



Tort Liability and Classroom Management in Public Secondary Schools in Bayelsa State

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Abstract

The study examined the implication of Tort Liabilities and Classroom Management in Public Secondary Schools in Bayelsa State. It further ascertains the importance of this aspect of education law in teacher's day to day activities in the school. Five (5) research questions and Five (5) null hypotheses were formulated to guide the study. The study adopted a descriptive design as working design. The populations of the study were two thousand nine-hundred and twenty one (2,921) male and female senior secondary school teachers in Bayelsa State as at year 2021/2022 by Bayelsa State Post Primary School Board. A sample size of 672 teachers from 47 senior secondary schools. However, the stratified proportionate random sampling techniques was used in the selection of the sample. The instrument used for the study was a structured questionnaire titled; "Tortuous Liability Assessment in Classroom Management" (TLACM). The instrument was validated and the reliability coefficient index of the instrument was established at 0.86. The analyses were done using the mean score and standard deviation to answer Five (5) research questions and z-test for the test of Five (5) null hypotheses at 0.05 level of significance. The findings showed that awareness of assault liabilities influence classroom management by increasing teachers' supervisory capacity, greater tendency to effect control as well as direct the activities of the class properly. The implication of battery, negligence to teachers was that the teachers will be held liable and pay damage for any injury inflicted on the students, ways of managing tort crime in classroom such as self-control by the teacher, provision of instructional material in the classroom etc. The study concluded that secondary school teachers owe the students the duty to provide reasonable care supervision and educational instructions and maintain an educational environment free from dangers. The study recommended that adequate orientation by government on the classroom tort liability should be given to teachers as the concept is relatively unpopular in our school system.

Keywords: Tort Liability, Battery, Assault, Classroom Management, Negligence.

Reference to this paper should be made as follows:

Deizighe, C. (2023). Tort liability and classroom management in public secondary schools in Bayelsa State. *International Journal of Scientific Research in Education*, 16(3), 288-301.

INTRODUCTION

Everything in creation is governed by laws. Thus, there are human laws that govern the social conduct of man and natural laws that govern natural phenomenon, customary laws that guiding the values, belief and norms of the society. Education like every other field of human discipline is guided by laws.

There are several laws in education that guide the administration of schools and the management of classroom such as the law of tort, contract and negligence, etc. Tort is any civil wrong existing independently of contract which may be malicious and intentional which may start by negligence or it may disregard others right. A tort refers to a civil wrong; other than breach of contract, and crime for which an injured person can bring civil actions in court to get justice against those who committed them. The civil wrong must, however, be legal rather than moral (Maduagwu, 2003).

In the classroom context, every action that may inflict damage or injuring to a student and student to another student in the management of the classroom which is under the supervision of the teacher is on the teacher, and students are responsible for injuring/inflicting action to a teacher in the classroom. There are basically two types of torts that are observed within the educational administration: intentional torts and negligence.

An intentional tort is an act committed by an individual in a way which impede the rights of another. According to Alexander (1980), it may result from intended act whether accomplished by enmity, antagonism, maliciousness, or no more than a good natured, practical joke. The common intentional tort that occurs in schools and classroom are battery, false imprisonment and assault. Battery is a situation where someone's right is bridged without the person's permission. Considering a classroom, a battery is an event when teacher, students or management touches a child or one student touches another in an offensive or harmful manner. Assault is an intentional tort committed without any form of physical "touch" taking place.

In the management of classroom, teachers are framed up for battery in executing their duty. Generally, the legal system is shying away from student's discipline, but some charge teachers or instructors guilty of battery and assault when the conduct is cruel, bad or excessive, and when the teacher plan to do harm to the students. On other stands, battery is the total and unjustified restriction of movement. Most often, instructors are charged for false imprisonment if they fail to release student to go home at the appointed time for no reason. Although teachers challenge stems to the intentional torts, like battery and assault, most legal actions against them in classroom management are brought under a theory of negligence. Negligence in tort is a relatively complex concept (Madwdsley, 2006).

