

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SUBCOMMITTEE RECOMMENDATION
FOR

HOUSE BILL NO. 3590

By: Lepak

SUBCOMMITTEE RECOMMENDATION

An Act relating to revenue and taxation; amending 68 O.S. 2021, Section 2357.206, as amended by Section 1, Chapter 49, O.S.L. 2022 (68 O.S. Supp. 2025, Section 2357.206), which relates to the Oklahoma Equal Opportunity Education Scholarship Act; modifying definition of eligible student; removing federal law reference and replacing with Oklahoma authority; modifying definition of low-income eligible student; authorizing scholarship payments to be made via secure electronic funds transfer; modifying definition of annual revenue; requiring certain annual reporting requirements to be disaggregated into certain categories; and providing an effective date.

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

SECTION 1. AMENDATORY 68 O.S. 2021, Section 2357.206, as amended by Section 1, Chapter 49, O.S.L. 2022 (68 O.S. Supp. 2025, Section 2357.206), is amended to read as follows:

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

1 B. 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 scholarship-
4 granting organization.

5 The credit shall be equal to fifty percent (50%) of the total
6 amount of contributions made during a taxable year, not to exceed
7 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, plus any suspended credits pursuant to
13 subparagraph d of paragraph 2 of subsection I of this section;
14 provided, if total credits claimed pursuant to this paragraph exceed
15 the cap amount established pursuant to paragraphs 1 and 2 of
16 subsection E of this section, the credit shall be equal to the
17 taxpayer's proportionate share of the cap for the taxable year, as
18 determined pursuant to subsection I of this section.

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

1 paragraph 1 of this subsection for the taxable year in which the
2 credit provided in this subsection is claimed. The taxpayer shall
3 provide evidence of the written commitment to the Oklahoma Tax
4 Commission at the time of filing the refund claim.

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

20 4. On or before ~~April 30, 2024~~ December 31, 2029, and once
21 every ~~two (2)~~ four (4) years thereafter, such scholarship-granting
22 organization and educational improvement grant organization shall
23 electronically submit to the Oklahoma Tax Commission, the Governor,
24 President Pro Tempore of the Senate, the Speaker of the House of

1 Representatives, and the chairs and vice chairs of the education
2 committees of the Senate and House of Representatives an audited
3 financial statement for the organization along with information
4 detailing the benefits, successes, or failures of the program, and
5 make publicly available on its website the financial statement and
6 information submitted pursuant to this paragraph.

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

1 2. For any taxpayer who makes a contribution to an eligible
2 educational improvement grant organization and makes a written
3 commitment to contribute the same amount for an additional year, the
4 credit for the first year and the additional year shall be equal to
5 seventy-five percent (75%) of the total amount of the contribution
6 made during a taxable year, not to exceed the cap amount established
7 in paragraphs 3 and 4 of subsection E of this section for the
8 taxable year in which the credit provided in this paragraph is
9 claimed; provided, if total credits claimed pursuant to this
10 paragraph exceed the cap established pursuant to paragraphs 3 and 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. The taxpayer
14 shall provide evidence of the written commitment to the Oklahoma Tax
15 Commission at the time of filing the refund claim.

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

1 limited in amount for the income tax return of a natural person or
2 persons based upon the limitation of the total credit amount to the
3 entity from which the tax credits have been allocated and shall not
4 be limited to One Thousand Dollars (\$1,000.00) for single
5 individuals or limited to Two Thousand Dollars (\$2,000.00) for
6 married persons filing a joint return.

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

1 2. Except as otherwise provided by paragraph 1 of this
2 subsection, for any taxpayer who makes a contribution to an eligible
3 public school foundation or public school district and makes a
4 written commitment to contribute the same amount for an additional
5 year, the credit for the first year and the additional year shall be
6 equal to seventy-five percent (75%) of the total amount of the
7 contribution made during a taxable year, not to exceed the cap
8 amount established in paragraph 4 of subsection E of this section
9 for the taxable year in which the credit provided in this paragraph
10 is claimed. The taxpayer shall provide evidence of the written
11 commitment to the Oklahoma Tax Commission at the time of filing the
12 refund claim; provided, if total credits claimed pursuant to this
13 paragraph exceed the cap amount established pursuant to paragraph 4
14 of 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 3. The credits authorized pursuant to the provisions of this
18 subsection shall be allocable to the partners, shareholders,
19 members, or other equity owners of a taxpayer that is authorized to
20 be treated as a partnership for purposes of federal income tax
21 reporting for the taxable year for which the tax credits authorized
22 by this subsection are claimed on the applicable return, together
23 with required schedules, forms, or reports of the partners,
24 shareholders, members, or other equity owners of the taxpayer. Tax

1 credits which are allocated to such equity owners shall only be
2 limited in amount for the income tax return of a natural person or
3 persons based upon the limitation of the total credit amount to the
4 entity from which the tax credits have been allocated and shall not
5 be limited to One Thousand Dollars (\$1,000.00) for single
6 individuals or limited to Two Thousand Dollars (\$2,000.00) for
7 married persons filing a joint return.

