

1 ENGROSSED SENATE
2 BILL NO. 1659

By: Newhouse of the Senate

3 and

4 Dills of the House

5
6 An Act relating to tax credits; amending 68 O.S.
7 2021, Section 2357.206, which relates to the Oklahoma
8 Equal Opportunity Education Scholarship Act;
9 modifying date by which certain organizations must
10 submit certain information; modifying frequency of
11 submission; allowing information to be submitted
12 electronically; directing information to be submitted
13 to chairs and vice chairs of certain committees;
14 modifying date by which certain public school
15 districts and foundations must submit certain
16 information; updating statutory references; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 68 O.S. 2021, Section 2357.206, is
20 amended to read as follows:

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

23 B. 1. Except as provided in subsection G of this section,
24 after August 26, 2011, there shall be allowed a credit for any
25 taxpayer who makes a contribution to an eligible scholarship-
26 granting organization.

27 The credit shall be equal to fifty percent (50%) of the total
28 amount of contributions made during a taxable year, not to exceed

1 One Thousand Dollars (\$1,000.00) for single individuals, Two
2 Thousand Dollars (\$2,000.00) for married individuals filing jointly,
3 or One Hundred Thousand Dollars (\$100,000.00) for any taxpayer which
4 is a legal business entity including limited and general
5 partnerships, corporations, subchapter S corporations and limited
6 liability companies, plus any suspended credits pursuant to
7 subparagraph d of paragraph 2 of subsection I of this section;
8 provided, if total credits claimed pursuant to this paragraph exceed
9 the cap amount established pursuant to paragraphs 1 and 2 of
10 subsection E of this section, the credit shall be equal to the
11 taxpayer's proportionate share of the cap for the taxable year, as
12 determined pursuant to subsection I of this section.

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

23 3. The credits authorized pursuant to the provisions of this
24 subsection shall be allocable to the partners, shareholders,

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

14 4. On or before ~~December 31, 2017~~ April 30, 2024, and once
15 every ~~four (4)~~ two (2) years thereafter, such scholarship-granting
16 organization and educational improvement grant organization shall
17 electronically submit to the Oklahoma Tax Commission, the Governor,
18 President Pro Tempore of the Senate ~~and~~ and the Speaker of the House of
19 Representatives, and the chairs and vice chairs of the education
20 committees of the Senate and House of Representatives an audited
21 financial statement for the organization along with information
22 detailing the benefits, successes, or failures of the program, and
23 make publicly available on its website the financial statement and
24 information submitted pursuant to this paragraph.

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

19 2. For any taxpayer who makes a contribution to an eligible
20 educational improvement grant organization and makes a written
21 commitment to contribute the same amount for an additional year, the
22 credit for the first year and the additional year shall be equal to
23 seventy-five percent (75%) of the total amount of the contribution
24 made during a taxable year, not to exceed the cap amount established

1 in paragraphs 3 and 4 of subsection E of this section for the
2 taxable year in which the credit provided in this paragraph is
3 claimed; provided, if total credits claimed pursuant to this
4 paragraph exceed the cap established pursuant to paragraphs 3 and 4
5 of subsection E of this section, the credit shall be equal to the
6 taxpayer's proportionate share of the cap for the taxable year, as
7 determined pursuant to subsection I of this section. The taxpayer
8 shall provide evidence of the written commitment to the Oklahoma Tax
9 Commission at the time of filing the refund claim.

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

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

18 2. Except as otherwise provided by paragraph 1 of this
19 subsection, for any taxpayer who makes a contribution to an eligible
20 public school foundation or public school district and makes a
21 written commitment to contribute the same amount for an additional
22 year, the credit for the first year and the additional year shall be
23 equal to seventy-five percent (75%) of the total amount of the
24 contribution made during a taxable year, not to exceed the cap

1 amount established in paragraph 4 of subsection E of this section
2 for the taxable year in which the credit provided in this paragraph
3 is claimed. The taxpayer shall provide evidence of the written
4 commitment to the Oklahoma Tax Commission at the time of filing the
5 refund claim; provided, if total credits claimed pursuant to this
6 paragraph exceed the cap amount established pursuant to paragraph 4
7 of subsection E of this section, the credit shall be equal to the
8 taxpayer's proportionate share of the cap for the taxable year, as
9 determined pursuant to subsection I of this section.