In the management of classroom, negligence can be classified into four elements: The teacher is responsible for the student. Did the teacher fail that duty? Is the teacher's failure to fulfill his/her duty the cause of the student's injury? Did injury exist or occur? From the first element, in school, teachers owe students the duty to provide educational instruction and supervision, foster a conducive environment to aid student's learning and success. The teacher's liability rest on whether he/she expected foreseeable risk or dangers under the circumstances.

Teachers cannot provide all the safety needed, in all situations, but they are required to foresee the impact of their own action and provide a standard care and a conducive learning environment to pupils in the classrooms. But if a teacher fails to anticipate a possible risk and that failure cause harm to the students, he/she will bear the consequence. Therefore, teachers and

other school administrators should pay attention to those particular areas of the educational law that affect them in the classroom management owing to legal consequences. For example, there are cases abound in Nigeria where legal actions are taken against teachers in carrying out effective classroom management (Nwideeduh, 2003).

Therefore, teachers should be reasonable in dealing with students as they are liable for any act of negligence and misconduct perpetrated in the course of prosecuting their legitimate duties. This is the overriding consideration and inquiry, aimed to enquire into the impact of tort liability and classroom management in public secondary schools in Bayelsa State.

Statement of the Problem

A vital aspect of teaching is classroom management and control (Gilbert, 1975). A teacher cannot teach successfully if control is not in view or knows how to manage his classroom. Since teachers are the critical ingredient in the transmission of knowledge and worthwhile values, it becomes imperative that quality teachers should regularly be attracted to getting pupils better. The teacher is expected to play a crucial role in the transmission process.

Despite teaching, the teachers are saddled with the responsibility to care for the students. But this seems not to be the case in the most public secondary schools in Bayelsa state. There are cases of some teacher involvement in battery, negligence, false imprisonment and assault of students.

The question is whether the teachers are not conversant with the existing doctrine of tort and the basic human rights as they impact classroom management as well as their consequences. In spite of this, it is imperative to seek answers to the questions arising from the legal consequences of tort liabilities in our public secondary school structure in this study.

Aim and Objectives

The study examined tort liability and classroom management in public secondary schools in Bayelsa State. It specifically sought to:

- Examine teachers' awareness of assault that could influence classroom management in secondary schools in Bayelsa State.
- Ascertain the implication of battery in classroom management in secondary schools in Bayelsa State.
- Determine the implication of negligence in classroom management in public secondary schools in Bayelsa State.
- Find out the ways of managing tort crime in classroom management in public secondary schools in Bayelsa State.
- Examine the challenges of tort liabilities in classroom management in public secondary schools in Bayelsa State.

Research Questions

The following research questions guided the study:

- In what ways have teachers' awareness of assault influenced classroom management in public secondary schools in Bayelsa state?
- What are the implication of battery in classroom management in public secondary schools in Bayelsa state?
- What are the implication of negligence in classroom management in public secondary schools in Bayelsa State?
- What are the ways tort crime could be managed in classroom management in public secondary schools in Bayelsa state?
- What are the challenges of tort liability in classroom management in public secondary school in Bayelsa State?

Hypotheses

The following hypotheses were used in the course of this study:

- There is no significant difference between the mean scores of male and female teachers on the ways teachers awareness of assault have influenced classroom management in public secondary schools in Bayelsa state.
- There is no significant difference between the mean scores of upland and Riverine teachers on the consequences of battery in classroom management in public secondary schools in Bayelsa state.
- There is no significant difference between the mean scores of male and female teachers on the consequences of negligence in classroom management in public secondary schools in Bayelsa state.
- There is no significant difference between the mean scores of male and female teachers on the ways tort crime can be managed in secondary schools in Bayelsa state.
- There is no significant difference between the mean scores of upland and Riverine teachers on the challenges of tort liability in classroom management in public secondary schools in Bayelsa state.

Theoretical Framework

The theory of this study is derived from the judicial theory hinged on (rule of law). The rule of law was first conceived by Professor A.V. Dicey in his scholarly master piece in 1885. The rule of law encapsulates three major principles, which though are separate but in practice overlap with one another. They include the supremacy of the law, equality and subject to the law and guarantee and respect of human rights. Appadorai in Igwe (2003) and Igew (2003), maintained that the rule of law means three things: No man is punishable or can be lawfully made to suffer in body or goods, except for a distinct breach of law, established in the ordinary legal manner before the ordinary court of the land. No man is above the ordinary law, that is, there is only one law for all.

