Dilemmas at Jim Mullins Elementary:  
Bothering or Battery?  
Natural Hazard or Negligence?

Abstract

Dilemmas at Jim Mullins Elementary involves an elementary teacher whose emptying of a water bucket leads to punches and hurt children. The principal must face difficult legal decisions as a union official and parents push for action against the teachers and as parents defend their children’s actions in the aftermath of the incident. The situation worsens when the constitutional rights of free speech and freedom of the press come into play when the local media show up to interview a parent. Readers will have the opportunity to apply their understanding of the education code, case law, and the Constitution to analyze and make decisions regarding the case.

Introduction

In recent years, the American public has witnessed an increase in school shootings and other forms of school violence; some incidents are racially charged, and some are not. It is necessary, now more than ever, for teachers to combat discrimination and to promote positive ways of resolving conflicts through discussions of history and serving as a role model.

The following case study is based on an actual event that occurred in an elementary school. Much of the details surrounding the main punching event, however, are embellished or added for additional conflict and conversation points. Additionally, people’s names and the location have been changed.
Description of School

Jim Mullins Elementary is located in a low-income neighborhood in the middle of the Los Angeles Unified School District. The school is very diverse; 65% of the students are Hispanic, 24% are White (not Hispanic), 6% are African American, and 5% are Asian or American Indian. Almost half of the school population is classified as having Limited English Proficiency. Because 76% of the students qualify for free or reduced-price lunches, the school is also designated as Title I. Additionally, the school has failed to make adequate yearly progress according to NCLB and was designated in need of improvement (Year 2).

The transiency rate at the school fluctuates around 30%; these children move among several schools during the year. Often times the only consistency many of these students have in their lives is in the classroom with their teachers. That said, it is also not uncommon for at least one teacher to move schools or positions during the year; a few months prior to the incident which will be presented, the vice-principal left the school and a new one took over.

Weather in the area is consistently hot, especially at the beginning and end of the school year. Children are not given a recess period except for after lunch. Due to the slow process of receiving, eating, and being dismissed from lunch, the children usually have only five minutes to play outside. Students have a one-hour physical education period once or twice a week depending on where their class falls in the rotation.
Description of Principal

Dr. Madison, the principal of Jim Mullins Elementary, is a white, female who has served as principal of the school for about five years. She has a doctorate degree and encourages her staff members to continually improve their educations, either through staff development or through district and university classes. Although she has to drive over an hour across the city to get to work, Dr. Madison is rarely late.

Because she has worked at the school for so long, Dr. Madison has come to rely on certain members of the staff when she needs help. To many, it appears that she gives preferential treatment to these teachers, especially as she often “gives in” to members of the staff who are characterized by their peers as being difficult and pushy. Additionally, rumors among the teachers hint that Dr. Madison avoids confronting staff members if she believes it could result in much controversy. She has definitely had her fill of dealing with children with behavior problems and complaining parents, so she tries to avoid any extra drama that she can.

Description of Key Players

Mrs. Lock

Mrs. Lock is a tall, African-American woman who has taught for over ten years. While she has taught upper elementary students in the past, she opted to move to the first grade a few years ago. She does not have many close friends on the staff, and those she does have—like herself—are among the staff the other teachers feel Dr. Madison “gives in to” frequently.
It is a rare occurrence when Mrs. Lock shows up to meetings on time—if at all. She also fails to monitor the playground in the morning and after school when it is her assigned day. Additionally, Mrs. Lock ignores many of the requirements enacted by the principal and rules governing the school. For example, when administering a standardized test to her class, Mrs. Lock explained problems to the students and gave them hints; whereas, she was only supposed to read the directions. Despite her reputation among members of the staff as being detached and grumpy, children give her hugs, and parents like her.

Mr. Sinnell

Mr. Sinnell—a Caucasian male of medium height and skinny build—is relatively new to teaching and the school. He has taught for three years, all of which have been in the second grade. Mr. Sinnell is considered extremely friendly by the staff, to the point where they avoid talking to him for fear of never escaping the conversation. Although he expresses a desire to help children learn and is incredibly kind, Mr. Sinnell demonstrates little patience and poor classroom or behavior management skills. In fact, for his first two years of teaching, the administration assigned a mentor to Mr. Sinnell in the hopes he could improve in these areas.

