

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1391

By: Jech

COMMITTEE SUBSTITUTE

An Act relating to education; amending Section 2, Chapter 278, O.S.L. 2023, as last amended by Section 2, Chapter 295, O.S.L. 2025 (70 O.S. Supp. 2025, Section 28-101), which relates to the Oklahoma Parental Choice Tax Credit Act; requiring participating private school to administer certain assessments to certain students and to submit results; requiring the State Department of Education to publish certain results; requiring the State Board of Education to promulgate certain rules; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 278, O.S.L. 2023, as last amended by Section 2, Chapter 295, O.S.L. 2025 (70 O.S. Supp. 2025, Section 28-101), is amended to read as follows:

Section 28-101. A. As used in the Oklahoma Parental Choice Tax Credit Act:

1. "Accrediting association" means a recognized legal entity that meets the accreditation requirements set by the State Board of Education, another accrediting association approved by the State

1 Board of Education, or a legal entity that accredits education
2 organizations in multiple states, whose purpose is to verify that an
3 education program meets or exceeds predetermined criteria, and
4 monitor the education organization during the time it is accredited
5 by completing regular reevaluations and on-site inspections of the
6 education program;

7 2. "Commission" means the Oklahoma Tax Commission;

8 3. "Curriculum" means a complete course of study for a
9 particular content area or grade level;

10 4. "Department" means the State Department of Education;

11 5. "Education service provider" means a person, business,
12 public school district, public charter school, magnet school, or
13 organization that provides educational goods ~~and/or~~ or services to
14 eligible students in this state;

15 6. "Eligible student" means a resident of this state who is
16 eligible to enroll in a public school in this state. Eligible
17 student shall include a student who is enrolled in and attends or is
18 expected to enroll in a private school in this state accredited by
19 the State Board of Education or another accrediting association or a
20 student who is educated pursuant to the other means of education
21 exception provided for in subsection A of Section 10-105 of this
22 title;

23 7. "Qualified expense" for the purpose of claiming the credit
24 authorized by paragraph 1 of subsection C of this section means

1 tuition and fees at a private school in this state accredited by the
2 State Board of Education or another accrediting association. Such
3 private school shall comply with the provisions of subsection L of
4 this section. Provided, the amount of tuition and fees considered a
5 qualified expense pursuant to this paragraph shall not include
6 tuition and fees paid with any scholarship or tuition and fees
7 discounted or otherwise reduced by the school;

8 8. "Qualified expense" for the purpose of claiming the credit
9 authorized by paragraph 2 of subsection C of this section means the
10 following expenditures:

- 11 a. tuition and fees for nonpublic learning programs,
12 online or in person,
- 13 b. academic tutoring services provided by an individual
14 or a private academic tutoring facility,
- 15 c. textbooks, curriculum, or other instructional
16 materials including, but not limited to, supplemental
17 materials or associated online instruction required by
18 an education service provider, and
- 19 d. fees for nationally standardized assessments
20 including, but not limited to, assessments used to
21 determine college admission and advanced placement
22 examinations as well as tuition and fees for tutoring
23 or preparatory courses for the assessments; and
24

1 9. "Taxpayer" means a biological or adoptive parent,
2 grandparent, aunt, uncle, legal guardian, custodian, or other person
3 with legal authority to act on behalf of an eligible student.

4 B. There is hereby created the Oklahoma Parental Choice Tax
5 Credit Program to provide an income tax credit to a taxpayer for
6 qualified expenses to support the education of eligible students in
7 this state.

8 C. For the tax year 2024 and subsequent tax years, and fiscal
9 year 2026 and subsequent fiscal years, there shall be allowed
10 against the tax imposed by Section 2355 of Title 68 of the Oklahoma
11 Statutes a credit for any Oklahoma taxpayer who incurs a qualified
12 expense on behalf of an eligible student, to be administered subject
13 to the following amounts:

14 1. If the eligible student attends a private school in this
15 state accredited by the State Board of Education or another
16 accrediting association, the annual maximum credit amount for tax
17 year 2024, fiscal year 2026, and each subsequent fiscal year shall
18 be:

19 a. Seven Thousand Five Hundred Dollars (\$7,500.00) or the
20 amount of tuition and fees for the private school,
21 whichever is less, if the combined adjusted gross
22 income of the parents or legal guardians of the
23 eligible student during the second preceding tax year
24

1 does not exceed Seventy-five Thousand Dollars
2 (\$75,000.00),

3 b. Seven Thousand Dollars (\$7,000.00) or the amount of
4 tuition and fees for the private school, whichever is
5 less, if the combined adjusted gross income of the
6 parents or legal guardians of the eligible student
7 during the second preceding tax year is more than
8 Seventy-five Thousand Dollars (\$75,000.00) but does
9 not exceed One Hundred Fifty Thousand Dollars
10 (\$150,000.00),