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

1 4. On or before ~~December 31, 2022~~ April 30, 2024, and once
2 every four (4) years thereafter, such eligible public school
3 foundation and public school district shall submit to the Oklahoma
4 Tax Commission, the Governor, President Pro Tempore of the Senate,
5 and the Speaker of the House of Representatives an audited financial
6 statement for the organization along with information detailing the
7 benefits, successes, or failures of the programs.

8 E. Except as otherwise provided pursuant to subsection I of
9 this section:

10 1. The total credits authorized pursuant to subsection B of
11 this section for all taxpayers for tax years 2017 through 2021 shall
12 not exceed Three Million Five Hundred Thousand Dollars
13 (\$3,500,000.00) annually;

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

18 3. The total credits authorized pursuant to subsection C of
19 this section for all taxpayers for tax years 2017 through 2021 shall
20 not exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00)
21 annually;

22 4. The total credits authorized pursuant to subsections C and D
23 of this section for all taxpayers for tax year 2022 and subsequent
24 tax years shall not exceed Twenty-five Million Dollars

1 (\$25,000,000.00) annually. In addition to the cap amount prescribed
2 by this paragraph, the credit amount shall also be limited to Two
3 Hundred Thousand Dollars (\$200,000.00) of credits per public school
4 district annually; and

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

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

20 G. Any tax credits which are earned by a taxpayer pursuant to
21 this section during the time period beginning August 26, 2011,
22 through December 31, 2012, may not be claimed for any period prior
23 to the taxable year beginning January 1, 2013. No credits which
24 accrue during the time period beginning August 26, 2011, through

1 December 31, 2012, may be used to file an amended tax return for any
2 taxable year prior to the taxable year beginning January 1, 2013.

3 H. As used in this section:

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

20 2. "Eligible special needs student" means a child who has been
21 provided services under an ~~Individual~~ Individualized Family Service
22 Plan through the SoonerStart program and during transition was
23 evaluated and determined to be eligible for school district
24 services, a child of school age who has attended public school in

1 our state with an individualized education program pursuant to the
2 Individuals With Disabilities Education Act, 20 U.S.C.A., Section
3 1400 et seq., or a child who has been diagnosed by a clinical
4 professional as having a significant disability that will affect
5 learning and who has been approved by the board of a scholarship-
6 granting organization;

7 3. "Educational scholarships" means:

- 8 a. scholarships to an eligible student of up to Five
9 Thousand Dollars (\$5,000.00) or eighty percent (80%)
10 of the statewide annual average per-pupil expenditure
11 as determined by the National Center for Education
12 Statistics, U.S. Department of Education, whichever is
13 greater, to cover all or part of the tuition, fees,
14 and transportation costs of a qualified school which
15 is accredited by the State Board of Education or an
16 accrediting association approved by the Board pursuant
17 to Section 3-104 of Title 70 of the Oklahoma Statutes,
18 b. scholarships to an eligible student of up to Five
19 Thousand Dollars (\$5,000.00) or eighty percent (80%)
20 of the statewide annual average per-pupil expenditure
21 as determined by the National Center for Education
22 Statistics, U.S. Department of Education, whichever is
23 greater, to cover the educational costs of a qualified
24 school which does not charge tuition, which enrolls

1 special populations of students, and which is
2 accredited by the State Board of Education or an
3 accrediting association approved by the Board pursuant
4 to Section 3-104 of Title 70 of the Oklahoma Statutes,
5 or

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

14 4. "Low-income eligible student" means an eligible student or
15 eligible special needs student who qualifies for a free or reduced-
16 price lunch;

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

21 a. is accredited by the State Board of Education or an
22 accrediting association approved by the Board pursuant
23 to Section 3-104 of Title 70 of the Oklahoma Statutes,
24

- b. is in compliance with all applicable health and safety laws and codes,
- c. has a stated policy against discrimination in admissions on the basis of race, color, national origin, or disability, and
- d. ensures academic accountability to parents and guardians of students through regular progress reports;

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

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

- a. is a nonprofit entity exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3),
- b. distributes periodic scholarship payments as checks made out to an eligible student's or eligible special needs student's parent or guardian and mailed to the qualified school where the student is enrolled,
- c. spends no more than ten percent (10%) of its annual revenue on expenditures other than educational

