, equal access to instructional opportunities, appropriate responses to students with disabilities, protection against bullying and the fair application of disciplinary regulations. The theory provides a basis for evaluating school management according to the extent to which learners' rights are respected and protected.

3.2 Rawlsian Theory of Justice

Rawlsian theory of justice, developed by John Rawls (1971), provides a normative foundation for examining the distribution of educational opportunities and resources. Rawls argues that a just

society should organise its institutions according to principles of equal basic liberties, fair equality of opportunity and the difference principle. The principle of fair equality of opportunity maintains that individuals with comparable abilities and willingness to use them should have comparable prospects of success, irrespective of their social and economic backgrounds. The difference principle holds that social and economic inequalities should be arranged to benefit the least advantaged members of society.

Education is central to Rawlsian justice because it influences individuals' life chances and their ability to participate in economic, political and social institutions. Where access to quality education depends excessively on family wealth or geographical location, the principle of fair equality of opportunity is undermined. Education law can advance Rawlsian justice through legislation and policies that provide basic education, allocate additional resources to disadvantaged schools, prevent discrimination and support learners from economically vulnerable backgrounds. Within Nigerian federalism, the Universal Basic Education funding arrangement represents an important mechanism for promoting more equitable educational provision. The Compulsory, Free Universal Basic Education Act, 2004, provides for federal intervention funding and requires participating states to contribute not less than 50 per cent of project costs to qualify for the federal block grant. This arrangement is intended to promote shared responsibility in financing basic education. However, the counterpart-funding requirement can create difficulties for states facing fiscal constraints.

For Kwara State, Rawlsian justice provides a framework for assessing how educational resources are distributed among secondary schools. Equal distribution does not necessarily mean allocating identical resources to every school. Schools serving communities with greater educational disadvantages may require additional teachers, instructional materials, infrastructure, learning support and student welfare interventions.

The theory also provides a justification for policies that support students from low-income households, learners with disabilities and those attending schools in geographically underserved communities. It encourages school administrators to recognise that fairness sometimes requires differentiated support rather than uniform treatment. Consequently, Rawlsian theory provides a useful basis for promoting distributive justice in secondary school management. It requires educational administrators to consider whether their decisions improve the opportunities available to disadvantaged learners and whether school resources are allocated according to educational needs.

3.3 Critical Legal Theory

Critical legal theory questions the assumption that law is always neutral, objective and inherently capable of producing justice. It argues that legal systems operate within broader political, economic and social structures and may reflect the interests and power relations of dominant groups. From this perspective, the existence of progressive educational laws does not necessarily guarantee equality. Laws may articulate commitments to inclusion and non-discrimination while

the institutions responsible for implementing them continue to operate in ways that reproduce social disadvantage. Consequently, the relationship between law and justice must be examined in terms of both formal legal provisions and their actual implementation.

In the Nigerian educational context, critical legal theory provides an important perspective for examining the gap between constitutional commitments and educational realities. Although legislation and policies promote basic education, inclusive schooling and equal educational opportunities, the practical benefits of these provisions may be weakened by inadequate funding, political interference, corruption, bureaucratic inefficiency and unequal institutional capacity. The theory also draws attention to the possibility that administrative rules and school practices can reproduce inequality. For example, disciplinary procedures that fail to recognise the circumstances of disadvantaged learners may result in disproportionate punishment. Admission arrangements, school levies and access to learning materials may also create barriers for students from low-income households where they are inconsistent with applicable legal requirements. Nevertheless, critical legal theory does not regard law solely as an instrument of domination. Legal provisions can also be mobilised by disadvantaged individuals, professional associations, civil society organisations and communities to challenge institutional injustice and demand accountability.

In Kwara State, this perspective encourages secondary school administrators to examine whether institutional practices genuinely promote fairness or merely comply superficially with formal administrative requirements. It also highlights the importance of transparency, participatory decision-making, accessible complaint procedures and consistent application of school regulations. The theory is relevant because it shifts attention from the mere existence of educational laws to the power relations and institutional practices that determine who benefits from them. It therefore provides a critical framework for assessing whether secondary school management contributes to social transformation or perpetuates existing inequalities.

3.4 Capability Approach

The capability approach, associated principally with Amartya Sen (1999), provides a broader understanding of social justice by focusing on individuals' substantive freedoms and real opportunities to achieve valued ways of living. Unlike approaches that assess educational justice primarily through formal rights, financial inputs or school enrolment, the capability approach emphasises what individuals are actually able to do and become. It recognises that individuals may possess similar formal opportunities but experience different outcomes because of variations in their personal circumstances, social environments and institutional support.

