

## Case Brief #2

1. **Case Caption:** Paul Widdoes v. Detroit Public Schools, 213153 (2000, Sept.)
2. **Nature of the Case:** This case is about (the use of) inappropriate, excessive force on an 8<sup>th</sup> grade student - corporal punishment.
3. **Procedural Summary:**
  - a. **Plaintiff:** Paul Widdoes, Petitioner- Apellee
  - b. **Defendant:** Detroit Public Schools, Respondent-Appellant
  - c. **Lower Court Decisions:** Ruled in favor of Detroit Public Schools and dismissed plaintiff as a teacher
4. **Facts:**
  - a. Incident occurred February 1990: 8<sup>th</sup> grade student (with other students) helped cleaned gymnasium after it had been used as a lunchroom. Custodian told students they could play dodge ball even though they knew they shouldn't. Petitioner entered gym and told students to leave. Student attempted to retrieve shirt. Petitioner grabbed student by arm, pulling him toward the door telling the student he had to leave. The student tried to get away, called the Petitioner a "white b.." threatened to hit the petitioner, and made an obscene gesture.
  - b. [The student later apologized and testified that the petitioner did not use "real bad force" nor did it hurt it anyway.
  - c. In June 1990, petitioner received written notice of being charged with the use of excessive force and a recommended 3-week suspension without pay. - Commission agreed
  - d. December 1990 hearing: petitioner terminated from employment
  - e. Petitioner appealed to State Tenure Commission
  - f. Petitioner reinstated to employment with back pay
  - g. Employer appealed
  - h. Commission denied petition in July 1993
5. **Issue:** Was inappropriate, excessive force used on an 8<sup>th</sup> grade student? Was the corporal punishment prohibition School Revised Code violated?
6. **Holding and Decision:** The circuit court reversed the decision and the Court of Appeals of Michigan agreed and affirmed the decision that Petitioner's actions did not constitute excessive force and lack of substantial evidence.

7. **Comment:** Unfortunately, this is all too common in our public schools today- staff “grabbing” students. One must be careful in the way he/she “disciplines” students. While the student testified no real harm was done, how many other students would be truthful if it happened to them? I think some educators, have the best intentions in mind but unfortunately act sometimes before thinking. That’s why it is important to have school-wide protocols and procedures in place so all building employees are on the same page. Hands - off is the best policy!