

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3974

By: Echols of the House

and

Daniels of the Senate

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to education scholarships; amending
12 68 O.S. 2021, Section 2357.206, as amended by Section
13 1, Chapter 49, O.S.L. 2022 (68 O.S. Supp. 2023,
14 Section 2357.206), which relates to the Oklahoma
15 Equal Opportunity Education Scholarship Act;
16 modifying defined term; adding definition for
17 education infrastructure fund; and providing an
18 effective date.

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

20 SECTION 1. AMENDATORY 68 O.S. 2021, Section 2357.206, as
21 amended by Section 1, Chapter 49, O.S.L. 2022 (68 O.S. Supp. 2023,
22 Section 2357.206), is amended to read as follows:

23 Section 2357.206 A. This act shall be known and may be cited
24 as the "Oklahoma Equal Opportunity Education Scholarship Act".

 B. 1. Except as provided in subsection G of this section,
after August 26, 2011, there shall be allowed a credit for any

1 taxpayer who makes a contribution to an eligible scholarship-
2 granting organization.

3 The credit shall be equal to fifty percent (50%) of the total
4 amount of contributions made during a taxable year, not to exceed
5 One Thousand Dollars (\$1,000.00) for single individuals, Two
6 Thousand Dollars (\$2,000.00) for married individuals filing jointly,
7 or One Hundred Thousand Dollars (\$100,000.00) for any taxpayer which
8 is a legal business entity including limited and general
9 partnerships, corporations, subchapter S corporations and limited
10 liability companies, plus any suspended credits pursuant to
11 subparagraph d of paragraph 2 of subsection I of this section;
12 provided, if total credits claimed pursuant to this paragraph exceed
13 the cap amount established pursuant to paragraphs 1 and 2 of
14 subsection E of this section, the credit shall be equal to the
15 taxpayer's proportionate share of the cap for the taxable year, as
16 determined pursuant to subsection I of this section.

17 2. For any taxpayer who makes a contribution to an eligible
18 scholarship-granting organization and makes a written commitment to
19 contribute the same amount for an additional year, the credit for
20 the first year and the additional year shall be equal to seventy-
21 five percent (75%) of the total amount of the contribution made
22 during a taxable year, not to exceed the amounts established in
23 paragraph 1 of this subsection for the taxable year in which the
24 credit provided in this subsection is claimed. The taxpayer shall

1 provide evidence of the written commitment to the Oklahoma Tax
2 Commission at the time of filing the refund claim.

3 3. The credits authorized pursuant to the provisions of this
4 subsection shall be allocable to the partners, shareholders,
5 members, or other equity owners of a taxpayer that is authorized to
6 be treated as a partnership for purposes of federal income tax
7 reporting for the taxable year for which the tax credits authorized
8 by this subsection are claimed on the applicable return, together
9 with required schedules, forms or reports of the partners,
10 shareholders, members, or other equity owners of the taxpayer. Tax
11 credits which are allocated to such equity owners shall only be
12 limited in amount for the income tax return of a natural person or
13 persons based upon the limitation of the total credit amount to the
14 entity from which the tax credits have been allocated and shall not
15 be limited to One Thousand Dollars (\$1,000.00) for single
16 individuals or limited to Two Thousand Dollars (\$2,000.00) for
17 married persons filing a joint return.

18 4. On or before April 30, 2024, and once every two (2) years
19 thereafter, such scholarship-granting organization and educational
20 improvement grant organization shall electronically submit to the
21 Oklahoma Tax Commission, the Governor, President Pro Tempore of the
22 Senate, the Speaker of the House of Representatives, and the chairs
23 and vice chairs of the education committees of the Senate and House
24 of Representatives an audited financial statement for the

1 organization along with information detailing the benefits,
2 successes, or failures of the program, and make publicly available
3 on its website the financial statement and information submitted
4 pursuant to this paragraph.