Applied to education, the approach distinguishes between the provision of educational resources and learners' actual ability to benefit from those resources. Providing a classroom does not necessarily guarantee effective learning where there are no qualified teachers, adequate instructional materials, safe learning conditions or appropriate support for learners with disabilities.

The capability approach identifies education as both an instrument for developing human capabilities and a valuable capability in its own right. Through education, learners develop literacy, numeracy, critical reasoning, communication, creativity, vocational competence and the capacity for informed participation in society.

In Nigeria, this approach reveals the limitations of evaluating educational success solely through enrolment figures, school attendance or the number of educational institutions established. The quality of learning, students' competencies, personal development and capacity to participate meaningfully in society are equally important measures of educational justice.

For secondary school management in Kwara State, the capability approach has important implications for instructional supervision, teacher development, student guidance and counselling, inclusive education and the provision of learning resources. Principals should ensure that school policies and administrative practices create opportunities for every student to develop relevant competencies, irrespective of socio-economic circumstances or personal limitations.

The approach also requires school administrators to pay attention to the different barriers affecting students' participation and achievement. These may include poverty, disability, inadequate learning facilities, gender-related disadvantages, insecurity and limited access to digital resources. The capability approach is therefore relevant because it provides an outcome-oriented basis for evaluating the effectiveness of education law. It suggests that educational justice should be measured not simply by the existence of legal rights or the availability of school facilities but by the extent to which learners acquire the capabilities necessary for meaningful personal and social development.

3.5 Integrative Application of the Theoretical Foundations

The four theoretical perspectives complement one another in explaining how education law can promote social justice within Nigerian federalism. Rights-based theory establishes the entitlement of every learner to education and identifies the corresponding responsibilities of government and educational institutions. Rawlsian theory explains why educational resources should be distributed fairly, with particular attention to disadvantaged learners and schools. Critical legal theory examines how political, economic and institutional structures may undermine the implementation of educational rights. The capability approach evaluates whether legal commitments and educational resources translate into meaningful learning opportunities and improved life chances. Their combined application provides a comprehensive framework for understanding educational justice at the levels of national policy and school administration. For secondary school management in Kwara State, these theories establish four complementary responsibilities:

1. **Rights protection:** Ensuring that every student enjoys equal treatment, dignity, safety and access to educational opportunities.
2. **Distributive fairness:** Allocating school resources according to educational needs and the circumstances of disadvantaged learners.

3. **Institutional accountability:** Ensuring that school rules, administrative decisions and management practices are transparent, lawful and non-discriminatory.
4. **Capability development:** Creating learning conditions that enable students to acquire the knowledge, skills and competencies required for meaningful participation in society.

The integration of these perspectives establishes that socially just school management must combine legal compliance, equitable resource distribution, institutional accountability and effective educational outcomes.

4. Education Law, Educational Inequality and Federalism in Nigeria

4.1 Constitutional and Legislative Foundations of Education

The Nigerian educational system operates within a constitutional and statutory framework that establishes governmental responsibilities, educational standards and the rights and obligations of relevant stakeholders. The Constitution of the Federal Republic of Nigeria, 1999 (as amended), provides the overarching foundation for educational governance, while specific legislation regulates different aspects of educational provision.

Section 18 of the Constitution establishes the educational objectives of the Nigerian state. It directs government to promote equal and adequate educational opportunities and to eradicate illiteracy through appropriate educational programmes. Although these provisions express important commitments to educational equality, their placement in Chapter II limits their direct enforceability under Section 6(6)(c) of the Constitution.

The Compulsory, Free Universal Basic Education Act, 2004, provides a more specific statutory framework for compulsory basic education. Section 2 places an obligation on every government in Nigeria to provide free, compulsory and universal basic education for children of primary and junior secondary school age. Section 3 further provides for free educational services in public primary and junior secondary schools. These provisions are important because they establish statutory obligations relating to the educational rights of children rather than relying exclusively on broad constitutional aspirations.

The Child Rights Act, 2003, provides an additional foundation for protecting children's educational interests. Its provisions recognise the right of every child to free, compulsory and universal basic education and establish responsibilities for parents and government. The Act also addresses the protection, welfare and development of children. Its implementation across Nigeria depends on the applicable state legal framework, including the enactment of corresponding state legislation.

Similarly, the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, provides legal safeguards against discrimination on the basis of disability and establishes obligations concerning accessibility and inclusion. Its implications for education include the need to remove

physical, institutional and other barriers that prevent persons with disabilities from participating fully in educational activities.

