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Applying Principle of Law

Name

Institution

Course

Instructor

Date

Applying Principle of Law

Jason is a student attending middle school; however, he tends involving in school fights. Therefore, before the class starts, Jason was involved in an argument with another student who was smaller than him and ended up knocking the other boy. Jason is not satisfied and rushes again to kick the other child, but the instructor intervenes and kicks Jason out of the small boy. While Jason runs towards the instructor, he is then punched and the nose breaks. The issue at hand is whether the instructor will be found guilty of intentional tort because he caused harm by cracking Jason's ribs and breaking his nose.

Intentional means doing something on purpose or deliberate. Therefore, with Jason involved in an argument with another student and Jason kicking the other child, it cannot be considered an intentional tort because the other child was not harmed. Geistfeld (2017) claimed that intentional tort is a type of damage or harm caused by an individual on purpose. Therefore, the instructor can be sued for intentional tort because kicking Jason from harming the other student was intentional. Although the instructor was not intending to cause physical damage to Jason but protecting the other student, he knew that kicking Jason would cause harm to physical stress to the student. Also, the question to be asked during the ruling is whether there was a breach of duty. The instructor is responsible for protecting all the students; therefore, the school administration and instructors have the special duty of safeguarding all students. Nevertheless, the ruling can be against tort law because the instructor prevented harm to the other student. However, Jason raised quickly and went to the instructor; on defending himself, the instructor punched Jason. This can make Jason's parents not prevail in court.

The school administration is responsible for the safety of all students. Therefore, all parents understand that it is not easy to maintain the safety of their children while at home.

Nevertheless, many challenges are available when children are out of school. In most cases, large students tend to bully other small students. Hence, parents fear that their children can be harassed or the right to free speech to be endangered. This results in the school creating discipline policies that will enhance the safety of all students (Fenning & Johnson, 2016). The school policies are essential in creating a harmless, nonviolent and secure learning environment.

Jason was already involved in fights in school before; this indicates the level of indiscipline. The school discipline policies provide the students with codes of conduct that explain the learners' rights and roles within the school environment (Fenning & Johnson, 2016). therefore, the policies presented comprise of the acknowledged and unsuitable behaviors to be applied in school. Involved in fights is one of the unacceptable behaviors in school and Jason was involved. The parents will have to answer because they will not have passed through the school policies with their child. Suing the teacher for intentional tort and allowing parents to prevail in court will require the court to investigate the case differently. For example, checking the elements of intentional tort law if were attained. Demonstrating intentional tort necessitates the victim to present the offender acted with the detailed intent to perform an activity that would harm. Geistfeld (2017) stated that one element of an intentional tort is intent, which is acting with the determination of realizing that the act will result to harm. Therefore, the instructor realized that the act would cause harm to Jason. Another element is Acting, which necessitates that the individual does an activity that causes harm to another. The instructor kicked and punched Jason hence acting by causing injury. The final element is the actual cause, which necessitates the victim to show that the damages would not have occurred without the offenders' actions. Nevertheless, if the instructor could not involve, then the other student could have injuries.

In summation, the parents can prevail in court because the instructor will cause intentional tort. All the elements of the intentional tort are attained, including the intent, because the instructor knew his actions could cause injuries. Also, the actions of kicking and punching Jason could cause harm. Similarly, there is an actual cause indicating that if the instructor could not perform the actions, Jason would not have injuries.

References

Fenning, P. A., & Johnson, M. B. (2016). Developing prevention-oriented discipline codes of conduct. *Child. Legal Rts. J.*, 36, 107.

Geistfeld, M. A. (2017). Conceptualizing the Intentional Torts. *Journal of Tort Law*, 10(2), 159-196.

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