5 C. 1. Except as provided in subsection G of this section,
6 after August 26, 2011, there shall be allowed a credit for any
7 taxpayer who makes a contribution to an eligible educational
8 improvement grant organization. Except as otherwise provided by
9 paragraph 2 of this subsection, the credit shall be equal to fifty
10 percent (50%) of the total amount of contributions made during a
11 taxable year, not to exceed One Thousand Dollars (\$1,000.00) for
12 single individuals, Two Thousand Dollars (\$2,000.00) for married
13 individuals filing jointly, or One Hundred Thousand Dollars
14 (\$100,000.00) for any taxpayer which is a legal business entity
15 including limited and general partnerships, corporations, subchapter
16 S corporations and limited liability companies, plus any suspended
17 credits pursuant to subparagraph d of paragraph 2 of subsection I of
18 this section; provided, if total credits claimed pursuant to this
19 paragraph exceed the cap amount established pursuant to paragraphs 3
20 and 4 of subsection E of this section, the credit shall be equal to
21 the taxpayer's proportionate share of the cap for the taxable year,
22 as determined pursuant to subsection I of this section.

23 2. For any taxpayer who makes a contribution to an eligible
24 educational improvement grant organization and makes a written

1 commitment to contribute the same amount for an additional year, the
2 credit for the first year and the additional year shall be equal to
3 seventy-five percent (75%) of the total amount of the contribution
4 made during a taxable year, not to exceed the cap amount established
5 in paragraphs 3 and 4 of subsection E of this section for the
6 taxable year in which the credit provided in this paragraph is
7 claimed; provided, if total credits claimed pursuant to this
8 paragraph exceed the cap established pursuant to paragraphs 3 and 4
9 of subsection E of this section, the credit shall be equal to the
10 taxpayer's proportionate share of the cap for the taxable year, as
11 determined pursuant to subsection I of this section. The taxpayer
12 shall provide evidence of the written commitment to the Oklahoma Tax
13 Commission at the time of filing the refund claim.

14 3. The credits authorized pursuant to the provisions of this
15 subsection shall be allocable to the partners, shareholders,
16 members, or other equity owners of a taxpayer that is authorized to
17 be treated as a partnership for purposes of federal income tax
18 reporting for the taxable year for which the tax credits authorized
19 by this subsection are claimed on the applicable return, together
20 with required schedules, forms, or reports of the partners,
21 shareholders, members, or other equity owners of the taxpayer. Tax
22 credits which are allocated to such equity owners shall only be
23 limited in amount for the income tax return of a natural person or
24 persons based upon the limitation of the total credit amount to the

1 entity from which the tax credits have been allocated and shall not
2 be limited to One Thousand Dollars (\$1,000.00) for single
3 individuals or limited to Two Thousand Dollars (\$2,000.00) for
4 married persons filing a joint return.

5 D. 1. For contributions made on or after January 1, 2022,
6 there shall be allowed a credit for any taxpayer who makes a
7 contribution to an eligible public school foundation or public
8 school district. Except as otherwise provided by paragraph 2 of
9 this subsection, the credit shall be equal to fifty percent (50%) of
10 the total amount of contributions made during a taxable year, not to
11 exceed One Thousand Dollars (\$1,000.00) for single individuals, Two
12 Thousand Dollars (\$2,000.00) for married individuals filing jointly,
13 or One Hundred Thousand Dollars (\$100,000.00) for any taxpayer which
14 is a legal business entity including limited and general
15 partnerships, corporations, subchapter S corporations and limited
16 liability companies; provided, if total credits claimed pursuant to
17 this paragraph exceed the cap amount established pursuant to
18 paragraph 4 of subsection E of this section, the credit shall be
19 equal to the taxpayer's proportionate share of the cap for the
20 taxable year, as determined pursuant to subsection I of this
21 section.

22 2. Except as otherwise provided by paragraph 1 of this
23 subsection, for any taxpayer who makes a contribution to an eligible
24 public school foundation or public school district and makes a

1 written commitment to contribute the same amount for an additional
2 year, the credit for the first year and the additional year shall be
3 equal to seventy-five percent (75%) of the total amount of the
4 contribution made during a taxable year, not to exceed the cap
5 amount established in paragraph 4 of subsection E of this section
6 for the taxable year in which the credit provided in this paragraph
7 is claimed. The taxpayer shall provide evidence of the written
8 commitment to the Oklahoma Tax Commission at the time of filing the
9 refund claim; provided, if total credits claimed pursuant to this
10 paragraph exceed the cap amount established pursuant to paragraph 4
11 of subsection E of this section, the credit shall be equal to the
12 taxpayer's proportionate share of the cap for the taxable year, as
13 determined pursuant to subsection I of this section.