The African Charter on Human and Peoples' Rights, as domesticated in Nigeria, provides another legal foundation because Article 17 recognises the right to education. Taken together, these instruments establish important foundations for educational equity, inclusion and accountability. However, the effectiveness of these provisions depends on consistent implementation, adequate funding, institutional capacity and access to appropriate remedies.

4.2 Federalism and the Distribution of Educational Responsibilities

Nigeria's federal structure significantly influences the administration, financing and regulation of education. The distribution of governmental responsibilities creates a framework in which the Federal Government, state governments and local government authorities perform different but interconnected educational functions.

The Federal Government provides national policy direction, coordinates educational development, establishes regulatory institutions and supports educational programmes through intervention funding. Institutions such as the Federal Ministry of Education and the Universal Basic Education Commission contribute to national coordination and the implementation of educational policies.
State governments exercise substantial responsibility for public secondary education. Their functions include the establishment and maintenance of public secondary schools, recruitment and deployment of teachers, provision of instructional facilities, supervision of school administration and implementation of educational policies. State governments also determine administrative arrangements for managing their public secondary school systems through relevant ministries, boards and agencies.

Local government authorities perform specified educational responsibilities, particularly in relation to primary education and local educational support. Their participation is important for coordinating community-level educational initiatives and strengthening the relationship between schools and their surrounding communities. Although this arrangement encourages shared responsibility, it also creates challenges. Differences in revenue generation, budgetary priorities, administrative competence and institutional effectiveness can result in variations in educational provision. The quality of public secondary education may therefore depend substantially on the fiscal and administrative capacity of individual states.

From the standpoint of social justice, the challenge is to ensure that decentralised educational governance does not become a mechanism through which existing socio-economic inequalities are reproduced. Federal intervention should complement state responsibilities by supporting disadvantaged communities, strengthening institutional capacity and promoting minimum standards of educational provision.

4.3 Federalism and Unequal Educational Opportunities

Educational inequality in Nigeria is closely associated with differences in geographical location, socio-economic development, household income and governmental capacity. These factors influence the availability of educational facilities, the distribution of qualified teachers, access to instructional materials and the quality of learning environments.

Federalism provides opportunities for states to develop educational programmes suited to their circumstances. However, where the financial and administrative capacities of states differ considerably, decentralisation can produce unequal levels of educational provision.

The challenge is particularly evident in the relationship between federal intervention programmes and state counterpart funding. Although the Universal Basic Education funding framework is designed to promote equitable access to basic education, the requirement for state contributions may constrain participation where states experience financial difficulties. This creates a potential contradiction between the redistributive objectives of federal intervention and the unequal fiscal circumstances of participating states.

The problem also extends to the management of public secondary schools. Differences in state budgetary allocations, teacher recruitment, infrastructure development and administrative support can influence the capacity of schools to provide quality education. Within individual states, similar disparities may occur between urban and rural schools because of differences in population distribution, infrastructure and access to public services. Educational equality cannot therefore be achieved simply by assigning similar administrative responsibilities to different levels of government. It requires financial arrangements and institutional mechanisms that recognise differences in capacity and direct additional support to areas experiencing greater educational disadvantages.

4.4 Judicial Interpretation and the Enforceability of Educational Rights

Judicial interpretation plays an important role in determining the extent to which educational rights are protected and enforced. Although Section 18 of the Nigerian Constitution is generally non-justiciable, other constitutional and statutory provisions, together with domesticated international human rights instruments, provide avenues through which educational rights may receive legal protection. An important illustration is *Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) v. Federal Republic of Nigeria and Universal Basic Education Commission*, ECOWAS Court of Justice, Suit No. ECW/CCJ/APP/12/07, Judgment No. ECW/CCJ/JUD/07/10, delivered on 30 November 2010. In this case, SERAP challenged the alleged diversion and mismanagement of funds intended for basic education in Nigeria. The ECOWAS Court recognised the right to education under Article 17 of the African Charter on Human and Peoples' Rights and affirmed its enforceability within the Court's human rights jurisdiction. The judgment also addressed the government's responsibility to ensure that funding shortfalls did not prevent the implementation of basic education programmes.

The importance of this decision lies in its demonstration that the non-justiciability of the educational objectives contained in Chapter II of the Nigerian Constitution does not eliminate all legal avenues for enforcing educational rights. Where an appropriate legal basis exists under an applicable international instrument, educational rights may be pursued through relevant judicial mechanisms.

However, it is important to distinguish the jurisdiction of the ECOWAS Court from that of Nigerian domestic courts. The SERAP judgment should not be interpreted as a general declaration that Section 18 of the Nigerian Constitution has become directly justiciable in domestic courts. Rather, it demonstrates the possibility of enforcing education rights through the African Charter and applicable regional human rights mechanisms.

