

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE
5 BILL NO. 1659

By: Newhouse of the Senate

and

Dills of the House

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

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

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

24 Section 2357.206. A. This act shall be known and may be cited
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 ~~December 31, 2017~~ April 30, 2024, and once
19 every ~~four (4)~~ two (2) years thereafter, such scholarship-granting
20 organization and educational improvement grant organization shall
21 electronically submit to the Oklahoma Tax Commission, the Governor,
22 President Pro Tempore of the Senate ~~and~~ and, the Speaker of the House of
23 Representatives, and the chairs and vice chairs of the education
24 committees of the Senate and House of Representatives an audited

1 financial statement for the organization along with information
2 detailing the benefits, successes, or failures of the program, and
3 make publicly available on its website the financial statement and
4 information submitted 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 ~~December 31, 2022~~ April 30, 2024, and once
6 every four (4) years thereafter, such eligible public school
7 foundation and public school district shall submit to the Oklahoma
8 Tax Commission, the Governor, President Pro Tempore of the Senate,
9 and the Speaker of the House of Representatives an audited financial
10 statement for the organization along with information detailing the
11 benefits, successes, or 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 ~~Individual~~ Individualized Family Service
3 Plan through the SoonerStart program and during transition was
4 evaluated and determined to be eligible for school district
5 services, a child of school age who has attended public school in
6 our state with an individualized education program pursuant to the
7 Individuals With Disabilities Education Act, 20 U.S.C.A., Section
8 1400 et seq., or a child who has been diagnosed by a clinical
9 professional as having a significant disability that will affect
10 learning and who has been approved by the board of a scholarship-
11 granting organization;

12 3. "Educational scholarships" means:

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

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

11 c. scholarships to an eligible special needs student of
12 up to Twenty-five Thousand Dollars (\$25,000.00) to
13 cover all or part of the tuition, fees, and
14 transportation costs of a qualified school for
15 eligible special needs students which is accredited by
16 the State Board of Education or an accrediting
17 association approved by the Board pursuant to Section
18 3-104 of Title 70 of the Oklahoma Statutes;

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

22 5. "Qualified school" means an early childhood, elementary, or
23 secondary private school in this state including schools which
24

1 provide special educational programs for three-year-olds or
2 prekindergarten educational programs for four-year-olds, which:

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

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

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

- 21 a. is a nonprofit entity exempt from taxation pursuant to
22 the provisions of the Internal Revenue Code, 26
23 U.S.C., Section 501(c)(3),
24

- 1 b. distributes periodic scholarship payments as checks
2 made out to an eligible student's or eligible special
3 needs student's parent or guardian and mailed to the
4 qualified school where the student is enrolled,
- 5 c. spends no more than ten percent (10%) of its annual
6 revenue on expenditures other than educational
7 scholarships as defined in paragraph 3 of this
8 subsection,
- 9 d. spends each year a portion of its expenditures on
10 educational scholarships for low-income eligible
11 students, as defined in paragraph 4 of this
12 subsection, in an amount equal to or greater than the
13 percentage of low-income eligible students in the
14 state,
- 15 e. ensures that scholarships are portable during the
16 school year and can be used at any qualified school
17 that accepts the eligible student or at any qualified
18 school for special needs students that accepts the
19 eligible special needs student,
- 20 f. registers with the Oklahoma Tax Commission as a
21 scholarship-granting organization, and
- 22 g. has policies in place to:
- 23 (1) carry out criminal background checks on all
24 employees and board members to ensure that no

individual is involved with the organization who might reasonably pose a risk to the appropriate use of contributed funds, and

(2) maintain full and accurate records with respect to the receipt of contributions and expenditures of those contributions and supply such records and any other documentation required by the Tax Commission to demonstrate financial accountability;

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

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

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

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

12. "Innovative educational program" means an advanced academic or academic improvement program that is not part of the regular coursework of a public school but that enhances the curriculum or

1 academic program of the school or provides early childhood education
2 programs to students;

3 13. "Educational improvement grant" means a grant to an
4 eligible public school to implement an innovative educational
5 program for students including the ability for multiple public
6 schools to make an application and be awarded a grant to jointly
7 provide an innovative educational program;

8 14. "Educational improvement grant organization" means an
9 organization which:

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

22 15. "Eligible public school foundation" means a nonprofit
23 entity formed pursuant to the laws of this state and is exempt from
24 federal income taxation pursuant to either Section 501(c)(3) or

1 Section 509(a) of the Internal Revenue Code of 1986, as amended.

2 Each public school foundation must be approved by the local board of
3 education prior to accepting qualifying donations.

