

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 686

By: Paxton

AS INTRODUCED

An Act relating to income tax credit; amending Section 2, Chapter 278, O.S.L. 2023, as amended by Section 3, Chapter 277, O.S.L. 2024 (70 O.S. Supp. 2024, Section 28-101), which relates to the Oklahoma Parental Choice Tax Credit Act; increasing the annual credit limitation by the amount of certain unused credit; rescinding authorization to reallocate certain unused credit; 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 amended by Section 3, Chapter 277, O.S.L. 2024 (70 O.S. Supp. 2024, Section 28-101), is amended to read as follows:

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

1. "Commission" means the Oklahoma Tax Commission;
2. "Curriculum" means a complete course of study for a particular content area or grade level;
3. "Department" means the State Department of Education;

1 4. "Education service provider" means a person, business,
2 public school district, public charter school, magnet school, or
3 organization that provides educational goods and/or services to
4 eligible students in this state;

5 5. "Eligible student" means a resident of this state who is
6 eligible to enroll in a public school in this state. Eligible
7 student shall include a student who is enrolled in and attends or is
8 expected to enroll in a private school in this state accredited by
9 the State Board of Education or another accrediting association or a
10 student who is educated pursuant to the other means of education
11 exception provided for in subsection A of Section 10-105 of this
12 title;

13 6. "Qualified expense" for the purpose of claiming the credit
14 authorized by paragraph 1 of subsection C of this section means
15 tuition and fees at a private school in this state accredited by the
16 State Board of Education or another accrediting association.
17 Provided, the amount of tuition and fees considered a qualified
18 expense pursuant to this paragraph shall not include tuition and
19 fees paid with any scholarship or tuition and fees discounted or
20 otherwise reduced by the school;

21 7. "Qualified expense" for the purpose of claiming the credit
22 authorized by paragraph 2 of subsection C of this section means the
23 following expenditures:
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- a. tuition and fees for nonpublic learning programs, online or in person,
- b. academic tutoring services provided by an individual or a private academic tutoring facility,
- c. textbooks, curriculum, or other instructional materials including, but not limited to, supplemental materials or associated online instruction required by an education service provider, and
- d. fees for nationally standardized assessments including, but not limited to, assessments used to determine college admission and advanced placement examinations as well as tuition and fees for tutoring or preparatory courses for the assessments; and

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

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

C. For the tax year 2024 and subsequent tax years, and fiscal year 2026 and subsequent fiscal years, there shall be allowed against the tax imposed by Section 2355 of Title 68 of the Oklahoma Statutes a credit for any Oklahoma taxpayer who incurs a qualified

1 expense on behalf of an eligible student, to be administered subject
2 to the following amounts:

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

8 a. Seven Thousand Five Hundred Dollars (\$7,500.00) or the
9 amount of tuition and fees for the private school,
10 whichever is less, if the combined adjusted gross
11 income of the parents or legal guardians of the
12 eligible student during the second preceding tax year
13 does not exceed Seventy-five Thousand Dollars
14 (\$75,000.00),

15 b. Seven Thousand Dollars (\$7,000.00) or the amount of
16 tuition and fees for the private school, whichever is
17 less, if the combined adjusted gross income of the
18 parents or legal guardians of the eligible student
19 during the second preceding tax year is more than
20 Seventy-five Thousand Dollars (\$75,000.00) but does
21 not exceed One Hundred Fifty Thousand Dollars
22 (\$150,000.00),

23 c. Six Thousand Five Hundred Dollars (\$6,500.00) or the
24 amount of tuition and fees for the private school,

1 whichever is less, if the combined adjusted gross
2 income of the parents or legal guardians of the
3 eligible student during the second preceding tax year
4 is more than One Hundred Fifty Thousand Dollars
5 (\$150,000.00) but does not exceed Two Hundred Twenty-
6 five Thousand Dollars (\$225,000.00),

7 d. Six Thousand Dollars (\$6,000.00) or the amount of
8 tuition and fees for the private school, whichever is
9 less, if the combined adjusted gross income of the
10 parents or legal guardians of the eligible student
11 during the second preceding tax year is more than Two
12 Hundred Twenty-five Thousand Dollars (\$225,000.00) but
13 does not exceed Two Hundred Fifty Thousand Dollars
14 (\$250,000.00), or

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

21 2. For tax year 2024 and subsequent tax years, the maximum
22 credit amount shall be One Thousand Dollars (\$1,000.00) in qualified
23 expenses per eligible student in each tax year if the eligible
24 student is educated pursuant to the other means of education

1 exception provided for in subsection A of Section 10-105 of this
2 title. To claim the credit, the taxpayer shall submit to the
3 Commission receipts for qualified expenses as defined by paragraph 7
4 of subsection A of this section;

5 3. If the eligible student attends a private school in this
6 state, accredited by the State Board of Education or another
7 accrediting association, that exclusively serves students
8 experiencing homelessness, the credit amount shall be Seven Thousand
9 Five Hundred Dollars (\$7,500.00) or the amount of the cost to
10 educate the eligible student at the private school, whichever is
11 less;

12 4. If the eligible student attends a private school in this
13 state, accredited by the State Board of Education or another
14 accrediting association, that primarily serves financially
15 disadvantaged students, the credit amount shall be the maximum
16 credit amount authorized by paragraph 1 of this subsection or the
17 amount of the cost to educate the eligible student at the private
18 school, whichever is less. The cost to educate the eligible student
19 shall be equal to the average cost to educate all students attending
20 the private school, which shall be calculated by dividing the
21 private school's total expenditures in the previous year by the
22 total enrollment in the previous school year. A private school
23 shall be deemed to be primarily serving financially disadvantaged
24 students if ninety percent (90%) of the private school's admissions