14 3. The credits authorized pursuant to the provisions of this
15 subsection shall be allocable to the partners, shareholders,
16 members, or other equity owners of a taxpayer that is authorized to
17 be treated as a partnership for purposes of federal income tax
18 reporting for the taxable year for which the tax credits authorized
19 by this subsection are claimed on the applicable return, together
20 with required schedules, forms, or reports of the partners,
21 shareholders, members, or other equity owners of the taxpayer. Tax
22 credits which are allocated to such equity owners shall only be
23 limited in amount for the income tax return of a natural person or
24 persons based upon the limitation of the total credit amount to the

1 entity from which the tax credits have been allocated and shall not
2 be limited to One Thousand Dollars (\$1,000.00) for single
3 individuals or limited to Two Thousand Dollars (\$2,000.00) for
4 married persons filing a joint return.

5 4. On or before April 30, 2024, and once every four (4) years
6 thereafter, such eligible public school foundation and public school
7 district shall submit to the Oklahoma Tax Commission, the Governor,
8 President Pro Tempore of the Senate, and the Speaker of the House of
9 Representatives an audited financial statement for the organization
10 along with information detailing the benefits, successes, or
11 failures of the programs.

12 E. Except as otherwise provided pursuant to subsection I of
13 this section:

14 1. The total credits authorized pursuant to subsection B of
15 this section for all taxpayers for tax years 2017 through 2021 shall
16 not exceed Three Million Five Hundred Thousand Dollars
17 (\$3,500,000.00) annually;

18 2. The total credits authorized pursuant to subsection B of
19 this section for all taxpayers for tax years 2022 and subsequent tax
20 years shall not exceed Twenty-five Million Dollars (\$25,000,000.00)
21 annually;

22 3. The total credits authorized pursuant to subsection C of
23 this section for all taxpayers for tax years 2017 through 2021 shall
24

1 not exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00)
2 annually;

3 4. The total credits authorized pursuant to subsections C and D
4 of this section for all taxpayers for tax year 2022 and subsequent
5 tax years shall not exceed Twenty-five Million Dollars
6 (\$25,000,000.00) annually. In addition to the cap amount prescribed
7 by this paragraph, the credit amount shall also be limited to Two
8 Hundred Thousand Dollars (\$200,000.00) of credits per public school
9 district annually; and

10 5. The cap on total credits provided for in this subsection
11 shall be allocated by the Tax Commission as provided in subsection I
12 of this section.

13 F. For credits claimed for eligible contributions made during
14 tax year 2014 and thereafter, a credit shall not be allowed by the
15 Oklahoma Tax Commission for contributions made to a scholarship-
16 granting organization or an educational improvement grant
17 organization if that organization's percentage of funds actually
18 awarded is less than ninety percent (90%). For purposes of this
19 section, the "percentage of funds actually awarded" shall be
20 determined by dividing the total amount of funds actually awarded as
21 educational scholarships or educational improvement grants over the
22 most recent twenty-four (24) months by the total amount available to
23 award as educational scholarships or educational improvement grants
24 over the most recent twenty-four (24) months.

1 G. Any tax credits which are earned by a taxpayer pursuant to
2 this section during the time period beginning August 26, 2011,
3 through December 31, 2012, may not be claimed for any period prior
4 to the taxable year beginning January 1, 2013. No credits which
5 accrue during the time period beginning August 26, 2011, through
6 December 31, 2012, may be used to file an amended tax return for any
7 taxable year prior to the taxable year beginning January 1, 2013.