In this sense, the rule of law abdicates the idea of any exemption of teachers or others from the duty of obedience to the law which governs other citizens. The general principle of the constitution states that every citizen in the country should enjoy equal basic rights and liberties under the law. To this stand, this study examines the right to freedom of speech, right to life,

freedom from discrimination and right to freedom from movement. Although the theory of the rule of law have made every right clearly in the school system. Teachers in public secondary schools can fall victims of tort liability in their management of students who are under their care. They can be punished legally when they inflict any injury or damage, kill and threaten any student, because the rule of law.

The theory means that everything must be done in accordance with the law, that everybody is equal and subject to the law irrespective of status, teachers, student and principals or wealth as well as the guarantee of human rights. Therefore, school management must operate in line with specifications and prescriptions of the rule of law in their respective administrative and pedagogical interactions with the students to avoid certain possible legal consequences.

Classroom Management

Classroom management is seen as the strategy and method an educator adopt in order to a learning environment that is suitable to student's performance. In the words of Fiore (2009), in Adiele et al. (2010), classroom management involves activities by which teachers establish and maintain conditions that enable individuals in the classroom to apply all their natural and creative talents to the challenge of educational tasks instead of wasting their energies on disruptive activities. As researchers, we see classroom management as the ability of the teacher to organize and controls the internal environment of the classroom free from disruption in order to achieve lesson objectives.

Negligence

The term negligence in tort is a complex concept. Although it is roughly equivalent to carelessness, it is no doubt something more than a careless conduct; it is a form of legal accountability. According to Peretomode (2004) negligence is a failure or breach of a legal duty to exercise due – care when there is a foreseeable risk of harm or damage to another. A primary test to determine if there has been negligence is the test of foreseeability.

Renmlein and War in Peretomode (2004) pointed out that when a reasonably prudent man could have foreseen the harmful consequences of his act, the actor in disregarding the foreseeable consequences is liable for negligence conduct, when this general rule is applied to school law or teacher, principal, student relationship, we may say that if a reasonable prudent teacher or principal could have foreseen that a student might be injured by some act of his own or others in the management of the classroom, the teacher is liable if he disregards these foreseeable consequences.

METHODOLOGY

The research design adopted for this study is descriptive survey design. The population of the study comprised of 2,921 senior secondary school teachers from 297 public senior secondary schools in Bayelsa state. The sample consisted of 672 respondents made up of 338 male and 334 females teachers from 47 schools were used. The instrument for data collection was a structured self-design questionnaire titled "Tortuous Liability Assessment in Classroom Management" (TLACMQ). The instrument was divided into two parts, 'A' and 'B'. Part A sought to know the

personal data, including name of school, gender, age and qualification of the respondent while part B designed to examine the problems contained in the research questions generated for the study. The instrument was validated by experts with a reliability of 0.86 indicating that the instrument was very reliable for the study. The research questions were answered using mean on the criterion of 2.50, while hypotheses was tested using z-test statistics at 0.05 level of significance.

RESULTS

Research Question 1: In what ways do male teachers awareness of assault influenced classroom management in Secondary Schools in Bayelsa State?

Table 1: Total number of mean scores and standard deviation of respondents' opinions on the ways male/female teachers' awareness of assault liabilities would influence classroom management in Bayelsa State

S/N	Questionnaire	Male			Female		
		\bar{X}	SD	Ranking	\bar{X}	SD	Ranking
1	Teachers awareness of assault compel them to exercise appreciable duty of care and precaution.	2.93	1.20	2nd	2.73	1.44	3 rd
2	Awareness of assault liability enable the teacher to be more effective in managing the classroom.	2.41	1.19	3rd	2.89	1.18	2 nd
3	Awareness of assault enable teachers to effectively control the classroom without threatening the students.	1.32	3.21	14	1.24	3.03	1st
4	Teachers awareness of assault help them to guide themselves against use of weapon on a student as a means of correction.	1.18	1.89	5th	1.18	2.76	5th
5	Awareness of assault guide the teachers to direct the students effectively without beating the students as a means of correction.	1.22	2.16	2nd	1.13	2.89	2 nd
Aggregate			1.22	2.98		1.23	2.80

From the information contain in table 1, item 1 – 5 exceed the criterion mean scores of 2.50. This was a strong indication that the position stated in the questionnaire items are considered tenable and accepted by majority of the respondents. Hence, it could be inferred from table 1 that teachers awareness of assault liabilities influences classroom management in Bayelsa State as it ensured effective supervision, control, duty of care as well as administration of the classroom.

