

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2351 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Sally Kern

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2351

By: Kern

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to schools; creating the Common Sense Zero Tolerance Act; stating purpose; prohibiting school districts from punishing students for certain actions; providing an exception; listing actions; prohibiting certain actions from being considered violations of zero tolerance policies; allowing certain actions to be considered violations of zero tolerance policies and punishable; requiring proportionate punishment; requiring the school principal or designee to inform the parent or guardian of certain punishment; providing for construction; providing a definition; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-101.5 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Common Sense Zero Tolerance Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24-101.6 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The purpose of the Common Sense Zero Tolerance Act shall be
5 to ensure that school administrators, teachers and other school
6 employees have the freedom to use their discretion and training when
7 punishing, disciplining or reprimanding a student for certain
8 actions which do not pose an imminent threat to students or school
9 employees and to provide a guide to public school districts which
10 have adopted or may adopt a zero tolerance policy.

11 B. Except as otherwise provided for in subsection C of this
12 section, no school district, school administrator, teacher or other
13 school employee shall punish, discipline or reprimand a student,
14 including suspension of the student as authorized pursuant to
15 Section 24-101.3 of Title 70 of the Oklahoma Statutes, as a result
16 of any of the following actions by the student:

17 1. Brandishing a pastry or other food which is partially
18 consumed in such a way that the remnant resembles a weapon;

19 2. Possession of a toy weapon which is four (4) inches or less
20 in length;

21 3. Possession of a toy weapon made of plastic or wood snap-
22 together building blocks;

23 4. Using a finger or hand to simulate a weapon;

24 5. Vocalizing imaginary firearms or munitions;

1 6. Wearing articles of clothing or accessories that support or
2 advance Second Amendment rights or organizations or depict an image
3 or images of a firearm, a military vehicle, aircraft, vessel or
4 weapon or any object that supports Second Amendment rights or
5 Constitutional freedoms. If a school requires students to wear
6 uniforms, the provisions of this paragraph shall not be interpreted
7 to supersede the uniform policy of the school;

8 7. Drawing a picture of, or creating or possessing an image of,
9 a firearm, a military vehicle, aircraft, vessel or weapon or any
10 object that supports Second Amendment rights or Constitutional
11 freedoms; or

12 8. Using a pencil, pen or other writing utensil to simulate a
13 weapon.

14 C. The actions of or possession of objects by a student shall
15 not be considered a violation of the zero tolerance policy of a
16 school district if the actions or objects do not, under the
17 circumstances of the specific case, create an objective reasonable
18 fear of imminent physical injury to any person. However, the
19 actions of or possession of objects by a student may be considered a
20 violation of the zero tolerance policy of a school district and the
21 student may be subject to disciplinary action, including but not
22 limited to suspension of the student as authorized pursuant to
23 Section 24-101.3 of Title 70 of the Oklahoma Statutes, if the
24 actions of or possession of objects by a student substantially

1 disrupts student learning, causes bodily harm to another person or
2 places another person in reasonable fear of bodily harm or the
3 wearing of clothing or an accessory causes a substantial disruption
4 to student learning. The severity of consequences imposed upon a
5 student, including referral to the criminal justice or juvenile
6 justice system, shall be proportionate to the severity of the
7 infraction and consistent with school district policies for similar
8 infractions. If a student is punished, disciplined or reprimanded
9 for such conduct, the school principal or a designee shall call and
10 inform the parent or guardian of the student of the punishment.

11 D. Nothing in the Common Sense Zero Tolerance Act shall be
12 construed as encouragement for or an endorsement of a student
13 bringing a toy weapon of any kind to school.

14 E. As used in this section, "zero tolerance policy" shall mean
15 a policy adopted by a school district which requires application of
16 and enforcement of a mandatory punishment, discipline or reprimand
17 for specific offenses and which requires those in authority to apply
18 and enforce the policy without regard to the severity of a specific
19 offense or the intent of a student.

20 SECTION 3. This act shall become effective July 1, 2014.

21 SECTION 4. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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