While he no longer has a mentor, his performance has failed to progress significantly. Several teachers have complained amongst each other that he speaks too loud—almost to the point of yelling—during the majority of his classes. Oblivious to any negative talk, Mr. Sinnell continues to come to school early and leave late every day. He remains dedicated to helping his students learn.
Darren, the First-Grade Bully

Darren began first grade with a rough start. On the first day of school he broke all of his pencils and crayons in half and shoved four students on the playground after lunch. Darren also appeared to enjoy throwing food and swearing. Over the course of the year he has been suspended on numerous occasions for threatening and hitting other students. While Mrs. Lock agrees that he is slowly developing more control, Darren needs to be watched with a close eye. Due to his numerous suspensions, Darren and his family have been warned that he will be expelled should he harm any more students.

Background

Field Day

Every year, in the spring when the weather starts to get hot again, the physical education teacher organizes and runs a school-wide field day. Field day consists of a variety of exercise- or movement-related games that children play in teams; about half of the activities include water. The water activities take place on the blacktop, and the other activities take place on the grass. Because children tend to get very wet, teachers encourage students to bring a change of clothes to school.

On field day, classrooms are paired up so that there are about the same number of children at each station at the same time. Teachers move with the classes from station to station and help explain to the students what they need to do. The physical education teacher and principal circulate throughout the activities. Parents are invited
to come watch their children, and they sit or stand near the school building and watch their children on the playground.

For activities that require water, hoses are available to refill play pools and buckets, which are part of the activities. Teachers guard the hoses and oftentimes get into the spirit of the games by spraying students as they complete their relays. Children love the water activities, and one can often hear squeals of delight coming from these sections of the playground.

**Water**

Much to the excitement of the students, teachers will occasionally spray another teacher with the hose. This has caused problems in the past when teachers who did not have a change of clothes got wet. Consequently, prior to field day, teachers voluntarily circulate a list on which teachers can indicate whether they want to get wet or do not want to get wet. Mrs. Lock, as she does every year, indicated that she did not want to get wet. Mr. Sinnell, on the other hand, wrote that getting wet would be okay. The physical education teacher emailed a copy of the list to all staff members involved in the field day. Many of the teachers glanced at the list briefly or not at all.

**Problem**

*To get wet or not to get wet?*

The day of field day festivities arrived, and teachers received their instructions regarding which station their class should start at. Mrs. Lock’s first grade class was paired with Mr. Sinnell’s second grade class; they were to start at station 4 (out of 7),
the first of the non-water activities. The two of them guided their students through a few
relays and stopped at station 7 for their snack break. After their fifteen minutes for
snack were up, they proceeded to station one, a water relay activity.

At station one, students formed four lines about 25 feet away from a play,
inflatable pool. A hose was draped over the side of the pool to keep it continuously
filled. Students at the heads of the relay lines had to take a cup (which had a hole in the
bottom), walk quickly to the pool, fill up their cups, walk quickly back to a bucket at the
head of their lines, and empty their cups. Because of the holes in the cups, students
were not able to add much water each trip. Students were expressly instructed to walk
because the pavement was wet, and teachers did not want them to slip.

The children excitedly got into position, and the fun began. Four students at a
time briskly walked to the pool, cups in hand, and attempted to capture as much water
as they could. For added excitement, Mr. Sinnell grabbed the hose and soaked children
as they came to fill up their cups. Every once in a while, a child would attempt to throw
the water from the cups at Mr. Sinnell; sometimes they were successful! Laughter
abounded, both from the children and the numerous parents watching nearby. Mrs.
Lock stood to the side, avoiding the spray of the water, with her arms crossed and a
slight smile on her face as the children played.