11 c. Six Thousand Five Hundred Dollars (\$6,500.00) or the
12 amount of tuition and fees for the private school,
13 whichever is less, if the combined adjusted gross
14 income of the parents or legal guardians of the
15 eligible student during the second preceding tax year
16 is more than One Hundred Fifty Thousand Dollars
17 (\$150,000.00) but does not exceed Two Hundred Twenty-
18 five Thousand Dollars (\$225,000.00),

19 d. Six Thousand Dollars (\$6,000.00) or the amount of
20 tuition and fees for the private school, whichever is
21 less, if the combined adjusted gross income of the
22 parents or legal guardians of the eligible student
23 during the second preceding tax year is more than Two
24 Hundred Twenty-five Thousand Dollars (\$225,000.00) but

1 does not exceed Two Hundred Fifty Thousand Dollars
2 (\$250,000.00), or

3 e. Five Thousand Dollars (\$5,000.00) or the amount of
4 tuition and fees for the private school, whichever is
5 less, if the combined adjusted gross income of the
6 parents or legal guardians of the eligible student
7 during the second preceding tax year is more than Two
8 Hundred Fifty Thousand Dollars (\$250,000.00);

9 2. For tax year 2024 and subsequent tax years, the maximum
10 credit amount shall be One Thousand Dollars (\$1,000.00) in qualified
11 expenses per eligible student in each tax year if the eligible
12 student is educated pursuant to the other means of education
13 exception provided for in subsection A of Section 10-105 of this
14 title. To claim the credit, the taxpayer shall submit to the
15 Commission receipts for qualified expenses as defined by paragraph 8
16 of subsection A of this section;

17 3. If the eligible student attends a private school in this
18 state, accredited by the State Board of Education or another
19 accrediting association, that exclusively serves students
20 experiencing homelessness, the credit amount shall be Seven Thousand
21 Five Hundred Dollars (\$7,500.00) or the amount of the cost to
22 educate the eligible student at the private school, whichever is
23 less;
24

1 4. If the eligible student attends a private school in this
2 state, accredited by the State Board of Education or another
3 accrediting association, that primarily serves financially
4 disadvantaged students, the credit amount shall be the maximum
5 credit amount authorized by paragraph 1 of this subsection or the
6 amount of the cost to educate the eligible student at the private
7 school, whichever is less. The cost to educate the eligible student
8 shall be equal to the average cost to educate all students attending
9 the private school, which shall be calculated by dividing the
10 private school's total expenditures in the previous year by the
11 total enrollment in the previous school year. A private school
12 shall be deemed to be primarily serving financially disadvantaged
13 students if ninety percent (90%) of the private school's admissions
14 are based on enrolling students whose gross family income is two
15 hundred fifty percent (250%) of the federal poverty threshold or
16 below;

17 5. The taxpayer shall retain all receipts of qualified expenses
18 as proof of the amounts paid each tax year the credit is claimed and
19 shall submit them to the Commission upon request;

20 6. If the credit exceeds the tax imposed by Section 2355 of
21 Title 68 of the Oklahoma Statutes, the excess amount shall be
22 refunded to the taxpayer; and

23 7. Credits claimed by a taxpayer pursuant to the provisions of
24 this section shall not be used to offset or pay the following:

- a. delinquent tax liability,
- b. accrued penalty or interest from the failure to file a report or return,
- c. accrued penalty or interest from the failure to pay a state tax within the statutory period allowed for its payment,
- d. tax liability of the taxpayer from any prior tax year, or
- e. any debt, unpaid fine, final judgment, or claim filed with the Commission by a qualified entity as defined in Section 205.2 of Title 68 of the Oklahoma Statutes.

D. 1. a. For tax year 2024, the total amount of credits authorized by paragraph 1 of subsection C of this section shall not exceed One Hundred Fifty Million Dollars (\$150,000,000.00).

- b. For the period of January 1, 2025, through June 30, 2025, the total amount of credits authorized by paragraph 1 of subsection C of this section shall not exceed One Hundred Million Dollars (\$100,000,000.00). The Commission shall not require a taxpayer who received a credit pursuant to paragraph 1 of subsection C of this section in tax year 2024 to reapply for a credit payable during the period described in this subparagraph. The Commission shall

1 base the credit amount payable for ~~the~~ spring 2025 on
2 the fall 2024 installment disbursement payment amount.

3 c. For fiscal year 2026 and subsequent fiscal years, the
4 total amount of credits authorized by paragraph 1 of
5 subsection C of this section shall not exceed Two
6 Hundred Fifty Million Dollars (\$250,000,000.00).