1 scholarships as defined in paragraph 3 of this
2 subsection,

3 d. spends each year a portion of its expenditures on
4 educational scholarships for low-income eligible
5 students, as defined in paragraph 4 of this
6 subsection, in an amount equal to or greater than the
7 percentage of low-income eligible students in the
8 state,

9 e. ensures that scholarships are portable during the
10 school year and can be used at any qualified school
11 that accepts the eligible student or at any qualified
12 school for special needs students that accepts the
13 eligible special needs student,

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

16 g. has policies in place to:

17 (1) carry out criminal background checks on all
18 employees and board members to ensure that no
19 individual is involved with the organization who
20 might reasonably pose a risk to the appropriate
21 use of contributed funds, and

22 (2) maintain full and accurate records with respect
23 to the receipt of contributions and expenditures
24 of those contributions and supply such records

1 and any other documentation required by the Tax
2 Commission to demonstrate financial
3 accountability;

4 8. "Annual revenue" means the total amount or value of
5 contributions received by an organization from taxpayers awarded
6 credits during the organization's fiscal year and all amounts earned
7 from interest or investments;

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

10 10. "Eligible public school district" means any public school;

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

16 12. "Innovative educational program" means an advanced academic
17 or academic improvement program that is not part of the regular
18 coursework of a public school but that enhances the curriculum or
19 academic program of the school or provides early childhood education
20 programs to students;

21 13. "Educational improvement grant" means a grant to an
22 eligible public school to implement an innovative educational
23 program for students including the ability for multiple public
24

1 schools to make an application and be awarded a grant to jointly
2 provide an innovative educational program;

3 14. "Educational improvement grant organization" means an
4 organization which:

- 5 a. is a nonprofit entity exempt from taxation pursuant to
6 the provisions of the Internal Revenue Code, 26
7 U.S.C., Section 501(c)(3), and
- 8 b. contributes at least ninety percent (90%) of its
9 annual receipts as grants to eligible schools for
10 innovative educational programs. For purposes of this
11 subparagraph, an educational improvement grant
12 organization contributes its annual cash receipts when
13 it expends or otherwise irrevocably encumbers those
14 funds for expenditure during the then current fiscal
15 year of the organization or during the next succeeding
16 fiscal year of the organization; and

17 15. "Eligible public school foundation" means a nonprofit
18 entity formed pursuant to the laws of this state and is exempt from
19 federal income taxation pursuant to either Section 501(c)(3) or
20 Section 509(a) of the Internal Revenue Code of 1986, as amended.
21 Each public school foundation must be approved by the local board of
22 education prior to accepting qualifying donations.

23 I. Total credits authorized by this section shall be allocated
24 as follows:

1 1. By January 10 of the year immediately following each
2 calendar year, a scholarship-granting organization, an educational
3 improvement grant organization, an eligible public school
4 foundation, or public school district which accepts contributions
5 pursuant to this section shall provide electronically to the Tax
6 Commission information on each contribution accepted during such
7 taxable year. At least once each taxable year, the entity making
8 the report shall notify each contributor that Oklahoma law provides
9 for a total, statewide cap on the amount of income tax credits
10 allowed annually;

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

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

15 c. 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 per public school district cap pursuant to paragraph 4
21 of subsection E of this section, the Tax Commission
22 shall first allocate any amount of credits not claimed
23 for contributions made to other organizations
24 authorized pursuant to subsections C and D of this

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

6 d. Beginning for tax year 2016, credits earned, but not
7 allowed due to the application of statewide caps
8 provided in subsection E of this section will be
9 considered suspended and authorized to be used in the
10 next immediate tax year and applied to the next year's
11 statewide cap; and

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

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

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

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

5 a. enables the Tax Commission to confirm that the
6 organization is a nonprofit entity exempt from
7 taxation pursuant to the provisions of the Internal
8 Revenue Code, 26 U.S.C., Section 501(c)(3) or Section
9 509(a), and

10 b. describes the proposed innovative educational program
11 or programs supported by the organization.

12 2. The Tax Commission shall review and approve or disapprove
13 the application, in consultation with the State Department of
14 Education.