8 H. As used in this section:

9 1. "Eligible student" means a child of school age who is
10 lawfully present in the United States and who is a member of a
11 household in which the total annual income during the preceding tax
12 year does not exceed an amount equal to three hundred percent (300%)
13 of the income standard used to qualify for a free or reduced-price
14 school lunch or who, during the immediately preceding school year,
15 attended or, by virtue of the location of such student's place of
16 residence, was eligible to attend a public school in this state
17 which has been identified for school improvement as determined by
18 the State Board of Education pursuant to the requirements of the No
19 Child Left Behind Act of 2001, P.L. No. 107-110. Once a student has
20 received an educational scholarship, as defined in paragraph 3 of
21 this subsection, the student and any siblings who are members of the
22 same household shall remain eligible until they graduate from high
23 school or reach twenty-one (21) years of age, whichever occurs
24 first;

1 2. "Eligible special needs student" means a child who has been
2 provided services under an Individualized Family Service Plan
3 through the SoonerStart program and during transition was evaluated
4 and determined to be eligible for school district services, a child
5 of school age who has attended public school in our state with an
6 individualized education program pursuant to the Individuals With
7 Disabilities Education Act, 20 U.S.C.A., Section 1400 et seq., or a
8 child who has been diagnosed by a clinical professional as having a
9 significant disability that will affect learning and who has been
10 approved by the board of a scholarship-granting organization;

11 3. "Educational scholarships" means:

- 12 a. scholarships to an eligible student of up to Five
13 Thousand Dollars (\$5,000.00) or eighty percent (80%)
14 of the statewide annual average per-pupil expenditure
15 as determined by the National Center for Education
16 Statistics, U.S. Department of Education, whichever is
17 greater, to cover all or part of the tuition, fees,
18 and transportation costs of a qualified school which
19 is accredited by the State Board of Education or an
20 accrediting association approved by the Board pursuant
21 to Section 3-104 of Title 70 of the Oklahoma Statutes,
22 b. scholarships to an eligible student of up to Five
23 Thousand Dollars (\$5,000.00) or eighty percent (80%)
24 of the statewide annual average per-pupil expenditure

1 as determined by the National Center for Education
2 Statistics, U.S. Department of Education, whichever is
3 greater, to cover the educational costs of a qualified
4 school which does not charge tuition, which enrolls
5 special populations of students, and which is
6 accredited by the State Board of Education or an
7 accrediting association approved by the Board pursuant
8 to Section 3-104 of Title 70 of the Oklahoma Statutes,
9 or

10 c. scholarships to an eligible special needs student of
11 up to Twenty-five Thousand Dollars (\$25,000.00) to
12 cover all or part of the tuition, fees, and
13 transportation costs of a qualified school for
14 eligible special needs students which is accredited by
15 the State Board of Education or an accrediting
16 association approved by the Board pursuant to Section
17 3-104 of Title 70 of the Oklahoma Statutes;

18 4. "Low-income eligible student" means an eligible student or
19 eligible special needs student who qualifies for a free or reduced-
20 price lunch;

21 5. "Qualified school" means an early childhood, elementary, or
22 secondary private school in this state including schools which
23 provide special educational programs for three-year-olds or
24 prekindergarten educational programs for four-year-olds, which:

- 1 a. is accredited by the State Board of Education or an
2 accrediting association approved by the Board pursuant
3 to Section 3-104 of Title 70 of the Oklahoma Statutes,
4 b. is in compliance with all applicable health and safety
5 laws and codes,
6 c. has a stated policy against discrimination in
7 admissions on the basis of race, color, national
8 origin, or disability, and
9 d. ensures academic accountability to parents and
10 guardians of students through regular progress
11 reports;

12 6. "Qualified school for eligible special needs students" means
13 an early childhood, elementary, or secondary private school in a
14 county in this state including schools which provide special
15 educational programs for three-year-olds or prekindergarten
16 educational programs for four-year-olds;

17 7. "Scholarship-granting organization" means an organization
18 which:

- 19 a. is a nonprofit entity exempt from taxation pursuant to
20 the provisions of the Internal Revenue Code, 26
21 U.S.C., Section 501(c)(3),
22 b. distributes:
23 (1) periodic scholarship payments as checks made out
24 to an eligible student's or eligible special