Research Question 2: What are the consequences of battery in classroom management in public secondary schools in Bayelsa State?

Table 2: Total number of mean scores and standard deviation of respondents opinions on the consequences of battery in classroom management in Bayelsa State

S/N	Questionnaire	Male			Female		
		\bar{X}	SD	Ranking	\bar{X}	SD	Ranking
6	Flogging of students by the teacher that can result to loss of life or permanent injury to students will lead to legal action against the teacher.	3.02	1.24	1st	2.98	1.22	1st
7	Stoning students with chalk while sleeping in the classroom by the teacher that result to injury to the student, the teacher may be found wanting in the discharge of his or her duty as a professional misconduct.	2.82	1.16	5 th	2.50	1.12	5 th
8	Where teachers are convicted of tortuous offences like battery, they are liable to pay damage according to the constitution.	2.96	1.21	3 rd	2.73	1.14	3 rd
9	Punishment like flogging and drawing of ear as corrective measure by the teacher that inflict injury on the student, the teacher will be held liable and pay for the damage.	2.08	1.20	4 th	2.72	1.26	4 th
10	Slapping of students by the teacher that can result to deaf of the students ear, the teacher will be held liable for wrong doing.	2.99	1.49	2 nd	2.85	1.17	2 nd
Aggregate		2.94	1.26		2.76	1.17	

From table 2, the mean score of items 6 – 10 exceeds the criterion value of 2.50, therefore the position expressed in these items are accepted as correct. By this, the consequence of battery on classroom management in secondary schools in Bayelsa State was that the teachers will be held accountable and pay damage for any injury inflicted on the student. The teachers are legally restricted from inflicting injury on the student.

Research Question 3: What is the consequences of negligence in classroom management in Public Secondary Schools in Bayelsa State?

Table 3: Total number of means scores and standard deviation of respondents on the consequences of negligence in classroom management in Bayelsa State

S/N	Questionnaire	Male			Female		
		\bar{X}	SD	Ranking	\bar{X}	SD	Ranking
11	Fear and mental anxiety instilled on a student by the teacher that can be injurious will lead to uncondusive classroom climate and litigation.	2.89	1.18	2nd	1.18	1.18	2 nd
12	The use of derogatory language on students by the teacher could make the student to be	2.76	1.15	5th	1.17	1.17	1 st

13	uninterested in the teacher and his subject. Failure of the teacher to settle students disagreement and quarrels can escalate into unmanageable level of classroom climate.	2.89	1.18	3rd	1.18	1.18	4th
14	Teachers habitual absence that could create room for students to fight and injure themselves, the teacher will be held liable	2.82	1.16	4th	1.12	1.12	5 th
15	Excessive administration of punishment that could result to physical and psychological injury, the teacher will be held liable.	2.96	1.22	1st	1.13	1.13	3rd
Aggregate		2.86	1.18			2.70	1.15

From the information gathered from Table 3, it could be seen that questionnaire items 11 – 15 have means that are above the criterion mean. Therefore the position expressed in the questionnaire items are accepted on the other hand, the consequences of negligence in classroom management in secondary school are loss of interest by the students, difficulty in managing the affairs of the class and the risk of serious disagreement among parties.

Research Question 4: What are the ways, tort crime could be managed in classroom management in Public Secondary Schools in Bayelsa State?

