

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE  
FOR  
4 SENATE BILL 684

By: Paxton

5

6

7 COMMITTEE SUBSTITUTE

8 An Act relating to income tax credit; amending  
9 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  
10 Parental Choice Tax Credit Act; defining term;  
modifying definition; modifying tax years for which  
11 certain annual credit limit is enforced; prescribing  
procedure for enforcement of annual limit; increasing  
12 the annual credit limitation by the amount of certain  
unused credit; requiring the Department of Human  
13 Services and the Oklahoma Health Care Authority to  
verify certain claims by applicants upon request;  
modifying application period for certain school  
years; requiring the payment of full credit amount by  
14 certain date; modifying preference for taxpayers who  
received credit in prior years; stipulating that  
authorization to reallocate credit is before certain  
date; requiring participating private schools to  
15 provide certain information to the Oklahoma Tax  
Commission; updating statutory references; updating  
statutory language; providing an effective date; and  
16 declaring an emergency.  
17  
18

19  
20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY Section 2, Chapter 278, O.S.L.

22 2023, as amended by Section 3, Chapter 277, O.S.L. 2024 (70 O.S.  
23 Supp. 2024, Section 28-101), is amended to read as follows:

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

3       1. "Accrediting association" means a legal entity, or that part  
4 of a legal entity, that meets the accreditation requirements set by  
5 the State Board of Education or another accrediting association  
6 approved by the State Board of Education;

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

8       2. 3. "Curriculum" means a complete course of study for a  
9 particular content area or grade level;

10      3. 4. "Department" means the State Department of Education;

11      4. 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 services to  
14 eligible students in this state;

15      5. 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      6. 7. "Qualified expense" for the purpose of claiming the  
24 credit authorized by paragraph 1 of subsection C of this section

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

8 7. 8. "Qualified expense" for the purpose of claiming the  
9 credit authorized by paragraph 2 of subsection C of this section  
10 means the 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

1       8. 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

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 7  
16          8 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;

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

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

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

2. For tax year 2025 2026 and subsequent tax years, the total amount of credits authorized by paragraph 2 of subsection C of this section shall not exceed Five Million Dollars (\$5,000,000.00). The Oklahoma Tax Commission shall annually calculate and publish a percentage by which the credits authorized by this section shall be reduced so the total amount of credits used to offset tax does not exceed the annual limit. The formula to be used for the percentage adjustment shall be Five Million Dollars (\$5,000,000.00) divided by the amount of credit claimed in the second preceding tax year. In the event the total tax credits authorized by this section exceed the annual limit in any tax year, the Tax Commission shall permit any excess but shall factor such excess into the percentage adjustment formula for subsequent tax years.

3. If a taxpayer, on behalf of an eligible student in the program, chooses not to participate, is no longer eligible to participate, or chooses to forgo participation in the program for any reason, the credit authorized by paragraph 1 of subsection C of 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 ~~in two~~  
10    ~~installments, each of which shall be half of the expected amount of~~  
11    ~~tuition and fees for the private school based on the enrollment~~  
12    verification form submitted pursuant to this subsection, but in no  
13    event shall ~~an installment~~ a payment exceed the amount of the credit  
14    authorized by paragraph 1 of subsection C of this section. If an  
15    eligible taxpayer provides documentation on the application that he  
16    or she is a recipient of income-based government benefits including  
17    the Supplemental Nutrition Assistance Program (SNAP), Temporary  
18    Assistance for Needy Families (TANF), or ~~SoonerCare~~ the Oklahoma  
19    Medicaid Program commonly known as SoonerCare, the eligible taxpayer  
20    shall not be required to provide additional income verification.  
21    The Department of Human Services and the Oklahoma Health Care  
22    Authority shall, upon request by the Oklahoma Tax Commission, verify  
23    whether an applicant receives income-based government benefits. The  
24    taxpayer shall provide authorization for the Oklahoma Tax Commission

