

## **CWS2141W**

### **USING THE APPLICABILITY FLOW CHART**

#### **Scenario 1:**

June Moody is a 1st grade special education teacher at Elm Tree Elementary School. Yesterday, she was observed by another teacher dragging 6 year old Milton through the doorway from outside and down the hallway. She was dragging him by his arm. Milton was on the floor and appeared to be flailing his legs and other arm. He was screaming 'ow, it hurts' over and over. The other teacher did not stop Ms. Moody or offer assistance. She went to her classroom and called the office to report the incident.

Milton was taken to the nurses' office to be checked out. He had the beginning of a circular bruise on his wrist and say his whole arm hurt. The arm did not appear to be sprained and he was able to move it freely.

Ms. Moody who has been teaching for over 10 years told the principal that she had just finished recess and the other children were already back in the classroom. Milton refused to come in. Ms. Moody did not have an aide today because she called in sick and they could not find a substitute and she was worried about the other children being alone while she tried to get Milton inside. Finally, fearing for his safety and other students, she grabbed him by the arm to pull him in. He fell to the ground and began flailing and yelling. As soon as they got to the classroom about 30 feet from the outside door he got up and 'was fine'.

As a group and using the Applicability flow chart answer the following questions:

1. School employee?
2. Scope of Employment?
3. Were the actions reasonable and necessary?
4. Actions in Good Faith?
5. Is there evidence of Willful Misconduct or Gross Negligence?