Table 4: Total number of mean scores and standard deviation of respondents opinions on the ways tort crime could be managed in classroom management in Public Secondary Schools in Bayelsa State

S/N	Questionnaire	Male			Female		
		\bar{X}	SD	Ranking	\bar{X}	SD	Ranking
21	The care of students under teachers control will help them to manage tort crime in classroom.	3.02	1.24	1st	2.98	1.22	1st
22	Teachers self-control could help them to manage tort crime in classroom management.	2.82	1.16	5th	2.50	1.12	5th
23	Awareness of school rules and regulation by the students will help to manage tort crime in classroom management.	2.96	1.21	3rd	2.73	1.14	3rd
24	Punishment given to the students should not be cruel, should be in line with the criteria decided by the court.	2.93	1.20	4th	2.72	1.20	4th
25	Adequate orientation by government on classroom tort liability will enable teachers to guide themselves against tort offences in classroom.	2.99	1.49	2nd	2.85	1.17	2nd
Aggregate		2.94	1.21			2.69	1.19

From Table 4, the mean score of items 21–25 exceeds the criterion value of 2.50. Therefore the position expressed in these items are accepted as correct. By consequences, it is the duty of teachers to take standard care of the students in the classroom, self-control by the teacher in the management of classroom, students abiding to the code of conduct of school rules and regulation

and adequate orientation by the government on tort liabilities in classroom management will reduce tort crimes in public senior secondary schools in Bayelsa State.

Research Question 5: What are the challenges of tort liability in classroom management in Public Secondary School in Bayelsa State?

Table 5: Total number of mean scores and standard deviation of respondents opinions on the challenges of tort liability in classroom management in Public Secondary Schools in Bayelsa State

S/N	Questionnaire	Male			Female		
		\bar{X}	SD	Ranking	\bar{X}	SD	Ranking
26	Inadequate instructional material in the classroom is a challenge to tort liabilities in classroom management.	2.89	1.18	2nd	1.18	1.18	2 nd
27	Bad behaviour of students in the classroom to the teacher is a challenge to tort liabilities in classroom management.	2.76	1.15	5th	1.17	1.17	1 st
28	Inadequate payment of teachers' salaries is a challenge to classroom tort liabilities.	2.89	1.18	3rd	1.18	1.18	4 th
29	Contribution by the plaintiff is a challenge to tort liability in classroom management.	2.82	1.16	4 th	1.13	1.12	5 th
30	Lack of adequate orientation by government on the classroom tort liability is a challenge to classroom tort management.	2.96	1.22	1 st	1.14	1.13	3rd
Aggregate		2.87	1.18		2.72	1.15	

From Table 5, the mean score of items 26–30 exceed the criterion value of 2.50. Therefore the positions expressed in these items are accepted as correct. It implies that inadequate instructional material in the classroom, bad behaviour of students in the classroom to the teacher and inadequate payment of salaries is a challenge to tort liabilities in classroom management in Public Secondary Schools in Bayelsa State.

Test of Hypotheses

Hypothesis 1: There is no significant difference between the mean scores of male and female teachers on the ways teachers awareness of assault have influenced classroom management in public secondary schools in Bayelsa State.

Table 6: Mean, standard deviation and z-test analysis of the teachers, awareness of assault have influenced classroom management

S/N	Group	N	\bar{x}	S.D	DF	Z-cal	Z-critical	Decision
1	Male	338	3.02	1.24	670	0.933	1.960	Ho ₁ accepted
2	Female	334	2.88	1.29				

Table 7 shows that the z – calculated value of 0.933 is less than the z-critical value of 1.96 at 0.05 level of significance with the degree of freedom at 670. The null hypothesis was accepted. This means that both male and female teachers acknowledge the immense influence of assault to classroom management.

Hypothesis 2: There is no significant difference between the mean scores of upland and riverine teachers on the implication of battery in classroom management in public secondary schools in Bayelsa State.

Table 7: Mean, standard deviation and z-test analysis of the teachers on the implication of battery in classroom management

S/N	Group	N	\bar{x}	S.D	DF	Z-cal	Z-critical	Decision
1	Male	338	2.94	1.21	670	1.62	1.96	Ho ₂ accepted
2	Female	334	2.72	1.13				

Table 7 reveal that the z-calculated value of 1.62 is less than the z-critical value of 1.96 at 0.05 level of significance with the degree of freedom at 670. The null hypothesis were accepted. Implying that both male and female teachers are in complete agreement regarding the implications of battery in classroom management.