1 needs student's parent or guardian and mailed to
2 the qualified school where the student is
3 enrolled, or

4 (2) grants to qualified schools for such school's
5 educational infrastructure fund,

6 c. spends no more than ten percent (10%) of its annual
7 revenue on expenditures other than educational
8 scholarships as defined in paragraph 3 of this
9 subsection,

10 d. spends each year a portion of its expenditures on
11 educational scholarships for low-income eligible
12 students, as defined in paragraph 4 of this
13 subsection, in an amount equal to or greater than the
14 percentage of low-income eligible students in the
15 state,

16 e. ensures that scholarships are portable during the
17 school year and can be used at any qualified school
18 that accepts the eligible student or at any qualified
19 school for special needs students that accepts the
20 eligible special needs student,

21 f. registers with the Oklahoma Tax Commission as a
22 scholarship-granting organization, and

23 g. has policies in place to:
24

- 1 (1) carry out criminal background checks on all
2 employees and board members to ensure that no
3 individual is involved with the organization who
4 might reasonably pose a risk to the appropriate
5 use of contributed funds, and
- 6 (2) maintain full and accurate records with respect
7 to the receipt of contributions and expenditures
8 of those contributions and supply such records
9 and any other documentation required by the Tax
10 Commission to demonstrate financial
11 accountability;

12 8. "Educational infrastructure fund" means an account, held in
13 the name of a qualified school, into which grants are deposited for
14 the dedicated purposes of construction and maintenance of buildings
15 and the purchase of library materials for the qualified school;

16 9. "Annual revenue" means the total amount or value of
17 contributions received by an organization from taxpayers awarded
18 credits during the organization's fiscal year and all amounts earned
19 from interest or investments;

20 ~~9.~~ 10. "Public school" means public schools as defined in
21 Section 1-106 of Title 70 of the Oklahoma Statutes;

22 ~~10.~~ 11. "Eligible public school district" means any public
23 school;

1 ~~11.~~ 12. "Early childhood education program" means a special
2 educational program for eligible special needs students who are
3 three (3) years of age or a prekindergarten educational program
4 provided to children who are at least four (4) years of age but not
5 more than five (5) years of age on or before September 1;

6 ~~12.~~ 13. "Innovative educational program" means an advanced
7 academic or academic improvement program that is not part of the
8 regular coursework of a public school but that enhances the
9 curriculum or academic program of the school or provides early
10 childhood education programs to students;

11 ~~13.~~ 14. "Educational improvement grant" means a grant to an
12 eligible public school to implement an innovative educational
13 program for students including the ability for multiple public
14 schools to make an application and be awarded a grant to jointly
15 provide an innovative educational program;

16 ~~14.~~ 15. "Educational improvement grant organization" means an
17 organization which:

- 18 a. is a nonprofit entity exempt from taxation pursuant to
19 the provisions of the Internal Revenue Code, 26
20 U.S.C., Section 501(c)(3), and
- 21 b. contributes at least ninety percent (90%) of its
22 annual receipts as grants to eligible schools for
23 innovative educational programs. For purposes of this
24 subparagraph, an educational improvement grant

1 organization contributes its annual cash receipts when
2 it expends or otherwise irrevocably encumbers those
3 funds for expenditure during the then current fiscal
4 year of the organization or during the next succeeding
5 fiscal year of the organization; and

6 ~~15.~~ 16. "Eligible public school foundation" means a nonprofit
7 entity formed pursuant to the laws of this state and is exempt from
8 federal income taxation pursuant to either Section 501(c)(3) or
9 Section 509(a) of the Internal Revenue Code of 1986, as amended.
10 Each public school foundation must be approved by the local board of
11 education prior to accepting qualifying donations.

