

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1596

By: Kern

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6 AS INTRODUCED

7 An Act relating to schools; creating the Common Sense
8 Zero Tolerance Act; stating purpose; prohibiting
9 public school districts from punishing certain
10 students for certain actions; providing an exception;
11 listing actions; prohibiting certain actions from
12 being considered violations of zero-tolerance
13 policies; allowing certain actions to be considered
14 violations of zero-tolerance policies and punishable;
15 requiring proportionate punishment; requiring the
16 public school principal or designee to inform the
17 parent or guardian of certain punishment; providing a
18 definition; providing for codification; providing an
19 effective date; and declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 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".

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

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

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

- 16 1. Brandishing a pastry or other food which is partially
17 consumed in such a way that the remnant resembles a weapon;
- 18 2. Possession of a toy weapon made of plastic or wood snap-
19 together building blocks;
- 20 3. Using a finger or hand to simulate a weapon;
- 21 4. Vocalizing imaginary firearms or munitions;
- 22 5. Wearing articles of clothing or accessories that support or
23 advance Second Amendment rights or organizations, depict an image or
24 images of a firearm, a military vehicle, aircraft, vessel, weapon or

1 any object that supports Second Amendment rights or Constitutional
2 freedoms. If a public school requires students to wear uniforms,
3 the provisions of this paragraph shall not be interpreted to
4 supersede the uniform policy of the school;

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

8 7. Using a pencil, pen or other writing utensil to simulate a
9 weapon.

10 C. The actions of or possession of objects by a student shall
11 not be considered a violation of the zero-tolerance policy of a
12 public school district if the actions or objects do not, under the
13 circumstances of the specific case, create an objective reasonable
14 fear of imminent physical injury to any person. However, the
15 actions of or possession of objects by a student may be considered a
16 violation of the zero-tolerance policy of a public school district,
17 and the student may be subject to disciplinary action, including but
18 not limited to suspension of the student as authorized pursuant to
19 Section 24-101.3 of Title 70 of the Oklahoma Statutes, if the
20 actions of or possession of objects by a student substantially
21 disrupts student learning, causes bodily harm to another person,
22 places another person in reasonable fear of bodily harm or the
23 wearing of clothing or an accessory causes a substantial disruption
24 to student learning. The severity of consequences imposed upon a

1 student, including referral to the criminal justice or juvenile
2 justice system, shall be proportionate to the severity of the
3 infraction and consistent with public school district policies for
4 similar infractions. If a student is punished, disciplined or
5 reprimanded for such conduct, the public school principal or a
6 designee shall call and inform the parent or guardian of the student
7 of the punishment.

8 D. As used in this section, "zero-tolerance policy" shall mean
9 a policy adopted by a public school district which requires
10 application of and enforcement of a mandatory punishment, discipline
11 or reprimand for specific offenses and which requires those in
12 authority to apply and enforce the policy without regard to the
13 severity of a specific offense or the intent of a student.

14 SECTION 3. This act shall become effective July 1, 2015.

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

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