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

19 a. the name of the innovative educational program or
20 programs and the total amount of the grant or grants
21 made to those programs during the immediately
22 preceding school year,

23 b. a description of how each grant was utilized during
24 the immediately preceding school year and a

1 description of any demonstrated or expected innovative
2 educational improvements,

3 c. the names of the public school and school districts
4 where innovative educational programs that received
5 grants during the immediately preceding school year
6 were implemented,

7 d. where the organization collects information on a
8 county-by-county basis, and

9 e. the total number and total amount of grants made
10 during the immediately preceding school year for
11 innovative educational programs at public school by
12 each county in which the organization made grants.

13 4. The information required under paragraph 3 of this
14 subsection shall be submitted on a form provided by the Tax
15 Commission. No later than May 1 of each year, the Tax Commission
16 shall annually distribute sample forms together with the forms on
17 which the reports are required to be made to each approved
18 organization.

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

22 M. 1. Beginning in 2023 for the 2022-2023 academic year, in
23 order to maintain registration, a scholarship-granting organization
24 shall annually report to the Tax Commission by September 1 of each

1 year the following information regarding the educational
2 scholarships funded by the organization in the previous academic
3 year:

- 4 a. the name and address of the scholarship-granting
5 organization,
- 6 b. the names of the qualifying schools that received
7 funding for educational scholarships, the total amount
8 of funds paid to each qualifying school, and the total
9 number of scholarship recipients enrolled in each
10 qualifying school,
- 11 c. the total number and total dollar amount of
12 contributions received during the previous academic
13 year,
- 14 d. the total number and total dollar amount of
15 educational scholarships awarded and funded during the
16 previous academic year,
- 17 e. the total number, total dollar amount, and percentage
18 of educational scholarships awarded and funded during
19 the previous academic year disaggregated into the
20 following categories:
 - 21 (1) low-income eligible students,
 - 22 (2) students who during the immediately preceding
23 school year attended or who were eligible by
24 virtue of the residence of the student to attend

1 a public school in the state which was identified
2 for school improvement by the State Board of
3 Education,

4 (3) eligible special needs students, and

5 (4) students who were first-time recipients of a
6 scholarship including information about the type
7 of public or private school the student was
8 enrolled in during the entire previous academic
9 year,

10 f. the percentage of annual revenue received by the
11 organization from donations which qualify for tax
12 credits pursuant to this section which was not
13 expended on scholarships,

14 g. disaggregated data reported under this subsection
15 shall be redacted if reporting would allow for
16 identification of specific children, and shall be
17 reported in accordance with the Student Data
18 Accessibility, Transparency and Accountability Act of
19 2013, division b of subparagraph 2 of subsection C of
20 Section 3-168 of Title 70 of the Oklahoma Statutes,
21 and the Family Educational Rights and Privacy Act of
22 1974 (FERPA), 20 U.S.C., Section 1232g, and
23
24

1 h. the percentage of the total amount of education
2 scholarship expenditures spent on low-income eligible
3 students.

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

5 a. the information submitted by the scholarship-granting
6 organization pursuant to paragraph 1 of this
7 subsection,

8 b. a list of participating schools, and

9 c. all other application information submitted to the Tax
10 Commission by a scholarship-granting organization,
11 except that information which would violate the
12 privacy of an individual.

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

17 N. Contributions made pursuant to subsections B, C, and D of
18 this ~~act~~ section shall not be used by the Legislature to reduce the
19 amount appropriated for the financial support of public schools.

20 O. In consultation with the State Department of Education, the
21 Tax Commission shall promulgate rules necessary to implement ~~this~~
22 ~~act~~ the Oklahoma Equal Opportunity Education Scholarship Act. The
23 rules shall include procedures for the registration of a
24 scholarship-granting organization, an educational improvement grant

1 organization, a public school foundation, or public school district
2 for purposes of determining if the organization meets the
3 requirements of ~~this act~~ the Oklahoma Equal Opportunity Education
4 Scholarship Act or for the revocation of the registration of an
5 organization, if applicable, and for notice as required in
6 subsection I of this section.

7 SECTION 2. This act shall become effective November 1, 2022.

8 Passed the Senate the 14th day of February, 2022.

9
10 _____
11 Presiding Officer of the Senate

12 Passed the House of Representatives the ____ day of _____,
13 2022.

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16 Presiding Officer of the House
17 of Representatives
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