

1 ENGROSSED HOUSE  
2 BILL NO. 3974

By: Echols and Waldron of the  
House

3 and

4 Daniels of the Senate  
5

6  
7 An Act relating to education scholarships; amending  
8 68 O.S. 2021, Section 2357.206, as amended by Section  
9 1, Chapter 49, O.S.L. 2022 (68 O.S. Supp. 2023,  
10 Section 2357.206), which relates to the Oklahoma  
11 Equal Opportunity Education Scholarship Act;  
12 modifying defined term; adding definition for  
13 educational infrastructure fund; and providing an  
14 effective date.

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

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

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

21 B. 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 scholarship-  
24 granting organization.

The credit shall be equal to fifty percent (50%) of the total  
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 April 30, 2024, and once every two (2) years  
15 thereafter, such scholarship-granting organization and educational  
16 improvement grant organization shall electronically submit to the  
17 Oklahoma Tax Commission, the Governor, President Pro Tempore of the  
18 Senate, the Speaker of the House of Representatives, and the chairs  
19 and vice chairs of the education committees of the Senate and House  
20 of Representatives an audited financial statement for the  
21 organization along with information detailing the benefits,  
22 successes, or failures of the program, and make publicly available  
23 on its website the financial statement and information submitted  
24 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 April 30, 2024, and once every four (4) years  
2 thereafter, such eligible public school foundation and public school  
3 district shall submit to the Oklahoma Tax Commission, the Governor,  
4 President Pro Tempore of the Senate, and the Speaker of the House of  
5 Representatives an audited financial statement for the organization  
6 along with information detailing the benefits, successes, or  
7 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 Individualized Family Service Plan  
22 through the SoonerStart program and during transition was evaluated  
23 and determined to be eligible for school district services, a child  
24 of school age who has attended public school in our state with an

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

6 3. "Educational scholarships" means:

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

1 accredited by the State Board of Education or an  
2 accrediting association approved by the Board pursuant  
3 to Section 3-104 of Title 70 of the Oklahoma Statutes,  
4 or

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

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

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

- 20 a. 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. is in compliance with all applicable health and safety  
24 laws and codes,

- 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:

- 18                   (1)   periodic scholarship payments as checks made out  
19                           to an eligible student's or eligible special  
20                           needs student's parent or guardian and mailed to  
21                           the qualified school where the student is  
22                           enrolled, or
- 23                   (2)   grants to qualified schools for such school's  
24                           educational infrastructure fund,

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

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

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

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

18 g. has policies in place to:

- 19 (1) carry out criminal background checks on all  
20 employees and board members to ensure that no  
21 individual is involved with the organization who  
22 might reasonably pose a risk to the appropriate  
23 use of contributed funds, and  
24

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

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

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

15 ~~9.~~ 10. "Public school" means public schools as defined in  
16 Section 1-106 of Title 70 of the Oklahoma Statutes;

17 ~~10.~~ 11. "Eligible public school district" means any public  
18 school;

19 ~~11.~~ 12. "Early childhood education program" means a special  
20 educational program for eligible special needs students who are  
21 three (3) years of age or a prekindergarten educational program  
22 provided to children who are at least four (4) years of age but not  
23 more than five (5) years of age on or before September 1;

1       ~~12.~~ 13. "Innovative educational program" means an advanced  
2 academic or academic improvement program that is not part of the  
3 regular coursework of a public school but that enhances the  
4 curriculum or academic program of the school or provides early  
5 childhood education programs to students or an improvement to  
6 educational infrastructure;

7       ~~13.~~ 14. "Educational improvement grant" means a grant to an  
8 eligible public school to implement an innovative educational  
9 program for students including the ability for multiple public  
10 schools to make an application and be awarded a grant to jointly  
11 provide an innovative educational program;

12       ~~14.~~ 15. "Educational improvement grant organization" means an  
13 organization 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), and
- 17           b. contributes at least ninety percent (90%) of its  
18           annual receipts as grants to eligible schools for  
19           innovative educational programs. For purposes of this  
20           subparagraph, an educational improvement grant  
21           organization contributes its annual cash receipts when  
22           it expends or otherwise irrevocably encumbers those  
23           funds for expenditure during the then current fiscal  
24

1 year of the organization or during the next succeeding  
2 fiscal year of the organization; and

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

9 I. Total credits authorized by this section shall be allocated  
10 as follows:

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

21 2. a. If the Tax Commission determines the total combined  
22 credits claimed for contributions made to scholarship-  
23 granting organizations during the most recently  
24 completed calendar year by all taxpayers are in excess

1 of the statewide cap amount provided in paragraphs 1  
2 and 2 of subsection E of this section, the Tax  
3 Commission shall first allocate any amount of credits  
4 not claimed for contributions made to 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 total maximum credits authorized by this  
10 section are not exceeded.