Her smile soon disappeared, however, when Mr. Sinnell turned to spray a child
who was returning to his line. In the process of spraying the child, Mr. Sinnell got Mrs.
Lock wet. Since the children were cheering and laughing and he had not noticed the
change in her mood, he sprayed her once more for fun. The spraying did not last longer than five seconds total. Mrs. Lock was furious! Yelling that she did not want to get wet, Mrs. Lock strode toward Mr. Sinnell and punched him in the shoulder. The force of the punch stunned Mr. Sinnell, who stumbled backwards as Mrs. Lock stomped off to her classroom, leaving her students behind.

Everything became a blur for Mr. Sinnell. At sight of the punch, a teacher at the neighboring station radioed the principal who requested that Mr. Sinnell and Mrs. Lock meet her in her office. Holding his shoulder, Mr. Sinnell slowly walked in the direction of the office.

*Parents will Talk.*

On-looking parents expressed shock at the event that had just unfolded before their eyes. Adults close to the incident filled in those who had been watching students at the second station. Rumors started to circulate that Mrs. Lock would be fired. Mrs. Perez, one of the mothers who looked up to Mrs. Lock, was upset by the incident and the rumors. She could not let this be Mrs. Lock’s fault. She had to make sure Mr. Sinnell got all the heat. Spraying her with water was clearly a racial attack Mrs. Perez decided, and she planned to set the record straight. Quietly, she called the local action news station.

*What about the Children?*

After Mr. Sinnell left, and as another teacher was making her way over to watch the activity in his place, chaos ensued. While the parents watched, the children continued filling their cups with water and playing the game. One student grabbed the
hose and started soaking students. Students began moving faster and faster until some students were running. As she was slowing down upon nearing the pool, Maria Torres slipped and fell hard on the slick pavement. Blood began trickling from a large cut on her leg, and Maria could not put pressure on her ankle. Distraught, Mr. Torres, her father, gently picked her up and carried her to the nurse’s office.

Also within the space of a few minutes, Darren—the terror of the first grade that found the punching incident quite funny—decided he would copy his teacher’s actions and punched the boy standing next to him in line. Trevor Smith fell to the ground screaming. At that moment, a teacher from station 6 arrived and, asking a teacher from station 2 to take over, walked both boys to the office. The parents of the boys started to follow but stopped as they became involved in a heated argument.

Meanwhile, in the principal’s office...

Dr. Madison sat in her office with Mr. Sinnell. She had just gotten off the phone with Mrs. Lock who was in her classroom. Apparently Mrs. Lock had contacted her union representative and refused to talk until the representative was present. Dr. Madison sighed and asked Mr. Sinnell for his version of what happened. He explained that he had been spraying the children with the hose and got Mrs. Lock wet. He asserted that he had not meant to upset her, but Mrs. Lock got very angry and punched him in the shoulder. On mentioning his shoulder, he touched it and flinched. Dr. Madison asked him how his shoulder was. He said there was a huge black and blue mark but insisted that he did not want to press charges against Mrs. Lock. After further discussion, Dr. Madison told Mr. Sinnell to go home for the rest of the day and then
called Mrs. Lock and told her to do the same. She then called the literacy specialist and ELL teacher and asked them to take over their classes for the rest of the day.

It wasn’t until she hung up the phone that she noticed the message light blinking.

With a feeling of dread she listened to the three messages.

**Message #1:**
“Dr. Madison, this is Superintendent Lee. I just received a call from a friend who does the weather forecast at the local action news station. She said there’s talk of a news crew being sent to your school. What’s going on over there? I expect to be fully briefed if there is a problem. I don’t want any surprises!”

**Dr. Madison’s Thoughts:**
*A news crew? How would a news crew know about this? What am I going to tell Mr. Lee? This is the last thing I need. What do I do if a news crew does show up?*

**Message #2:**
“Dr. Madison, this is Luke Barrettsen from Rupert and Rupert law offices. I’m calling on behalf of Mr. And Mrs. Torres. Their child slipped on the wet pavement today and broke her ankle, and there were no teachers supervising. The Torres’ are suing the school for negligence. You can expect to hear from us.”