The judicial protection of educational rights also depends on public awareness, access to legal representation, institutional willingness to comply with judicial decisions and the availability of effective enforcement mechanisms. Litigation alone cannot resolve the structural challenges affecting educational provision.

For secondary school management in Kwara State, the significance of judicial engagement is reflected in the need for school administrators to recognise that administrative decisions are subject to legal scrutiny. Decisions relating to students' rights, discrimination, disability inclusion, disciplinary procedures and access to educational opportunities must comply with applicable constitutional and statutory requirements.

4.5 Education Law as an Instrument for Correcting Structural Inequality

Education law can promote social justice through several interconnected mechanisms.

Legal protection of educational access: Statutory provisions establish governmental responsibilities for providing compulsory basic education and protecting learners against unlawful exclusion and discrimination. Such provisions provide the legal foundation for expanding educational opportunities among disadvantaged groups.

Equitable distribution of resources: Legislative and administrative funding arrangements can support the redistribution of educational resources towards underserved communities. Intervention programmes, school infrastructure development and targeted educational support can reduce disparities in educational provision.

Protection of vulnerable learners: Child protection legislation and disability rights provisions establish safeguards for learners who may experience exclusion, exploitation, discrimination or abuse. These protections are essential for promoting inclusive educational environments.

Institutional accountability: Legal frameworks establish standards against which governmental agencies and educational institutions can be assessed. They also provide mechanisms for investigating administrative misconduct, addressing grievances and ensuring compliance with established obligations.

Community participation and empowerment: School-based management arrangements, parent-teacher associations and community participation provide opportunities for stakeholders to contribute to monitoring school performance and demanding improvements in educational provision.

These mechanisms demonstrate that education law can influence both the distribution of educational opportunities and the conduct of educational institutions. However, their effectiveness depends on institutional capacity, political commitment, adequate financing and consistent enforcement.

5. Educational Inequality and Secondary School Management in Kwara State

Secondary school management in Kwara State operates within the broader constitutional, statutory and administrative framework governing education in Nigeria. The state has responsibility for the administration of its public secondary school system through the relevant ministries, boards and educational agencies. These institutions provide the administrative structure through which educational policies are translated into school-level practices.

The pursuit of social justice within this system requires school administrators to recognise that students and schools do not necessarily operate under identical social, economic and institutional conditions. Consequently, effective management must extend beyond routine administrative functions to include deliberate measures for promoting fairness, inclusion and equitable educational outcomes. The relationship between education law, inequality and social justice has several implications for secondary school management in the state.

5.1 Equitable Allocation and Management of School Resources

The availability of adequate educational resources is fundamental to effective teaching and learning. However, differences in school location, population, infrastructure and socio-economic circumstances can create unequal access to classrooms, libraries, laboratories, furniture, instructional materials and digital facilities.

From the perspective of social justice, resource allocation should be guided by educational needs rather than administrative convenience or uniform distribution. Schools facing greater infrastructure deficiencies or serving economically disadvantaged communities may require additional support to provide learning opportunities comparable to those available in better-resourced schools.

Principals should therefore maintain accurate records of school resources, identify priority needs and ensure transparent utilisation of available funds and materials. They should also communicate resource deficiencies to relevant educational authorities and participate in institutional planning processes aimed at improving school facilities.

Education law provides the accountability framework for ensuring that public resources are used for their intended purposes. Compliance with financial regulations, procurement procedures and administrative guidelines is therefore an important responsibility of secondary school administrators.

5.2 Fair Recruitment, Deployment and Management of Teachers

Teachers are central to the achievement of educational objectives. The availability of qualified, competent and motivated teachers influences instructional quality, students' academic performance and the overall effectiveness of schools. Unequal teacher distribution can create significant disparities between schools. Some schools may have adequate teachers across subject areas, while others may experience shortages that affect curriculum implementation and instructional supervision.

Socially just school management requires the fair deployment and utilisation of teachers according to school enrolment, subject requirements and instructional needs. Principals should also ensure that teachers are treated fairly in the allocation of responsibilities, opportunities for professional development, performance evaluation and staff welfare. Applicable employment laws, professional standards and administrative regulations should guide decisions relating to recruitment, promotion, discipline and professional conduct. Such decisions must be based on relevant criteria rather than favouritism, discrimination or personal considerations.

For Kwara State, strengthening teacher management requires effective coordination between school administrators and relevant state educational authorities. It also requires continuous professional development, appropriate teacher deployment and transparent personnel management practices.

