

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3756

By: Johns

4
5
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68
8 O.S. 2021, Section 2357.206, which relates to the
9 Oklahoma Equal Opportunity Education Scholarship Act;
10 modifying definition of eligible student; and
11 providing an effective date.

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

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

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

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

21 The credit shall be equal to fifty percent (50%) of the total
22 amount of contributions made during a taxable year, not to exceed
23 One Thousand Dollars (\$1,000.00) for single individuals, Two
24 Thousand Dollars (\$2,000.00) for married individuals filing jointly,

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

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

21 3. The credits authorized pursuant to the provisions of this
22 subsection shall be allocable to the partners, shareholders, members
23 or other equity owners of a taxpayer that is authorized to be
24 treated as a partnership for purposes of federal income tax

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

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

21 C. 1. Except as provided in subsection G of this section,
22 after August 26, 2011, there shall be allowed a credit for any
23 taxpayer who makes a contribution to an eligible educational
24 improvement grant organization. Except as otherwise provided by

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

15 2. For any taxpayer who makes a contribution to an eligible
16 educational improvement grant organization and makes a written
17 commitment to contribute the same amount for an additional year, the
18 credit for the first year and the additional year shall be equal to
19 seventy-five percent (75%) of the total amount of the contribution
20 made during a taxable year, not to exceed the cap amount established
21 in paragraphs 3 and 4 of subsection E of this section for the
22 taxable year in which the credit provided in this paragraph is
23 claimed; provided, if total credits claimed pursuant to this
24 paragraph exceed the cap established pursuant to paragraphs 3 and 4

1 of subsection E of this section, the credit shall be equal to the
2 taxpayer's proportionate share of the cap for the taxable year, as
3 determined pursuant to subsection I of this section. The taxpayer
4 shall provide evidence of the written commitment to the Oklahoma Tax
5 Commission at the time of filing the refund claim.

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

21 D. 1. For contributions made on or after January 1, 2022,
22 there shall be allowed a credit for any taxpayer who makes a
23 contribution to an eligible public school foundation or public
24 school district. Except as otherwise provided by paragraph 2 of

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

14 2. Except as otherwise provided by paragraph 1 of this
15 subsection, for any taxpayer who makes a contribution to an eligible
16 public school foundation or public school district and makes a
17 written commitment to contribute the same amount for an additional
18 year, the credit for the first year and the additional year shall be
19 equal to seventy-five percent (75%) of the total amount of the
20 contribution made during a taxable year, not to exceed the cap
21 amount established in paragraph 4 of subsection E of this section
22 for the taxable year in which the credit provided in this paragraph
23 is claimed. The taxpayer shall provide evidence of the written
24 commitment to the Oklahoma Tax Commission at the time of filing the

1 refund claim; provided, if total credits claimed pursuant to this
2 paragraph exceed the cap amount established pursuant to paragraph 4
3 of subsection E of this section, the credit shall be equal to the
4 taxpayer's proportionate share of the cap for the taxable year, as
5 determined pursuant to subsection I of this section.

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

21 4. On or before December 31, 2022, and once every four (4)
22 years thereafter, such eligible public school foundation and public
23 school district shall submit to the Oklahoma Tax Commission, the
24 Governor, President Pro Tempore of the Senate and the Speaker of the

1 House of Representatives an audited financial statement for the
2 organization along with information detailing the benefits,
3 successes or failures of the programs.

4 E. Except as otherwise provided pursuant to subsection I of
5 this section:

6 1. The total credits authorized pursuant to subsection B of
7 this section for all taxpayers for tax years 2017 through 2021 shall
8 not exceed Three Million Five Hundred Thousand Dollars
9 (\$3,500,000.00) annually;

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

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

18 4. The total credits authorized pursuant to subsections C and D
19 of this section for all taxpayers for tax year 2022 and subsequent
20 tax years shall not exceed Twenty-five Million Dollars
21 (\$25,000,000.00) annually. In addition to the cap amount prescribed
22 by this paragraph, the credit amount shall also be limited to Two
23 Hundred Thousand Dollars (\$200,000.00) of credits per public school
24 district annually; and

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

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

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

23 H. As used in this section:
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1 1. "Eligible student" means a child of school age who is
2 lawfully present in the United States and who is a member of a
3 household in which the total annual income during the preceding tax
4 year does not exceed ~~an amount equal to three hundred percent (300%)~~
5 ~~of the income standard used to qualify for a free or reduced-price~~
6 ~~school lunch~~ Sixty Thousand Dollars (\$60,000.00) or who, during the
7 immediately preceding school year, attended or, by virtue of the
8 location of such student's place of residence, was eligible to
9 attend a public school in this state which has been identified for
10 school improvement as determined by the State Board of Education
11 pursuant to the requirements of the No Child Left Behind Act of
12 2001, P.L. No. 107-110. Once a student has received an educational
13 scholarship, as defined in paragraph 3 of this subsection, the
14 student and any siblings who are members of the same household shall
15 remain eligible until they graduate from high school or reach
16 twenty-one (21) years of age, whichever occurs first;