8 4. On or before ~~April 30, 2024~~ December 31, 2029, and once
9 every four (4) years thereafter, such eligible public school
10 foundation and public school district shall submit to the Oklahoma
11 Tax Commission, the Governor, President Pro Tempore of the Senate,
12 and the Speaker of the House of Representatives an audited financial
13 statement for the organization along with information detailing the
14 benefits, successes, or failures of the programs.

15 E. Except as otherwise provided pursuant to subsection I of
16 this section:

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

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

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

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

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

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

1 award as educational scholarships or educational improvement grants
2 over the most recent twenty-four (24) months.

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

10 H. As used in this section:

11 1. "Eligible student" means a child of school age who is
12 lawfully present in the United States and who is a member of a
13 household in which the total annual verified household adjusted
14 gross income during the preceding tax year does not exceed an amount
15 equal to ~~three hundred percent (300%)~~ five hundred fifty-five
16 percent (555%) of the ~~income standard used to qualify for a free or~~
17 ~~reduced-price school lunch~~ federal poverty level, as published
18 annually by the United States Department of Health and Human
19 Services or who, during the immediately preceding school year,
20 attended or, by virtue of the location of such student's place of
21 residence, was eligible to attend a public school in this state
22 which has been identified ~~for school improvement~~ as having a letter
23 grade of "C", "D", or "F" as determined by the State Board of
24 Education pursuant to ~~the requirements of the No Child Left Behind~~

1 ~~Act of 2001, P.L. No. 107-110~~ Section 1210.545 of Title 70 of the
2 Oklahoma Statutes. Once a student has received an educational
3 scholarship, as defined in paragraph 3 of this subsection, the
4 student and any siblings who are members of the same household shall
5 remain eligible until they graduate from high school or reach
6 twenty-one (21) years of age, whichever occurs first;

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

17 3. "Educational scholarships" means:

18 a. scholarships to an eligible student of up to Five
19 Thousand Dollars (\$5,000.00) or eighty percent (80%)
20 of the statewide annual average per-pupil expenditure
21 as determined by the National Center for Education
22 Statistics, U.S. Department of Education, whichever is
23 greater, to cover all or part of the tuition, fees,
24 and transportation costs of a qualified school which

- 1 is accredited by the State Board of Education or an
2 accrediting association approved by the Board pursuant
3 to Section 3-104 of Title 70 of the Oklahoma Statutes,
4 b. 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 the educational costs of a qualified
10 school which does not charge tuition, which enrolls
11 special populations of students, and which is
12 accredited by the State Board of Education or an
13 accrediting association approved by the Board pursuant
14 to Section 3-104 of Title 70 of the Oklahoma Statutes,
15 or
16 c. scholarships to an eligible special needs student of
17 up to Twenty-five Thousand Dollars (\$25,000.00) to
18 cover all or part of the tuition, fees, and
19 transportation costs of a qualified school for
20 eligible special needs students which is accredited by
21 the State Board of Education or an accrediting
22 association approved by the Board pursuant to Section
23 3-104 of Title 70 of the Oklahoma Statutes;
24

1 4. "Low-income eligible student" means an eligible student or
2 eligible special needs student who ~~qualifies for a free or reduced-~~
3 ~~price lunch~~ is a member of a household with a verified household
4 adjusted gross income that does not exceed one hundred eighty-five
5 percent (185%) of the federal poverty level, as published annually
6 by the United States Department of Health and Human Services;

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

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

22 6. "Qualified school for eligible special needs students" means
23 an early childhood, elementary, or secondary private school in a
24 county in this state including schools which provide special

1 educational programs for three-year-olds or prekindergarten
2 educational programs for four-year-olds;