7 2. For tax year 2026 and subsequent tax years, the total amount
8 of credits authorized by paragraph 2 of subsection C of this section
9 shall not exceed Five Million Dollars (\$5,000,000.00). The Oklahoma
10 Tax Commission shall annually calculate and publish a percentage by
11 which the credits authorized by this section shall be reduced so the
12 total amount of credits used to offset tax does not exceed the
13 annual limit. The formula to be used for the percentage adjustment
14 shall be Five Million Dollars (\$5,000,000.00) divided by the amount
15 of credit claimed in the second preceding tax year. In the event
16 the total tax credits authorized by this section exceed the annual
17 limit in any tax year, the ~~Tax~~ Commission shall permit any excess
18 but shall factor such excess into the percentage adjustment formula
19 for subsequent tax years.

20 3. If a taxpayer, on behalf of an eligible student in the
21 program, chooses not to participate, is no longer eligible to
22 participate, or chooses to forgo participation in the program for
23 any reason, the credit authorized by paragraph 1 of subsection C of
24 this section but not used and not reallocated pursuant to paragraph

1 3 of subsection H of this section shall be added to the subsequent
2 fiscal year limitation as provided in paragraph 1 of this
3 subsection.

4 E. The Commission shall prescribe applications for the purposes
5 of claiming the credits authorized by the Oklahoma Parental Choice
6 Tax Credit Act and a deadline by which applications shall be
7 submitted. A taxpayer claiming the credit authorized by paragraph 1
8 of subsection C of this section shall submit an application
9 prescribed by the Commission to receive the credit based on the
10 enrollment verification form submitted pursuant to this subsection,
11 but in no event shall a payment exceed the amount of the credit
12 authorized by paragraph 1 of subsection C of this section. If an
13 eligible taxpayer provides documentation on the application that he
14 or she is a recipient of income-based government benefits including
15 the Supplemental Nutrition Assistance Program (SNAP), Temporary
16 Assistance for Needy Families (TANF), or the Oklahoma Medicaid
17 Program commonly known as SoonerCare, the eligible taxpayer shall
18 not be required to provide additional income verification. The
19 Department of Human Services and the Oklahoma Health Care Authority
20 shall, upon request by the Oklahoma Tax Commission, verify whether
21 an applicant receives income-based government benefits. The
22 taxpayer shall provide authorization for the Oklahoma Tax Commission
23 to disclose application data to the Department of Human Services
24 ~~and/or~~ or the Oklahoma Health Care Authority, and for the Department

1 of Human Services ~~and/or~~ or the Oklahoma Health Care Authority to
2 provide confirmation of benefits to the Oklahoma Tax Commission for
3 purposes of verifying that the taxpayer is a current recipient of
4 SNAP, TANF, or Oklahoma Medicaid Program benefits; provided, the
5 information shall not be used for any other purpose. A taxpayer
6 claiming the credit authorized by paragraph 1 of subsection C of
7 this section shall submit to the Commission an enrollment
8 verification form from the private school in which the eligible
9 student is enrolled or is expected to enroll with the tuition and
10 fees to be charged the taxpayer for the applicable school year. In
11 reviewing applications submitted by eligible taxpayers to determine
12 whether they qualify for a credit authorized by paragraph 1 of
13 subsection C of this section, the Commission shall give first
14 preference in making payments to taxpayers who qualify pursuant to
15 subparagraphs a and b of paragraph 1 of subsection C of this
16 section. The Commission shall give second preference in making
17 payments to taxpayers who qualify and have received the credit in
18 the prior year. For credits issued in the 2026-2027 school year and
19 subsequent school years, the application period shall be open March
20 15 through June 15 prior to the beginning of each school year. For
21 any eligible student whose parents or legal guardians have a
22 combined adjusted gross income that does not exceed One Hundred
23 Fifty Thousand Dollars (\$150,000.00) or qualified and received
24 credit in the prior year, applications shall be submitted to the

Commission within the first sixty (60) days of the opening of the application period to receive priority consideration. For students enrolled in the full school year, the full credit amount authorized for the school year shall be paid no later than August 30.

F. Taxpayers claiming the credit shall:

1. Only claim the credit for qualified expenses as defined in paragraphs 7 and 8 of subsection A of this section to provide an education for an eligible student;

2. Ensure no other person is claiming a credit for the eligible student;

3. Not claim the credit for an eligible student who enrolls as a full-time student in a public school district, public charter school, public virtual charter school, or magnet school;

4. Comply with rules and requirements established by the Commission for administration of the Oklahoma Parental Choice Tax Credit Program; and

5. Notify the Commission not later than thirty (30) days after the date on which the eligible student:

a. enrolls in a public school, including an open-enrollment charter school,

b. enrolls in a nonaccredited private school,

c. graduates from high school, or

d. is no longer utilizing credits authorized by paragraph 1 of subsection C of this section for any reason.