17 2. "Eligible special needs student" means a child who has been
18 provided services under an Individual Family Service Plan through
19 the SoonerStart program and during transition was evaluated and
20 determined to be eligible for school district services, a child of
21 school age who has attended public school in our state with an
22 individualized education program pursuant to the Individuals With
23 Disabilities Education Act, 20 U.S.C.A., Section 1400 et seq. or a
24 child who has been diagnosed by a clinical professional as having a

1 significant disability that will affect learning and who has been
2 approved by the board of a scholarship-granting organization;

3 3. "Educational scholarships" means:

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

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

11 4. "Low-income eligible student" means an eligible student or
12 eligible special needs student who qualifies for a free or reduced-
13 price lunch;

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

18 a. is accredited by the State Board of Education or an
19 accrediting association approved by the Board pursuant
20 to Section 3-104 of Title 70 of the Oklahoma Statutes,

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

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

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

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

- 1 d. spends each year a portion of its expenditures on
2 educational scholarships for low-income eligible
3 students, as defined in paragraph 4 of this
4 subsection, in an amount equal to or greater than the
5 percentage of low-income eligible students in the
6 state,
- 7 e. ensures that scholarships are portable during the
8 school year and can be used at any qualified school
9 that accepts the eligible student or at any qualified
10 school for special needs students that accepts the
11 eligible special needs student,
- 12 f. registers with the Oklahoma Tax Commission as a
13 scholarship-granting organization, and
- 14 g. has policies in place to:
- 15 (1) carry out criminal background checks on all
16 employees and board members to ensure that no
17 individual is involved with the organization who
18 might reasonably pose a risk to the appropriate
19 use of contributed funds, and
- 20 (2) maintain full and accurate records with respect
21 to the receipt of contributions and expenditures
22 of those contributions and supply such records
23 and any other documentation required by the Tax
24

1 Commission to demonstrate financial
2 accountability;

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

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

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

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

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

20 13. "Educational improvement grant" means a grant to an
21 eligible public school to implement an innovative educational
22 program for students including the ability for multiple public
23 schools to make an application and be awarded a grant to jointly
24 provide an innovative educational program;

1 14. "Educational improvement grant organization" means an
2 organization which:

3 a. is a nonprofit entity exempt from taxation pursuant to
4 the provisions of the Internal Revenue Code, 26
5 U.S.C., Section 501(c)(3), and

6 b. contributes at least ninety percent (90%) of its
7 annual receipts as grants to eligible schools for
8 innovative educational programs. For purposes of this
9 subparagraph, an educational improvement grant
10 organization contributes its annual cash receipts when
11 it expends or otherwise irrevocably encumbers those
12 funds for expenditure during the then current fiscal
13 year of the organization or during the next succeeding
14 fiscal year of the organization; and

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

21 I. Total credits authorized by this section shall be allocated
22 as follows:

23 1. By January 10 of the year immediately following each
24 calendar year, a scholarship-granting organization, an educational

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

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

22 b. If the Tax Commission determines the total combined
23 credits claimed for contributions made to
24 organizations authorized pursuant to subsections C and

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

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

1 that the maximum credits authorized by this section
2 are not exceeded.

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

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

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

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

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

- 1 a. enables the Tax Commission to confirm that the
2 organization is a nonprofit entity exempt from
3 taxation pursuant to the provisions of the Internal
4 Revenue Code, 26 U.S.C., Section 501(c)(3) or Section
5 509(a), and
6 b. describes the proposed innovative educational program
7 or programs supported by the organization.

8 2. The Tax Commission shall review and approve or disapprove
9 the application, in consultation with the State Department of
10 Education.

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

- 15 a. the name of the innovative educational program or
16 programs and the total amount of the grant or grants
17 made to those programs during the immediately
18 preceding school year,
19 b. a description of how each grant was utilized during
20 the immediately preceding school year and a
21 description of any demonstrated or expected innovative
22 educational improvements,
23 c. the names of the public school and school districts
24 where innovative educational programs that received

1 grants during the immediately preceding school year
2 were implemented,

3 d. where the organization collects information on a
4 county-by-county basis, and

5 e. the total number and total amount of grants made
6 during the immediately preceding school year for
7 innovative educational programs at public school by
8 each county in which the organization made grants.

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

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

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

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

1 (3) eligible special needs students, and
2 (4) students who were first-time recipients of a
3 scholarship including information about the type
4 of public or private school the student was
5 enrolled in during the entire previous academic
6 year,

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

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

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

23 2. The Tax Commission shall make available on its website:
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- 1 a. the information submitted by the scholarship-granting
2 organization pursuant to paragraph 1 of this
3 subsection,
4 b. a list of participating schools, and
5 c. all other application information submitted to the Tax
6 Commission by a scholarship-granting organization,
7 except that information which would violate the
8 privacy of an individual.

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

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

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

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

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