5.3 Inclusive Education and Protection of Learners' Rights

Inclusive education is an essential component of social justice because it recognises the right of every learner to participate in educational activities without discrimination. Students may experience educational barriers arising from disability, poverty, gender, social background, language differences or other personal circumstances. The Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, provides an important legal foundation for addressing disability-related exclusion. The Child Rights Act, 2003, and applicable state legislation also provide safeguards for children's welfare, dignity and development.

Secondary school administrators in Kwara State should translate these legal commitments into institutional practices that promote equal participation. These include ensuring reasonable accommodation for learners with disabilities, preventing discriminatory treatment, providing appropriate support services and maintaining safe learning environments. School administrators should also ensure that disciplinary measures do not violate students' rights or undermine their dignity. Bullying, sexual harassment, physical abuse and other forms of victimisation should be addressed through established procedures that protect learners and promote responsible behaviour. Inclusive school management therefore requires more than admitting students from different backgrounds. It demands institutional arrangements that enable every learner to participate meaningfully in teaching, learning and other school activities.

5.4 Fairness and Accountability in Student Discipline

Discipline is an important aspect of secondary school administration because it helps maintain order, encourage responsible conduct and create a conducive learning environment. However, disciplinary practices must operate within legal and ethical boundaries. Unfair disciplinary procedures may expose students to arbitrary punishment, discrimination, humiliation or exclusion. Such practices can undermine students' dignity and discourage their participation in school activities.

Social justice requires that school disciplinary regulations be clear, consistently applied and compatible with relevant child protection standards. Students should be treated fairly, given opportunities to respond to allegations and protected against abusive or degrading treatment.
Principals should ensure that disciplinary decisions are based on established rules and that sanctions are proportionate to the misconduct involved. They should also promote guidance and counselling, conflict resolution and other corrective approaches that support students' personal development. Accountable disciplinary management strengthens confidence in school administration and reinforces the principle that authority must be exercised within established legal and institutional limits.

5.5 Participatory School Governance

Social justice requires that individuals affected by institutional decisions should have meaningful opportunities to participate in decision-making processes. In secondary schools, this principle supports the involvement of teachers, students, parents and community representatives in appropriate aspects of school governance.
Participatory school management promotes transparency, collective responsibility and institutional accountability. It also provides opportunities for identifying problems that may not be immediately visible to school administrators.

In Kwara State, principals can strengthen participatory governance through functional parent-teacher associations, student representative structures, school-based management committees and regular consultations with community stakeholders, in accordance with applicable regulations.
Participation should not be treated merely as a formal administrative requirement. It should provide genuine opportunities for stakeholders to communicate their concerns, contribute ideas and monitor the implementation of school improvement initiatives. Such practices are consistent with the social justice principle of representation and can strengthen public confidence in secondary school administration.

5.6 Protection of Vulnerable and Economically Disadvantaged Students

Poverty remains an important factor influencing students' participation and achievement in secondary education. Learners from low-income households may experience difficulties obtaining textbooks, uniforms, writing materials, transportation and other necessities for effective schooling.

These challenges can contribute to irregular attendance, poor academic participation and eventual withdrawal from school. Where school practices fail to recognise these circumstances, they may unintentionally reinforce socio-economic inequalities.

Principals should therefore identify students experiencing economic hardship and work with relevant authorities, parents, community organisations and other legitimate support structures to facilitate appropriate assistance. School administrators should also ensure that administrative practices do not impose unlawful financial barriers to educational participation. Where applicable legal provisions require free services, such requirements must be respected. The protection of economically disadvantaged learners is not simply an act of administrative goodwill. It is an important component of equitable educational management and the broader responsibility of schools to promote inclusive development.

5.7 Digital Inclusion and Equal Learning Opportunities

The increasing integration of digital technology into education has created new opportunities for teaching, learning, assessment and communication. However, differences in access to electricity, internet connectivity, digital devices and technological competence can create new forms of educational inequality.

Students from economically disadvantaged households and communities with limited technological infrastructure may experience difficulties participating in digital learning activities. Similarly, schools with inadequate technological facilities may be unable to provide learning experiences comparable to those available in better-resourced institutions.

Secondary school management in Kwara State should therefore recognise digital inclusion as an emerging dimension of educational justice. Principals should promote the equitable use of available digital resources, encourage teachers to develop appropriate digital instructional competencies and advocate for improved technological infrastructure.

Digital learning arrangements should also consider students who lack personal devices or reliable internet access. School-based access to digital resources and alternative learning arrangements can help reduce the disadvantages experienced by such students. The capability approach reinforces this responsibility by emphasising that learners must have genuine opportunities to develop the digital competencies required for participation in contemporary society.