**Dr. Madison’s Thoughts:**
*What happened? What is going on today? I know I sent a teacher over to station one when I asked Mrs. Lock and Mr. Sinnell to meet me in my office. I have to talk to the teachers who might have seen what happened!*

**Message #3:**
“Hello. My name is Louise, a representative from the union office. Mrs. Lock has spoken with me, and I would like to request a meeting with, um, with the relevant parties to discuss her case regarding the incident during…the field day activities. I want to be sure she receives equal treatment. I expect that we can schedule a meeting as soon as possible. Thank you.”

**Dr. Madison’s Thoughts:**
*Louise? Great, she’s the really tough one to work with…equal treatment? What does she think happened? I have a feeling I will have a lot of meetings tomorrow.*
Before she could even organize her thoughts, the secretary burst in and handed her a note:

**Note #1:**  
Principal,

I do not like the way my child’s teacher Mrs. Lock acted today. My Abigail is scared of her teacher now. This is not okay. I want to put my child in another class. Maybe with Ms. Bea. She is nice. I hope she can move to her new class tomorrow. I do not have a phone but will come with my daughter to school tomorrow.

From,  
Mrs. Martinez

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**Dr. Madison’s Thoughts While Reading:**  
Hmm…Abigail is very shy. This is such a disaster. All of the other first grade classes have at least two more students in them than Mrs. Lock’s class. The teachers will throw a fit if I add another student to their roster, and at the rate things are going I won’t have time to meet with anyone to discuss this!

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After Dr. Madison finished reading the note, the secretary broke the news that Darren was in the office for punching, Trevor was in the nurse’s office, and their parents were fighting outside. Barely able to remain calm, Dr. Madison requested that the parents come to her office to work out their problems and settle the matter.

**Discussion with Darren’s mother and Trevor’s mother**  
Dr. Madison asked Trevor’s mom to explain her version of what happened between Darren and Trevor.

**Mrs. Smith**  
All of a sudden that evil boy Darren turned around in the relay line and punched my dear Trevor! He didn’t even say anything or do anything to him! This is completely uncalled for, and I want him out of here! I know he has a history of being a terror, and he obviously isn’t getting any better!
Dr. Madison couldn’t help but secretly agree with Mrs. Smith. Part of her would be happy not to have to deal with Darren again. He had caused his share of trouble.

**Darren’s Mother**  
That is completely unfair! Darren hasn’t been in trouble for a month now! He is really trying to improve. Besides, he was only copying his teacher. It’s her fault. She’s supposed to be a role model! If anyone should be expelled it should be her. In fact, if Darren is expelled, I’m going to sue.

Fully upset, Darren’s mother stormed out of the room. Dr. Madison sat frozen. While it was true that they had said Darren would be expelled if he had any more violent incidents, his mother may have a point. Could she really sue?

**Mrs. Smith**  
I want that boy out of here. You had better tell me what you are going to do about this!

Before Dr. Madison could respond, the media specialist ran into the office declaring that a news crew just pulled up outside the school, and Mrs. Perez, a parent, was talking to the people in the van. All she had overheard was “He is white – it’s a racial attack.” Dr. Madison felt a migraine coming on.

**Teaching Notes**  
This case study, Dilemmas at Jim Mullins Elementary, provides the opportunity for students to explore several legal issues within a complicated school context. While the main event presented in this case will encourage students to investigate legal cases and questions regarding battery and teacher termination, other aspects of the case deal with many other areas of law. The professor may want to provide a list of readings for students to use to guide their thinking and responses to the questions and assignments.
Some resources are identified in the additional sources section. Readings should center on the following topics:

1. Assault and Battery
2. Due Process
3. Teacher Termination
4. Defamation
5. School Violence
6. Suspension/Expulsion
7. Tort Liability
8. Discrimination
9. Media Relations