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

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

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

22 3. The Tax Commission shall publish the percentage of the  
23 contribution which may be claimed as a credit by contributors for  
24 the most recently completed calendar year on the Tax Commission

1 website no later than February 15 of each calendar year for  
2 contributions made the previous year. Each organization authorized  
3 pursuant to subsections B, C, and D of this section shall notify  
4 contributors of that amount annually.

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

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

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

14 a. enables the Tax Commission to confirm that the  
15 organization is a nonprofit entity exempt from  
16 taxation pursuant to the provisions of the Internal  
17 Revenue Code, 26 U.S.C., Section 501(c)(3) or Section  
18 509(a), and

19 b. describes the proposed innovative educational program  
20 or programs supported by the organization.

21 2. The Tax Commission shall review and approve or disapprove  
22 the application, in consultation with the State Department of  
23 Education.

24

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

5           a. the name of the innovative educational program or  
6 programs and the total amount of the grant or grants  
7 made to those programs during the immediately  
8 preceding school year,

9           b. a description of how each grant was utilized during  
10 the immediately preceding school year and a  
11 description of any demonstrated or expected innovative  
12 educational improvements,

13           c. the names of the public school and school districts  
14 where innovative educational programs that received  
15 grants during the immediately preceding school year  
16 were implemented,

17           d. where the organization collects information on a  
18 county-by-county basis, and

19           e. the total number and total amount of grants made  
20 during the immediately preceding school year for  
21 innovative educational programs at public school by  
22 each county in which the organization made grants.

23           4. The information required under paragraph 3 of this  
24 subsection shall be submitted on a form provided by the Tax

1 Commission. No later than May 1 of each year, the Tax Commission  
2 shall annually distribute sample forms together with the forms on  
3 which the reports are required to be made to each approved  
4 organization.

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

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

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

24

- 1           d.    the total number and total dollar amount of  
2                    educational scholarships awarded and funded during the  
3                    previous academic year,
- 4           e.    the total number, total dollar amount, and percentage  
5                    of educational scholarships awarded and funded during  
6                    the previous academic year disaggregated into the  
7                    following categories:
- 8                    (1)  low-income eligible students,
- 9                    (2)  students who during the immediately preceding  
10                    school year attended or who were eligible by  
11                    virtue of the residence of the student to attend  
12                    a public school in the state which was identified  
13                    for school improvement by the State Board of  
14                    Education,
- 15                   (3)  eligible special needs students, and
- 16                   (4)  students who were first-time recipients of a  
17                    scholarship including information about the type  
18                    of public or private school the student was  
19                    enrolled in during the entire previous academic  
20                    year,
- 21           f.    the percentage of annual revenue received by the  
22                    organization from donations which qualify for tax  
23                    credits pursuant to this section which was not  
24                    expended on scholarships,

- 1 g. disaggregated data reported under this subsection  
2 shall be redacted if reporting would allow for  
3 identification of specific children, and shall be  
4 reported in accordance with the Student Data  
5 Accessibility, Transparency and Accountability Act of  
6 2013, division b of subparagraph 2 of subsection C of  
7 Section 3-168 of Title 70 of the Oklahoma Statutes,  
8 and the Family Educational Rights and Privacy Act of  
9 1974 (FERPA), 20 U.S.C., Section 1232g, and  
10 h. the percentage of the total amount of education  
11 scholarship expenditures spent on low-income eligible  
12 students.

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

- 14 a. the information submitted by the scholarship-granting  
15 organization pursuant to paragraph 1 of this  
16 subsection,  
17 b. a list of participating schools, and  
18 c. all other application information submitted to the Tax  
19 Commission by a scholarship-granting organization,  
20 except that information which would violate the  
21 privacy of an individual.

22 3. A scholarship-granting organization shall annually submit  
23 verification to the Tax Commission that the organization still meets  
24

1 the criteria set forth in paragraph 7 of subsection H of this  
2 section.

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

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

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

18  
19  
20  
21  
22  
23  
24

1 Passed the House of Representatives the 12th day of March, 2024.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate