

21. REPORTING ASSAULT AND BATTERY OF SCHOOL EMPLOYEE

- A. Any school employee, defined as a teacher, principal, or any duly appointed person employed by a school system or employees of a firm contracting with a school system for any purpose, including any personnel not directly related to the teaching process and school board members during school board meetings, upon whom an assault, battery, assault and battery, or aggravated battery or aggravated assault and battery is committed while in the performance of any duties as a school employee shall notify either the superintendent, respective principal, or one member of HICD's Safe School Committee. The member of the Safe School Committee shall notify the superintendent or respective principal of the assault, battery, assault and battery, aggravated battery or aggravated assault and battery.
- B. The superintendent shall notify the State Department of Education of all incidents described in subsection A of this section for the previous year on July 1 of each year. The report shall include a description of the battery or assault and battery, and the final disposition of each incident.
- C. No school employee shall be subject to any civil liability for any statement, report, or action taken in reporting or assisting in reporting a battery or assault and battery which is committed upon the school employee while in the performance of any duties unless such report or assistance was made in bad faith or with malicious purpose.
- D. HICD shall deliver to each school employee a written policy that such employee shall follow if an assault, battery or assault and battery is committed upon the school employee while in the performance of any school duties.
- E. For purposes of this section, "assault", "battery", "aggravated assault and battery" shall be defined as (1) Assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another; (2) Battery is any willful and unlawful use of force or violence upon the person of another; (3) Assault and Battery becomes aggravated when committed under any of the following circumstances:
 - 1. When great bodily injury is inflicted upon the person assaulted; or
 - 2. When committed by a person of robust health or strength upon one who is aged, decrepit, or incapacitated.
- F. For purposes of this section "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.