5.8 School Safety and the Right to a Conducive Learning Environment

A safe and supportive school environment is essential for the protection of students' rights and the achievement of educational objectives. Violence, bullying, harassment, insecurity and unsafe infrastructure can discourage attendance, undermine learning and expose students to physical and psychological harm. Education law and child protection standards require educational institutions to take reasonable measures to protect learners and promote their welfare. School administrators must therefore establish appropriate safety procedures, monitor the school environment and respond promptly to threats against students and staff.

In Kwara State, principals should work with relevant educational authorities, parents, community leaders and security agencies to address safety concerns affecting schools. They should also establish clear procedures for reporting incidents, managing emergencies and providing appropriate support to affected learners. School safety should be understood as part of educational justice because students cannot fully enjoy their right to education where the learning environment exposes them to preventable risks.

6. Challenges to the Implementation of Education Law and Social Justice in Nigeria

Despite the existence of constitutional provisions, statutory frameworks and educational policies designed to promote equality, the implementation of education law in Nigeria continues to face significant institutional, financial, administrative and socio-economic challenges. These challenges limit the capacity of legal frameworks to translate educational rights into meaningful opportunities for learners.

6.1 Weak Enforcement of Educational Laws

One of the major challenges confronting the use of education law as an instrument of social justice is weak enforcement. Although legislation establishes responsibilities for governments and educational institutions, compliance is often affected by inadequate monitoring, limited institutional capacity and insufficient accountability. The non-justiciable character of the educational objectives contained in Chapter II of the Nigerian Constitution further complicates the enforcement of educational commitments. Although statutory and international human rights mechanisms provide alternative avenues for protecting educational rights, many individuals and communities lack the legal knowledge and financial resources required to pursue available remedies. At the school level, inadequate knowledge of relevant legal provisions among some educational administrators may also result in practices that conflict with students' rights and established administrative standards.

6.2 Inadequate Funding and Unequal Fiscal Capacity

Adequate funding is essential for providing educational infrastructure, recruiting qualified teachers, supplying instructional materials and maintaining effective school administration. However, competing demands on public resources and differences in governmental revenue capacity can limit the funds available for educational development. The federal funding arrangement under the Universal Basic Education programme provides an important intervention mechanism, but the counterpart-funding requirement may create difficulties for states with limited financial capacity. Furthermore, delays in the release of funds, inefficient utilisation of available resources and inadequate monitoring can reduce the effectiveness of educational interventions. At the secondary school level, inadequate funding may affect classroom accommodation, laboratories, libraries, sanitation facilities, instructional materials and other essential services. Such deficiencies are particularly problematic for schools serving disadvantaged communities.

6.3 Fragmented Educational Governance

The distribution of educational responsibilities among different levels of government and administrative institutions can create coordination difficulties. Differences in policy priorities, funding arrangements and institutional procedures may affect the consistency of educational implementation. In some circumstances, unclear administrative responsibilities can weaken accountability and delay responses to educational challenges. Effective social justice requires clear institutional mandates, effective communication and coordinated implementation of educational laws and policies. For Kwara State, effective coordination among relevant state educational authorities, school administrators, local communities and federal intervention institutions is essential for improving educational provision.

6.4 Corruption and Administrative Inefficiency

Corruption, mismanagement and bureaucratic inefficiency can undermine the objectives of educational legislation. Where funds allocated for infrastructure, teacher development and instructional resources are diverted or improperly utilised, schools may be unable to provide the services required by learners. Administrative inefficiency can also affect teacher recruitment, deployment, procurement and the supervision of educational institutions. These practices weaken institutional accountability and reduce public confidence in educational governance. Addressing these problems requires transparent financial management, regular institutional audits, effective monitoring and appropriate sanctions for misconduct.

6.5 Socio-Economic and Geographical Disparities

Educational inequality is influenced by wider social and economic conditions that extend beyond the direct control of educational institutions. Household poverty, rural underdevelopment, limited transportation, inadequate electricity and insufficient access to digital infrastructure can restrict students' ability to benefit from educational opportunities. These conditions may be particularly challenging for learners in underserved communities. Even where schools are formally accessible, differences in household circumstances and community infrastructure may affect attendance, participation and academic achievement. Consequently, educational justice requires collaboration between education authorities and other government institutions responsible for social welfare, infrastructure, health and community development.

6.6 Inadequate Legal Awareness among Educational Stakeholders

The effectiveness of education law depends partly on the extent to which relevant stakeholders understand their rights, responsibilities and obligations. School administrators, teachers, parents and students who lack sufficient knowledge of applicable legal provisions may be unable to identify violations or respond appropriately to educational challenges.

Limited legal awareness may also contribute to arbitrary disciplinary practices, discriminatory treatment, improper administrative decisions and inadequate protection of vulnerable learners.