Hypothesis 3: There is no significant difference between the mean scores of male and female teachers on the implication of negligence in classroom management.

Table 8: Mean, standard deviation and z-test analysis of the teachers on the implication of negligence in classroom management

S/N	Group	N	\bar{x}	S.D	DF	Z-cal	Z-critical	Decision
1	Male	338	2.94	1.21	670	1.62	1.96	Ho ₃ accepted
2	Female	334	2.72	1.13				

In Table 8 the z-calculated value of 1.62 is less than the z-critical value of 1.96 at 0.05 level of significance with the degree of freedom at 670. The null hypothesis were therefore accepted, implying that there was no significant difference regard to the implications of negligence in classroom management in secondary school in Bayelsa state.

Hypothesis 4: There is no significant difference between the mean scores of male and female teachers on the ways tort crime can be managed in secondary schools in Bayelsa State.

Table 9: Mean, standard deviation and z-test analysis of the teachers on the ways tort crime can be managed in secondary schools in Bayelsa State

S/N	Group	N	\bar{x}	S.D	DF	Z-cal	Z-critical	Decision
1	Male	338	2.94	2.25	670	1.05	1.96	Ho ₅ accepted
2	Female	334	2.70	1.19				

In Table 9, the z-calculated value of 1.05 is less than the z-critical value of 1.96 at 0.05 level of significance with the degree of freedom at 670. The null hypothesis were accepted implying that there was no significant difference between the male and female teacher on the ways tort crime can be managed in secondary schools in Bayelsa State.

Hypothesis 5: There is no significant difference between the mean scores of upland and riverine teachers on the challenges of tort liability in classroom management in public secondary schools in Bayelsa state.

Table 10: Mean, standard deviation and z-test analysis of the teachers on the challenges of tort liability in classroom management in public secondary schools in Bayelsa State.

S/N	Group	N	\bar{x}	S.D	DF	Z-cal	Z-critical	Decision
1	Male	338	2.87	1.18	670	1.05	1.96	Ho ₅
2	Female	334	2.72	1.15				accepted

The data in Table 10 above shows that the z-calculated value of 1.05 is less than the z-critical value of 1.96 at 0.05 level of significance with 670 degree of freedom. The null hypothesis were accepted. This means that there is no significant difference between the mean scores of upland and riverine teachers on the challenges of tort liability in classroom management in public secondary schools in Bayelsa state.

DISCUSSION OF FINDINGS

The ways teachers' awareness of assault influenced classroom management in secondary school in Bayelsa state. The findings on research question one and hypothesis one revealed that teachers awareness of assault liabilities influenced effective classroom management in a number of ways; among which are increased supervisory capacity; greater tendency to effect control as well as direct the activities of the class properly. It also enable them to exercise utmost care as well as take adequate precautions in managing the classes, as great legal consequences awaits any act of negligence.

This finding was in tandem with the views of Akinboye and Okorie (2002), who opined that teacher seem to exercise more caution when they are aware of their vulnerability for both intentional and negligence torts. He argued that legally informed teachers have employed various precautionary measures including warning students of risk inherent in certain activities, such as experiments and avoiding physical assault etc. In these ways they can conveniently avoid crossing the "red line" on the tort liability of the classroom teacher.

Implication of Battery in Classroom Management in Secondary Schools in Bayelsa State

The implications of battery in classroom management in secondary schools. The finding on research question two and hypothesis two showed that the implication of battery in classroom management was that the teachers will be held liable and pay damage for any injury inflicted on the student. The teachers are legally restricted from inflicting injury on the student.

Implication of Negligence in Classroom Management in Secondary Schools in Bayelsa State

The research question three and hypothesis three findings showed that negligence in classroom management can have serious implications, both on the students and the teacher themselves. On the part of the students, it could lead to loss of interest in the ability of the teacher; it could lead to quarrel, disagreement and all manner of misbehavior among students. At the extreme, it could result to fighting among students, and even death. On the part of the teacher, negligence could result to damage and legal action against him. According to Rogers (2000) and Sam and Uzoma (2014), negligence was the breach of a legal duty to care which results in damage, undesired by the defendant to the plaintiff.