Guiding Questions

• How does the concept of due process relate to the various issues at hand?
• How should Dr. Madison handle the media situation?
• What is the difference between assault and battery?
  o Does spraying someone with a hose qualify as assault or battery? Why or why not?
  o Does punching a teacher qualify as assault or battery? Why or why not?
  o Can a claim of self-defense be used to counter a charge of assault or battery?
• Is Mr. Sinnell considered a public or private figure?
  o Does he have a case for defamation if the news crew airs an interview with Mrs. Perez?
  o If yes, why, and whom would he sue?
  o If no, why not?
• Several parents came to watch their children participate in field day. Who is responsible if a child gets hurt—the teacher or the parent?
• In what ways could discrimination become a valid claim in this case?
• Should you honor Mrs. Martinez’s request and move Abigail to another first grade class?
  o If yes, how will you inform the teacher who will receive another child in her class? How will you inform Mrs. Lock? What consequences could this bring?
  o If no, how will you explain your decision to Mrs. Martinez?
  o Are there any creative ways to solve this problem?
• Does Dr. Madison have enough justification to terminate either Mrs. Lock or Mr. Sinnell – or both? What would be the reason for termination?
Suggested Assignments

- What should Dr. Madison’s plan of action be? Write out a “plan of attack” for Dr. Madison. Determine in what order she should handle the various dilemmas. Justify your answer.
- Argue both sides concerning the case of Mr. Torres vs. Jim Mullins Elementary.
  - Pretend you are the lawyer for Mr. Torres who is suing for negligence. Write a memo describing your client’s case. Cite relevant case law and provide proof for your claims.
  - Pretend you are the lawyer for the school. Write a memo describing your view of the case. Cite relevant case law and provide proof for your claims.
  - Pretend you are a member of the jury hearing this case. What is your decision? Why?
- Taking into account the behaviors and histories of Mrs. Lock and Mr. Sinnell, write a memo to the superintendent with your recommendations regarding the action that should or should not be taken regarding them. Include references to facts in the case and elements of the law that apply.
- Write up an incident report for Darren and Trevor. Include a description of what happened between the boys as well as the details of the argument between the parents. Also state consequences—what is a fair way to deal with this dilemma? Does Mrs. Smith have a valid case for suing if her child is expelled? Use case law or other legal sources to justify your decision.
Additional Sources:

1. Sample California Teacher’s Contract: [http://www.utofp.org/contract_online.htm](http://www.utofp.org/contract_online.htm)

2. California Education Code: [http://leginfo.public.ca.gov/cgi-bin/calawquery?codesection=edc&codebody=&hits=20](http://leginfo.public.ca.gov/cgi-bin/calawquery?codesection=edc&codebody=&hits=20)


Torts: Intentional Torts, Negligence  
*Alexander & Alexander*  
Chapter 11: Tort Liability  
549-592

Defamation  
*Alexander & Alexander*  
Chapter 12: Defamation and Student Records  
593-621

Discrimination  
*Alexander & Alexander*  
Chapter 17: Discrimination in Employment  
794-831

Hate Violence & Discrimination  
*California Education Code*  
*Part 1. General Provisions*  
Chapter 2: Educational Equity; Article 1: Declaration of Purpose  
Article 3: Prohibition of Discrimination  
Article 5: Hate Violence Prevention Act  
200-201  
220-221.1  
233-233.8

Employees  
*California Education Code*  
*Part 25: Employees*  
Chapter 4: Employment; Article 1: Rights and Duties  
44800-44824

Teacher Termination  
*Alexander & Alexander*  
Chapter 14: Certification, Contracts, and Tenure; Grounds for Termination  
Article 3: Resignations, Dismissals, etc.  
684-712  
44930-44988

Pupils  
*California Education Code*  
*Part 27: Pupils*  
Chapter 6: Pupil Rights  
Article 1: Suspension or Expulsion  
48900-48927
Student Punishment
*Alexander & Alexander*
Chapter 9: Student Rights  430-461

Parents
*California Education Code*
*Part 28: General Instructional Programs*
Chapter 1.5: Parental Involvement; Article 1: General Provisions  51100-51102

Due Process
*Alexander & Alexander*
Chapter 16: Due Process Rights of Teachers  765-793