There is therefore a need to strengthen legal literacy through professional development programmes, school governance training, awareness campaigns and accessible information on relevant educational legislation.

6.7 Resistance to Institutional and Administrative Reforms

The implementation of social justice principles may require changes in established administrative practices, institutional relationships and patterns of resource allocation. Such changes may encounter resistance from individuals or institutions accustomed to existing arrangements. For example, transparent recruitment procedures, equitable resource distribution, inclusive education and participatory decision-making may challenge established practices based on personal influence, institutional hierarchy or administrative convenience. Effective reform requires sustained leadership commitment, stakeholder engagement and institutional mechanisms that support compliance with legal and administrative standards.

7. Implications for Education Policy and Secondary School Management in Kwara State

The analysis of education law, inequality and social justice reveals that achieving equitable educational opportunities requires deliberate action at the levels of policy formulation, institutional governance and school administration. For Kwara State, the implications extend beyond compliance with educational regulations to the development of management practices that protect learners' rights, address structural disadvantages and improve educational outcomes.

7.1 Strengthening Legal Literacy among School Administrators

School principals and other educational administrators should possess adequate knowledge of constitutional provisions, education legislation, child protection standards, disability rights and relevant administrative regulations. The Kwara State education authorities should integrate education law and school administration into leadership development and professional training programmes for principals and other management personnel. Such training should address students' rights, teacher responsibilities, disciplinary procedures, inclusive education, employment regulations, financial accountability and the legal responsibilities of school administrators. Improved legal literacy would strengthen administrative decision-making and reduce practices that violate established educational standards.

7.2 Institutionalising Equity-Based Resource Allocation

Educational authorities should adopt resource allocation arrangements that consider differences in school enrolment, infrastructure, geographical location, socio-economic conditions and instructional needs. Rather than relying exclusively on uniform allocation, additional support should be directed towards schools experiencing greater educational disadvantages. Principals should also develop school improvement plans that identify resource deficiencies and establish priorities for the effective utilisation of available facilities and funds. This approach is consistent with Rawlsian justice, which supports institutional arrangements that improve the circumstances of disadvantaged groups.

7.3 Strengthening Inclusive Education Management

Secondary schools should establish management practices that support the participation of learners from different social, economic and physical backgrounds. This requires the provision of

appropriate learning support, accessible school facilities, non-discriminatory admission practices and effective mechanisms for addressing bullying, harassment and other forms of exclusion. School administrators should also collaborate with relevant specialists, parents and educational authorities to identify and respond to the needs of learners requiring additional support. Inclusive education should be treated as an institutional responsibility rather than an optional programme dependent solely on the initiative of individual principals.

7.4 Improving Teacher Management and Professional Development

The equitable distribution and effective management of teachers are essential for reducing differences in educational quality among public secondary schools. Educational authorities should ensure that teacher deployment reflects subject requirements, school enrolment and geographical needs. They should also strengthen professional development opportunities, instructional supervision and teacher welfare. At the school level, principals should promote professional collaboration, fair workload distribution, mentoring and continuous evaluation of teaching practices. These measures would improve instructional effectiveness and strengthen students' opportunities to receive quality education.

7.5 Promoting Transparency and Institutional Accountability

Education authorities should strengthen mechanisms for monitoring school performance, resource utilisation and compliance with educational regulations. Principals should maintain accurate administrative and financial records, ensure transparent utilisation of school resources and provide appropriate channels through which teachers, parents and students can communicate concerns. School-based management committees and parent-teacher associations should be encouraged to participate meaningfully in school improvement and accountability processes. Effective accountability would help ensure that legal and policy commitments are reflected in actual school practices.

7.6 Strengthening Child Protection and Student Welfare

Secondary school administrators should establish comprehensive arrangements for protecting students from abuse, discrimination, bullying, exploitation and other threats to their welfare. School rules should be consistent with applicable child protection legislation and should promote fair, proportionate and corrective disciplinary practices. Guidance and counselling services should also be strengthened to address students' academic, behavioural, social and emotional needs. These measures would contribute to safe and supportive learning environments in which students can participate fully in educational activities.

7.7 Promoting Participatory and Democratic School Governance

Principals should promote institutional cultures that encourage consultation, shared responsibility and stakeholder participation. Teachers, students, parents and community representatives should be given appropriate opportunities to contribute to school development initiatives and decisions affecting educational welfare. Participatory governance would strengthen institutional

transparency, improve communication and promote a sense of collective responsibility for educational outcomes.