1 are based on enrolling students whose gross family income is two
2 hundred fifty percent (250%) of the federal poverty threshold or
3 below;

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

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

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

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

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

3 b. For the period of January 1, 2025, through June 30,
4 2025, the total amount of credits authorized by
5 paragraph 1 of subsection C of this section shall not
6 exceed One Hundred Million Dollars (\$100,000,000.00).
7 The Commission shall not require a taxpayer who
8 received a credit pursuant to paragraph 1 of
9 subsection C of this section in tax year 2024 to
10 reapply for a credit payable during the period
11 described in this subparagraph. The Commission shall
12 base the credit amount payable for the spring 2025 on
13 the fall 2024 installment disbursement payment amount.

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

18 2. For tax year 2025 and subsequent tax years, the total amount
19 of credits authorized by paragraph 2 of subsection C of this section
20 shall not exceed Five Million Dollars (\$5,000,000.00).

21 3. If a taxpayer, on behalf of an eligible student in the
22 Program, chooses not to participate, is no longer eligible to
23 participate, or chooses to forgo participation in the Program for
24 any reason, the credit authorized by paragraph 1 of subsection C of

1 this section but not used shall be added to the subsequent fiscal
2 year limitation as provided in paragraph 1 of this subsection.

3 E. The Commission shall prescribe applications for the purposes
4 of claiming the credits authorized by the Oklahoma Parental Choice
5 Tax Credit Act and a deadline by which applications shall be
6 submitted. A taxpayer claiming the credit authorized by paragraph 1
7 of subsection C of this section shall submit an application
8 prescribed by the Commission to receive the credit in two
9 installments, each of which shall be half of the expected amount of
10 tuition and fees for the private school based on the enrollment
11 verification form submitted pursuant to this subsection, but in no
12 event shall an installment payment exceed the amount of the credit
13 authorized by paragraph 1 of subsection C of this section. If an
14 eligible taxpayer provides documentation on the application that he
15 or she is a recipient of income-based government benefits including
16 the Supplemental Nutrition Assistance Program (SNAP), Temporary
17 Assistance for Needy Families (TANF), or SoonerCare, the eligible
18 taxpayer shall not be required to provide additional income
19 verification. A taxpayer claiming the credit authorized by
20 paragraph 1 of subsection C of this section shall submit to the
21 Commission an enrollment verification form from the private school
22 in which the eligible student is enrolled or is expected to enroll
23 with the tuition and fees to be charged the taxpayer for the
24 applicable school year. In reviewing applications submitted by

1 eligible taxpayers to determine whether they qualify for a credit
2 authorized by paragraph 1 of subsection C of this section, the
3 Commission shall give first preference in making installments to
4 taxpayers who qualify pursuant to subparagraphs a and b of paragraph
5 1 of subsection C of this section. For credits issued in the 2025-
6 2026 school year and subsequent school years, the application period
7 shall open on February 15 prior to the beginning of each school
8 year. For any eligible student whose parents or legal guardians
9 have a combined adjusted gross income that does not exceed One
10 Hundred Fifty Thousand Dollars (\$150,000.00), applications shall be
11 submitted to the Commission within the first sixty (60) days of the
12 opening of the application period to receive priority consideration.
13 For students enrolled in the full school year, the credit shall be
14 paid in two installments, one per school semester, to be paid no
15 later than August 30 and January 15, each of which shall be half of
16 the total expected amount of tuition and fees on the enrollment
17 verification form submitted pursuant to this subsection.

18 F. In the event there are more applications submitted by
19 eligible taxpayers for a credit authorized by paragraph 1 of
20 subsection C of this section than available credits pursuant to
21 subsection D of this section, then the Commission shall give first
22 preference in authorizing credits for eligible students of taxpayers
23 who qualify pursuant to subparagraphs a and b of paragraph 1 of
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1 subsection C of this section and have received the credit in the
2 prior year.

3 G. Taxpayers claiming the credit shall:

4 1. Only claim the credit for qualified expenses as defined in
5 paragraphs 6 and 7 of subsection A of this section to provide an
6 education for an eligible student;

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

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

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

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

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

19 b. enrolls in a nonaccredited private school,

20 c. graduates from high school, or

21 d. is no longer utilizing credits authorized by paragraph
22 1 of subsection C of this section for any reason.

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

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

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

14 ~~3. The Commission shall be authorized to reallocate credits to~~
15 ~~the next eligible taxpayer in line when a taxpayer, on behalf of an~~
16 ~~eligible student in the program, chooses not to participate, is no~~
17 ~~longer eligible to participate, or chooses to forgo participation in~~
18 ~~the program for any reason.~~

19 ~~4.~~ The Commission shall provide notification of approval status
20 to applicants within thirty (30) days of closure of the application
21 window. Notice to applicants with an eligible student, whose
22 parents or legal guardians have a combined adjusted gross income of
23 more than One Hundred Fifty Thousand Dollars (\$150,000.00), shall be
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1 sent within thirty (30) days or no later than thirty (30) days after
2 the last day of the priority consideration period.

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

9 K. The Commission shall make available on its website to be
10 updated monthly:

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

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

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

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

22 L. Credits received pursuant to the Oklahoma Parental Choice
23 Tax Credit Act shall not constitute taxable income to a taxpayer who
24 received the credit on behalf of an eligible student.

1 SECTION 2. This act shall become effective November 1, 2025.

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