12 I. Total credits authorized by this section shall be allocated
13 as follows:

14 1. By January 10 of the year immediately following each
15 calendar year, a scholarship-granting organization, an educational
16 improvement grant organization, an eligible public school
17 foundation, or public school district which accepts contributions
18 pursuant to this section shall provide electronically to the Tax
19 Commission information on each contribution accepted during such
20 taxable year. At least once each taxable year, the entity making
21 the report shall notify each contributor that Oklahoma law provides
22 for a total, statewide cap on the amount of income tax credits
23 allowed annually;

1 2. a. If the Tax Commission determines the total combined
2 credits claimed for contributions made to scholarship-
3 granting organizations during the most recently
4 completed calendar year by all taxpayers are in excess
5 of the statewide cap amount provided in paragraphs 1
6 and 2 of subsection E of this section, the Tax
7 Commission shall first allocate any amount of credits
8 not claimed for contributions made to organizations
9 authorized pursuant to subsections C and D of this
10 section, then shall determine the percentage of the
11 contribution which establishes the proportionate share
12 of the credit which may be claimed by any taxpayer so
13 that the total maximum credits authorized by this
14 section are not exceeded.

15 b. If the Tax Commission determines the total combined
16 credits claimed for contributions made to
17 organizations authorized pursuant to subsections C and
18 D of this section during the most recently completed
19 calendar year by all taxpayers are in excess of the
20 statewide cap amount provided in paragraphs 3 and 4 of
21 subsection E of this section, the Tax Commission shall
22 first allocate any amount of credits not claimed for
23 contributions made to scholarship-granting
24 organizations, then shall determine the percentage of

1 the contribution which establishes the proportionate
2 share of the credit which may be claimed by any
3 taxpayer so that the maximum credits authorized by
4 this section are not exceeded.

5 c. If the Tax Commission determines the total combined
6 credits claimed for contributions made to
7 organizations authorized pursuant to subsections C and
8 D of this section during the most recently completed
9 calendar year by all taxpayers are in excess of the
10 per public school district cap pursuant to paragraph 4
11 of subsection E of this section, the Tax Commission
12 shall first allocate any amount of credits not claimed
13 for contributions made to other organizations
14 authorized pursuant to subsections C and D of this
15 section, then shall determine the percentage of the
16 contribution which establishes the proportionate share
17 of the credit which may be claimed by any taxpayer so
18 that the maximum credits authorized by this section
19 are not exceeded.

20 d. Beginning for tax year 2016, credits earned, but not
21 allowed due to the application of statewide caps
22 provided in subsection E of this section will be
23 considered suspended and authorized to be used in the
24

1 next immediate tax year and applied to the next year's
2 statewide cap; and

3 3. The Tax Commission shall publish the percentage of the
4 contribution which may be claimed as a credit by contributors for
5 the most recently completed calendar year on the Tax Commission
6 website no later than February 15 of each calendar year for
7 contributions made the previous year. Each organization authorized
8 pursuant to subsections B, C, and D of this section shall notify
9 contributors of that amount annually.

10 J. No tax credits authorized by this section shall be used to
11 reduce the tax liability of the taxpayer to less than zero (0).

12 K. Any credits authorized by this section allowed but not used
13 in any tax year may be carried over, in order, to each of the three
14 (3) years following the year of qualification.

15 L. 1. In order to qualify under this section, each
16 organization authorized pursuant to subsections C and D of this
17 section shall submit an application with information to the Oklahoma
18 Tax Commission on a form prescribed by the Tax Commission that:

- 19 a. enables the Tax Commission to confirm that the
20 organization is a nonprofit entity exempt from
21 taxation pursuant to the provisions of the Internal
22 Revenue Code, 26 U.S.C., Section 501(c)(3) or Section
23 509(a), and
24

1 b. describes the proposed innovative educational program
2 or programs supported by the organization.

3 2. The Tax Commission shall review and approve or disapprove
4 the application, in consultation with the State Department of
5 Education.

6 3. In order to maintain eligibility under this section, an
7 organization authorized pursuant to subsections C and D of this
8 section shall annually report the following information to the Tax
9 Commission and publish on its website by September 1 of each year:

10 a. the name of the innovative educational program or
11 programs and the total amount of the grant or grants
12 made to those programs during the immediately
13 preceding school year,

14 b. a description of how each grant was utilized during
15 the immediately preceding school year and a
16 description of any demonstrated or expected innovative
17 educational improvements,

18 c. the names of the public school and school districts
19 where innovative educational programs that received
20 grants during the immediately preceding school year
21 were implemented,

22 d. where the organization collects information on a
23 county-by-county basis, and
24

1 e. the total number and total amount of grants made
2 during the immediately preceding school year for
3 innovative educational programs at public school by
4 each county in which the organization made grants.