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

- 5 a. is a nonprofit entity exempt from taxation pursuant to
6 the provisions of the Internal Revenue Code, 26
7 U.S.C., Section 501(c)(3),
- 8 b. distributes periodic scholarship payments as checks
9 made out to an eligible student's or eligible special
10 needs student's parent or guardian and mailed to the
11 qualified school where the student is enrolled or by
12 secure electronic funds transfer, including, but not
13 limited to, automated clearinghouse transfer, to an
14 account of the qualified school designated to receive
15 scholarship payments on behalf of the eligible
16 student,
- 17 c. spends no more than ten percent (10%) of its annual
18 revenue on expenditures other than educational
19 scholarships as defined in paragraph 3 of this
20 subsection,
- 21 d. spends each year a portion of its expenditures on
22 educational scholarships for low-income eligible
23 students, as defined in paragraph 4 of this
24 subsection, in an amount equal to or greater than the

percentage of ~~low-income-eligible~~ students in the state whose household adjusted gross income does not exceed one hundred eighty-five percent (185%) of the federal poverty level,

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

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

g. has policies in place to:

(1) carry out criminal background checks on all 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;

1 8. "Annual revenue" means the total amount or value of
2 contributions received by an organization from taxpayers awarded
3 credits during the organization's fiscal year and all amounts earned
4 from interest or investments. For purposes of determining
5 compliance with the limitations on administrative expenditures, only
6 contributions for which a tax credit is allowed pursuant to this
7 section and received during the applicable fiscal year shall be
8 included in the calculation, and any interest, dividends, or other
9 investment earnings or income derived from such contributions shall
10 be excluded;

11 9. "Public school" means public schools as defined in Section
12 1-106 of Title 70 of the Oklahoma Statutes;

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

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

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

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

6 14. "Educational improvement grant organization" means an
7 organization which:

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

20 15. "Eligible public school foundation" means a nonprofit
21 entity formed pursuant to the laws of this state and is exempt from
22 federal income taxation pursuant to either Section 501(c)(3) or
23 Section 509(a) of the Internal Revenue Code of 1986, as amended.

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

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

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

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

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

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

19 c. If the Tax Commission determines the total combined
20 credits claimed for contributions made to
21 organizations authorized pursuant to subsections C and
22 D of this section during the most recently completed
23 calendar year by all taxpayers are in excess of the
24 per public school district cap pursuant to paragraph 4

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

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

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

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

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

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

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

13 b. describes the proposed innovative educational program
14 or programs supported by the organization.

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

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

22 a. the name of the innovative educational program or
23 programs and the total amount of the grant or grants
24

1 made to those programs during the immediately
2 preceding school year,

3 b. a description of how each grant was utilized during
4 the immediately preceding school year and a
5 description of any demonstrated or expected innovative
6 educational improvements,

7 c. the names of the public school and school districts
8 where innovative educational programs that received
9 grants during the immediately preceding school year
10 were implemented,

11 d. where the organization collects information on a
12 county-by-county basis, and

13 e. the total number and total amount of grants made
14 during the immediately preceding school year for
15 innovative educational programs at public school by
16 each county in which the organization made grants.

17 4. The information required under paragraph 3 of this
18 subsection shall be submitted on a form provided by the Tax
19 Commission. No later than May 1 of each year, the Tax Commission
20 shall annually distribute sample forms together with the forms on
21 which the reports are required to be made to each approved
22 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, as determined by
4 verified household adjusted gross income of five
5 hundred fifty-five percent (555%) of the federal
6 poverty level, as published by the United States
7 Department of Health and Human Services,
- 8 (2) students who during the immediately preceding
9 school year attended or who were eligible by
10 virtue of the residence of the student to attend
11 a public school in the state which was identified
12 ~~for school improvement~~ as having a letter grade
13 of "C", "D", or "F" by the State Board of
14 Education pursuant to Section 1210.545 of Title
15 70 of the Oklahoma Statutes,
- 16 (3) eligible special needs students, and
- 17 (4) students who were first-time recipients of a
18 scholarship including information about the type
19 of public or private school the student was
20 enrolled in during the entire previous academic
21 year,

22 f. the percentage of annual revenue received by the
23 organization from donations which qualify for tax
24

- credits pursuant to this section which was not expended on scholarships,
- g. disaggregated data reported under this subsection shall be redacted if reporting would allow for identification of specific children, and shall be reported in accordance with the Student Data Accessibility, Transparency and Accountability Act of 2013, ~~division~~ subparagraph b of ~~subparagraph~~ paragraph 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, as determined by verified household adjusted gross income band as less than or equal to one hundred eighty-five percent (185%) of the federal poverty level.

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

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

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

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

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

SECTION 2. This act shall become effective January 1, 2027.

60-2-16576 AO 02/19/26