4 I. Total credits authorized by this section shall be allocated
5 as follows:

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

16 2. a. If the Tax Commission determines the total combined
17 credits claimed for contributions made to scholarship-
18 granting organizations during the most recently
19 completed calendar year by all taxpayers are in excess
20 of the statewide cap amount provided in paragraphs 1
21 and 2 of subsection E of this section, the Tax
22 Commission shall first allocate any amount of credits
23 not claimed for contributions made to 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 total maximum credits authorized by this
5 section are not exceeded.

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

20 c. If the Tax Commission determines the total combined
21 credits claimed for contributions made to
22 organizations authorized pursuant to subsections C and
23 D of this section during the most recently completed
24 calendar year by all taxpayers are in excess of the

1 per public school district cap pursuant to paragraph 4
2 of subsection E of this section, the Tax Commission
3 shall first allocate any amount of credits not claimed
4 for contributions made to other organizations
5 authorized pursuant to subsections C and D of this
6 section, then shall determine the percentage of the
7 contribution which establishes the proportionate share
8 of the credit which may be claimed by any taxpayer so
9 that the maximum credits authorized by this section
10 are not exceeded.

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

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

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

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

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

10 a. enables the Tax Commission to confirm that the
11 organization is a nonprofit entity exempt from
12 taxation pursuant to the provisions of the Internal
13 Revenue Code, 26 U.S.C., Section 501(c)(3) or Section
14 509(a), and

15 b. describes the proposed innovative educational program
16 or programs supported by the organization.

17 2. The Tax Commission shall review and approve or disapprove
18 the application, in consultation with the State Department of
19 Education.

20 3. In order to maintain eligibility under this section, an
21 organization authorized pursuant to subsections C and D of this
22 section shall annually report the following information to the Tax
23 Commission and publish on its website by September 1 of each year:
24

- a. the name of the innovative educational program or programs and the total amount of the grant or grants made to those programs during the immediately preceding school year,
- b. a description of how each grant was utilized during the immediately preceding school year and a description of any demonstrated or expected innovative educational improvements,
- c. the names of the public school and school districts where innovative educational programs that received grants during the immediately preceding school year were implemented,
- d. where the organization collects information on a county-by-county basis, and
- e. the total number and total amount of grants made during the immediately preceding school year for innovative educational programs at public school by each county in which the organization made grants.

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

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

4 M. 1. Beginning in 2023 for the 2022-2023 academic year, in
5 order to maintain registration, a scholarship-granting organization
6 shall annually report to the Tax Commission by September 1 of each
7 year the following information regarding the educational
8 scholarships funded by the organization in the previous academic
9 year:

- 10 a. the name and address of the scholarship-granting
11 organization,
- 12 b. the names of the qualifying schools that received
13 funding for educational scholarships, the total amount
14 of funds paid to each qualifying school, and the total
15 number of scholarship recipients enrolled in each
16 qualifying school,
- 17 c. the total number and total dollar amount of
18 contributions received during the previous academic
19 year,
- 20 d. the total number and total dollar amount of
21 educational scholarships awarded and funded during the
22 previous academic year,
- 23 e. the total number, total dollar amount, and percentage
24 of educational scholarships awarded and funded during

1 the previous academic year disaggregated into the
2 following categories:

3 (1) low-income eligible students,

4 (2) students who during the immediately preceding
5 school year attended or who were eligible by
6 virtue of the residence of the student to attend
7 a public school in the state which was identified
8 for school improvement by the State Board of
9 Education,

10 (3) eligible special needs students, and

11 (4) students who were first-time recipients of a
12 scholarship including information about the type
13 of public or private school the student was
14 enrolled in during the entire previous academic
15 year,

16 f. the percentage of annual revenue received by the
17 organization from donations which qualify for tax
18 credits pursuant to this section which was not
19 expended on scholarships,

20 g. disaggregated data reported under this subsection
21 shall be redacted if reporting would allow for
22 identification of specific children, and shall be
23 reported in accordance with the Student Data
24 Accessibility, Transparency and Accountability Act of

2013, division b of subparagraph 2 of subsection C of
Section 3-168 of Title 70 of the Oklahoma Statutes,
and the Family Educational Rights and Privacy Act of
1974 (FERPA), 20 U.S.C., Section 1232g, and

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

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

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

b. a list of participating schools, and

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

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

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

1 O. In consultation with the State Department of Education, the
2 Tax Commission shall promulgate rules necessary to implement ~~this~~
3 ~~act~~ the Oklahoma Equal Opportunity Education Scholarship Act. The
4 rules shall include procedures for the registration of a
5 scholarship-granting organization, an educational improvement grant
6 organization, a public school foundation, or public school district
7 for purposes of determining if the organization meets the
8 requirements of ~~this act~~ the Oklahoma Equal Opportunity Education
9 Scholarship Act or for the revocation of the registration of an
10 organization, if applicable, and for notice as required in
11 subsection I of this section.

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

13
14 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/12/2022 - DO PASS.
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