1 G. Eligible students may accept a scholarship from the Lindsey
2 Nicole Henry Scholarships for Students with Disabilities Program
3 created by Section 13-101.2 of this title while participating in the
4 Oklahoma Parental Choice Tax Credit Program.

5 H. 1. The Commission shall have the authority to conduct an
6 audit or contract for the auditing of receipts for qualified
7 expenses submitted pursuant to paragraph 2 of subsection C of this
8 section.

9 2. The Commission shall be authorized to recapture the credits
10 otherwise authorized by the provisions of the Oklahoma Parental
11 Choice Tax Credit Act on a prorated basis if an audit conducted
12 pursuant to this subsection shows that the credit was claimed for
13 expenditures that were not qualified expenses or it finds that the
14 taxpayer has claimed an eligible student who no longer attends a
15 private school or has enrolled in a public school in the state.

16 3. The Commission shall be authorized to reallocate credits for
17 the current application year to the next eligible taxpayer in line
18 when a taxpayer, on behalf of an eligible student in the program,
19 chooses not to participate, is no longer eligible to participate, or
20 chooses to forgo participation in the program for any reason no
21 later than September 1 following the opening of the application
22 period of each year.

23 4. The Commission shall provide notification of approval status
24 to applicants within thirty (30) days of closure of the application

1 window. Notice to applicants with an eligible student, whose
2 parents or legal guardians have a combined adjusted gross income of
3 more than One Hundred Fifty Thousand Dollars (\$150,000.00), shall be
4 sent within thirty (30) days or no later than thirty (30) days after
5 the last day of the priority consideration period.

6 I. In the event of a failure of revenue pursuant to the
7 Oklahoma State Finance Act, the tax credits otherwise authorized in
8 subsection C of this section shall be reduced proportionately to the
9 reduction in the amount of money appropriated to the State Board of
10 Education for the financial support of public schools for the fiscal
11 year in which the failure of revenue occurs.

12 J. The Commission shall make available on its website to be
13 updated monthly:

14 1. The total amount of credits claimed each year pursuant to
15 paragraphs 1 through 4 of subsection C of this section;

16 2. The amount of credits claimed and number of students awarded
17 each fiscal year pursuant to paragraph 1 of subsection C of this
18 section disaggregated by income categories;

19 3. The total amount of credits claimed and number of students
20 awarded who attended a public school in the semester immediately
21 preceding the school year for which the application is made each
22 year; and

23 4. The total number of applications denied and total amount of
24 credits the denied applications represent for each fiscal year.

1 K. Credits received pursuant to the Oklahoma Parental Choice
2 Tax Credit Act shall not constitute taxable income to a taxpayer who
3 received the credit on behalf of an eligible student.

4 L. No later than June 15 of each year, each participating
5 private school shall electronically provide information to confirm
6 student enrollment and tuition information for the fall and spring
7 semesters of the preceding school year and any other information
8 requested by the Oklahoma Tax Commission. Failure to provide this
9 information may result in denial of private school participation in
10 subsequent school years.

11 M. An eligible and participating private school as of April 15,
12 2025, shall have until March 1, 2027, to meet the accreditation
13 requirements of this section.

14 N. 1. Beginning with the 2027-2028 school year, each
15 participating private school shall annually administer the
16 assessments required by subsection E of Section 1210.508 of this
17 title to eligible students for whom a taxpayer has successfully
18 claimed tax credits pursuant to this section. Failure of a
19 participating private school to comply with the provisions of this
20 subsection shall result in denial of continued participation in the
21 Oklahoma Parental Choice Tax Credit Program in subsequent school
22 years.

23 2. Participating private schools shall annually submit results
24 for the assessments administered pursuant to paragraph 1 of this

1 subsection to the State Department of Education. The State
2 Department of Education shall annually publish the assessment data
3 for each participating private school on its website. The data
4 shall not include any personally identifiable information about an
5 individual student. If the number of students administered the
6 assessments in a participating private school is less than the
7 minimum size necessary to prevent the unlawful release of personally
8 identifiable student data, the Department shall not publish
9 assessment data for that participating private school.

10 3. The State Board of Education shall establish a fee structure
11 for participating private schools to administer the assessments
12 required by paragraph 1 of this subsection. The participating
13 private school shall be responsible for any fees necessary to
14 implement the provisions of this subsection.

15 SECTION 2. This act shall become effective November 1, 2026.

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