

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2351
Page 1 Section 1 Lines 17-23
Of the printed Bill
Of the Engrossed Bill

By deleting all of Section 1 and by inserting in lieu thereof new Sections 1 and 2 to read as follows:

(See Attached)

and by renumbering the subsequent sections.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Sally Kern

Adopted: _____

Reading Clerk

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

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

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

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

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

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

1 2. Possession of a toy weapon made of plastic or wood snap-
2 together building blocks;

3 3. Using a finger or hand to simulate a weapon;

4 4. Vocalizing imaginary firearms or munitions;

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

12 6. Drawing a picture of, or creating or possessing an image of,
13 a firearm, a military vehicle, aircraft, vessel or weapon or any
14 object that supports Second Amendment rights or Constitutional
15 freedoms; or

16 7. Using a pencil, pen or other writing utensil to simulate a
17 weapon.

18 C. The actions of or possession of objects by a student shall
19 not be considered a violation of the zero tolerance policy of a
20 school district if the actions or objects do not, under the
21 circumstances of the specific case, create an objective reasonable
22 fear of physical injury to any person. However, the actions of or
23 possession of objects by a student may be considered a violation of
24 the zero tolerance policy of a school district and the student may

1 be subject to disciplinary action, including but not limited to
2 suspension of the student as authorized pursuant to Section 24-101.3
3 of Title 70 of the Oklahoma Statutes, if the actions of or
4 possession of objects by a student substantially disrupts student
5 learning, causes bodily harm to another person or places another
6 person in reasonable fear of bodily harm or the wearing of clothing
7 or an accessory causes a substantial disruption to student learning.
8 The severity of consequences imposed upon a student, including
9 referral to the criminal justice or juvenile justice system, shall
10 be proportionate to the severity of the infraction and consistent
11 with school district policies for similar infractions. If a student
12 is punished, disciplined or reprimanded for such conduct, the school
13 principal or a designee shall call and inform the parent or guardian
14 of the student of the punishment.

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

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