The Ways of Managing Tort Crime in Classroom Management in Secondary Schools in Bayelsa State

The research question four and hypothesis four showed that tort crime in classroom can be manage by the following ways; among which are teachers taking standard care on the student in the classroom, self-control by the teacher in the management of the classroom. Students abiding to the code of conduct of school rules and regulation, provision of instructional material in the classroom, and adequate orientation by the government on tort liabilities in classroom management.

The Challenges of Tort Liability in Classroom Management in Public Secondary Schools

The findings on research question five and hypothesis five revealed that the challenges to tort liabilities in classroom management are bad behaviour of students in the classroom to the teacher, inadequate instructional material in the classroom, contribution by the plaintiff during punishment given in the classroom and inadequate payment of salaries of teachers is a serious challenge to tort liabilities in classroom management in public secondary schools in Bayelsa state.

CONCLUSION

Considering the aim and findings of this study, it was concluded that secondary school teachers owed students enormous duty of care under the “act of tort”. Teachers’ liability involved intentional and unintentional torts, such as Assault, Battery, Negligence and Slander. Teachers owe the students the duty to care, supervision and educational instructions and maintain an educational environment free of dangers. It is also concluded that teachers are not fully aware of the consequences of battery and negligence in classroom management. Classroom teachers do not have adequate knowledge of the concept of tort in classroom management. The researcher believe that tort liability in classroom can be reduced to the barest minimum if only the ways as

identified in the study can be practically applied to overcome it.

Recommendations

Based on the findings of this study, the following recommendations were made:

- Educational law should be made as a compulsory course in all teachers training institute in Nigeria.
- There should be need to safeguard students by strictly adhering to the rule of law. To this end, Ejike (1984) stated that the rule of law gives all students equal protection before the law.
- Teachers should be given adequate orientation by government on the classroom tort liability, as the concept was relatively unpopular in our school system. This will enable them to guide themselves against tortuous offences.
- Teachers should also be enlightened on the danger of corporal punishment (Eferekeye, 2004) in classroom as it is no longer functional in this present age, but majority of teachers still use it, causing a lot of agitation and confrontations from parents. Teachers should be discouraged from using it.

REFERENCES

- Adiele, E., Mark, B., & Abraham L. (2010). *Introduction to teaching profession*. Harey Publication.
- Akinboye, O. G., & Okorie, N.C. (2002). *Classroom management*. Fredsbarry printers and publishers.
- Alexander, B. J. (2008). From continent to virtue: *Recovering goodness, character, and character types for positive psychology*. Theory Psychology.
- Dicey, D. (2000). *Culture and psychology*. Thomson learning, U.S.A.
- Eferekeye, E. (2004). *Corporal punishment in primary and secondary schools: The legal position*. Eusless Book publishers.
- Gilbert, H. (1975). *The art of teaching*. Methuel.
- Igwe, L. E. B. (2003). *A survey of the legal implications of principals role performance in secondary school administration in Rivers State*. An unpublished Ph.D. Dissertation, University of Port Harcourt.
- Igwe, L. E. B. (2003). *Elements of education law*. Pam Unique Publishing.
- Maduagwu, S. N. (2003). *Education law-legal aspect of school administration*. Emhai printing and Publishing.
- Madwdsley, A. H. (2006). *Bullying in schools and what to do about it*. Jessica Kingsley.
- Mccarthy, M. M., & Cambron N. H. (2001). *Public school law, teachers and student's Right (second edition)*. Online Readings from <http://eric.ed.gov/ericiveb> portal home portal. 10-13-2014 (internet).
- Nwideeduh S. B. (2003). Maintaining effective classroom control and discipline. In S. Nwideeduh. *Focus on effective teaching in schools*. Paragraphics.
- Peretomode, V. F. (2004). *Education. Principles, cases and materials on schools*. International Universities Press.
- Rogers, R. E. (2000). *The political process in modern organization*. Exposition press.

Sam, N. M., & Uzoma, J. N. (2014). *Education law and politics of Education in Nigeria*. Chadik Printing Press.