5 4. The information required under paragraph 3 of this
6 subsection shall be submitted on a form provided by the Tax
7 Commission. No later than May 1 of each year, the Tax Commission
8 shall annually distribute sample forms together with the forms on
9 which the reports are required to be made to each approved
10 organization.

11 5. The Tax Commission shall not require any other information
12 be provided by an organization, except as expressly authorized in
13 this section.

14 M. 1. Beginning in 2023 for the 2022-2023 academic year, in
15 order to maintain registration, a scholarship-granting organization
16 shall annually report to the Tax Commission by September 1 of each
17 year the following information regarding the educational
18 scholarships funded by the organization in the previous academic
19 year:

20 a. the name and address of the scholarship-granting
21 organization,

22 b. the names of the qualifying schools that received
23 funding for educational scholarships, the total amount
24 of funds paid to each qualifying school, and the total

1 number of scholarship recipients enrolled in each
2 qualifying school,

3 c. the total number and total dollar amount of
4 contributions received during the previous academic
5 year,

6 d. the total number and total dollar amount of
7 educational scholarships awarded and funded during the
8 previous academic year,

9 e. the total number, total dollar amount, and percentage
10 of educational scholarships awarded and funded during
11 the previous academic year disaggregated into the
12 following categories:

13 (1) low-income eligible students,

14 (2) students who during the immediately preceding
15 school year attended or who were eligible by
16 virtue of the residence of the student to attend
17 a public school in the state which was identified
18 for school improvement by the State Board of
19 Education,

20 (3) eligible special needs students, and

21 (4) students who were first-time recipients of a
22 scholarship including information about the type
23 of public or private school the student was
24

1 enrolled in during the entire previous academic
2 year,

3 f. the percentage of annual revenue received by the
4 organization from donations which qualify for tax
5 credits pursuant to this section which was not
6 expended on scholarships,

7 g. disaggregated data reported under this subsection
8 shall be redacted if reporting would allow for
9 identification of specific children, and shall be
10 reported in accordance with the Student Data
11 Accessibility, Transparency and Accountability Act of
12 2013, division b of subparagraph 2 of subsection C of
13 Section 3-168 of Title 70 of the Oklahoma Statutes,
14 and the Family Educational Rights and Privacy Act of
15 1974 (FERPA), 20 U.S.C., Section 1232g, and

16 h. the percentage of the total amount of education
17 scholarship expenditures spent on low-income eligible
18 students.

19 2. The Tax Commission shall make available on its website:

20 a. the information submitted by the scholarship-granting
21 organization pursuant to paragraph 1 of this
22 subsection,

23 b. a list of participating schools, and
24

1 c. all other application information submitted to the Tax
2 Commission by a scholarship-granting organization,
3 except that information which would violate the
4 privacy of an individual.

5 3. A scholarship-granting organization shall annually submit
6 verification to the Tax Commission that the organization still meets
7 the criteria set forth in paragraph 7 of subsection H of this
8 section.

9 N. Contributions made pursuant to subsections B, C, and D of
10 this section shall not be used by the Legislature to reduce the
11 amount appropriated for the financial support of public schools.

12 O. In consultation with the State Department of Education, the
13 Tax Commission shall promulgate rules necessary to implement the
14 Oklahoma Equal Opportunity Education Scholarship Act. The rules
15 shall include procedures for the registration of a scholarship-
16 granting organization, an educational improvement grant
17 organization, a public school foundation, or public school district
18 for purposes of determining if the organization meets the
19 requirements of the Oklahoma Equal Opportunity Education Scholarship
20 Act or for the revocation of the registration of an organization, if
21 applicable, and for notice as required in subsection I of this
22 section.

1 SECTION 2. This act shall become effective November 1, 2024.

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3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
4 02/29/2024 - DO PASS, As Amended and Coauthored.
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