7.8 Addressing Digital and Geographical Inequality

Educational authorities should give greater attention to the unequal availability of digital infrastructure and learning resources among public secondary schools. Investment in electricity, internet connectivity, digital devices, computer laboratories and teacher digital competencies would help reduce technological disadvantages. Where digital facilities are limited, schools should adopt appropriate alternative arrangements to ensure that students are not excluded from learning opportunities because of their socio-economic circumstances or geographical location.

7.9 Strengthening Intergovernmental and Institutional Collaboration

The achievement of educational justice requires cooperation among the Federal Government, Kwara State Government, relevant educational agencies, local communities and civil society organisations. The state should strengthen coordination with federal educational intervention institutions, particularly in relation to teacher development, infrastructure improvement, inclusive education and educational quality assurance. Institutional collaboration should be supported by clearly defined responsibilities, transparent funding arrangements and regular monitoring of programme implementation.

8. Recommendations

Based on the theoretical and analytical discussions, the following recommendations are proposed:

1. Strengthen the legal framework for educational equity: Government should improve the implementation of existing educational legislation to ensure that constitutional and statutory commitments to educational access, inclusion and non-discrimination translate into practical obligations.
2. Improve educational financing: The Federal and State Governments should provide adequate and sustainable funding for education, with particular attention to schools and communities experiencing greater educational disadvantages.
3. Adopt needs-based resource allocation: The Kwara State Government should strengthen resource allocation mechanisms that consider differences in school population, geographical location, infrastructure, teacher requirements and socio-economic circumstances.
4. Strengthen legal and administrative training: Regular professional development programmes should be organised for principals and other educational administrators on education law, students' rights, child protection, inclusive education and institutional accountability.
5. Promote inclusive secondary education: Public secondary schools should implement practices that protect learners against discrimination and provide appropriate educational support for students with disabilities and other disadvantaged groups.

6. Improve teacher distribution and development: Government should ensure equitable teacher deployment, strengthen professional development and improve the conditions necessary for effective teaching and learning.
7. Strengthen institutional monitoring and accountability: Educational authorities should establish effective mechanisms for monitoring compliance with educational laws, evaluating school performance and ensuring transparent utilisation of public resources.
8. Promote participatory school management: Principals should strengthen collaboration with teachers, students, parents and community representatives in school governance and improvement initiatives.
9. Strengthen student welfare and school safety: Secondary schools should establish effective child protection, guidance and counselling, anti-bullying and school safety mechanisms in accordance with relevant legal provisions.
10. Reduce digital inequality: Government should improve access to digital infrastructure, electricity, internet connectivity and technological learning resources across public secondary schools, particularly those in underserved communities.
11. Promote intergovernmental collaboration: Federal and state educational institutions should strengthen coordination in policy implementation, funding, quality assurance and educational development.
12. Strengthen access to legal remedies: Government and relevant stakeholders should promote awareness of educational rights and improve access to appropriate complaint and redress mechanisms for learners, parents and educational personnel.

9. Conclusion

This study has examined the theoretical foundations of education law, inequality and social justice within Nigerian federalism, with particular attention to their implications for secondary school management in Kwara State. Drawing on rights-based theory, Rawlsian theory of justice, critical legal theory and the capability approach, the paper has established that education law provides an important institutional foundation for protecting educational rights, promoting equitable resource distribution, strengthening accountability and improving educational opportunities. The analysis demonstrates that educational inequality in Nigeria is influenced not only by individual and household circumstances but also by structural factors associated with federal governance, unequal fiscal capacity, institutional fragmentation and differences in the implementation of educational laws and policies. Although the Nigerian Constitution and relevant statutory instruments establish important commitments to educational access, compulsory basic education, child protection and inclusion, the practical realisation of these commitments remains constrained by weak enforcement, inadequate funding, administrative inefficiency and unequal resource distribution.

The implications for secondary school management in Kwara State are particularly significant. Principals and other educational administrators must recognise that effective school management extends beyond routine administrative responsibilities to include the protection of learners' rights, equitable distribution of resources, fair teacher management, inclusive educational practices, student welfare, institutional transparency and accountability. These responsibilities require school

administrators to possess adequate legal knowledge and apply socially just management principles in their daily administrative decisions.

The study concludes that education law can serve as an effective instrument for advancing social justice only when constitutional and statutory commitments are translated into practical institutional obligations. This requires adequate funding, effective enforcement, equitable resource allocation, participatory governance, legal awareness and sustained intergovernmental collaboration. Ultimately, the achievement of educational justice in Kwara State depends on the capacity of educational institutions to ensure that every learner, irrespective of socio-economic background, geographical location, gender or disability, has a fair opportunity to access quality secondary education and develop the capabilities required for meaningful participation in society.

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