1 to disclose application data to the Department of Human Services  
2 and/or the Oklahoma Health Care Authority, and for Department of  
3 Human Services and/or the Oklahoma Health Care Authority to provide  
4 confirmation of benefits to the Oklahoma Tax Commission for purposes  
5 of verifying that the taxpayer is a current recipient of SNAP, TANF,  
6 or Oklahoma Medicaid Program benefits; provided, the information  
7 shall not be used for any other purpose. A taxpayer claiming the  
8 credit authorized by paragraph 1 of subsection C of this section  
9 shall submit to the Commission an enrollment verification form from  
10 the private school in which the eligible student is enrolled or is  
11 expected to enroll with the tuition and fees to be charged the  
12 taxpayer for the applicable school year. In reviewing applications  
13 submitted by eligible taxpayers to determine whether they qualify  
14 for a credit authorized by paragraph 1 of subsection C of this  
15 section, the Commission shall give first preference in making  
16 installments payments to taxpayers who qualify pursuant to  
17 subparagraphs a and b of paragraph 1 of subsection C of this  
18 section. The Commission shall give second preference in making  
19 payments to taxpayers who qualify and have received the credit in  
20 the prior year. For credits issued in the 2025-2026 2026-2027  
21 school year and subsequent school years, the application period  
22 shall be open on February 15 March 15 through June 15 prior to the  
23 beginning of each school year. For any eligible student whose  
24 parents or legal guardians have a combined adjusted gross income

1 | that does not exceed One Hundred Fifty Thousand Dollars  
2 | (\$150,000.00) or qualified and received credit in the prior year,  
3 | applications shall be submitted to the Commission within the first  
4 | sixty (60) days of the opening of the application period to receive  
5 | priority consideration. For students enrolled in the full school  
6 | year, the full credit amount authorized for the school year shall be  
7 | paid ~~in two installments, one per school semester, to be paid no~~  
8 | later than August 30 and January 15, each of which shall be half of  
9 | ~~the total expected amount of tuition and fees on the enrollment~~  
10 | ~~verification form submitted pursuant to this subsection.~~

11 | F. ~~In the event there are more applications submitted by~~  
12 | ~~eligible taxpayers for a credit authorized by paragraph 1 of~~  
13 | ~~subsection C of this section than available credits pursuant to~~  
14 | ~~subsection D of this section, then the Commission shall give first~~  
15 | ~~preference in authorizing credits for eligible students of taxpayers~~  
16 | ~~who qualify pursuant to subparagraphs a and b of paragraph 1 of~~  
17 | ~~subsection C of this section and have received the credit in the~~  
18 | ~~prior year.~~

19 | G. Taxpayers claiming the credit shall:

- 20 | 1. Only claim the credit for qualified expenses as defined in  
21 | paragraphs ~~6~~ 7 and ~~7~~ 8 of subsection A of this section to provide an  
22 | education for an eligible student;
- 23 | 2. Ensure no other person is claiming a credit for the eligible  
24 | student;

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

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

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

- 9           a. enrolls in a public school, including an open-  
10              enrollment charter school,
- 11           b. enrolls in a nonaccredited private school,
- 12           c. graduates from high school, or
- 13           d. is no longer utilizing credits authorized by paragraph  
14              1 of subsection C of this section for any reason.

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

19       I. H. 1. The Commission shall have the authority to conduct an  
20 audit or contract for the auditing of receipts for qualified  
21 expenses submitted pursuant to paragraph 2 of subsection C of this  
22 section.

23       2. The Commission shall be authorized to recapture the credits  
24 otherwise authorized by the provisions of the Oklahoma Parental

1      Choice Tax Credit Act on a prorated basis if an audit conducted  
2      pursuant to this subsection shows that the credit was claimed for  
3      expenditures that were not qualified expenses or it finds that the  
4      taxpayer has claimed an eligible student who no longer attends a  
5      private school or has enrolled in a public school in the state.

6            3. The Commission shall be authorized to reallocate credits for  
7      the current application year to the next eligible taxpayer in line  
8      when a taxpayer, on behalf of an eligible student in the program,  
9      chooses not to participate, is no longer eligible to participate, or  
10     chooses to forgo participation in the program for any reason no  
11     later than September 1 following the opening of the application  
12     period of each year.

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

20            J. I. In the event of a failure of revenue pursuant to the  
21     Oklahoma State Finance Act, the tax credits otherwise authorized in  
22     subsection C of this section shall be reduced proportionately to the  
23     reduction in the amount of money appropriated to the State Board of

1 Education for the financial support of public schools for the fiscal  
2 year in which the failure of revenue occurs.

3 K. J. The Commission shall make available on its website to be  
4 updated monthly:

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

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

10 3. The total amount of credits claimed and number of students  
11 awarded who attended a public school in the semester immediately  
12 preceding the school year for which the application is made each  
13 year; and

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

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

19 L. No later than June 15 of each year, each participating  
20 private school shall electronically provide information to confirm  
21 student enrollment and tuition information for the fall and spring  
22 semesters of the preceding school year and any other information  
23 requested by the Oklahoma Tax Commission. Failure to provide this

1 | information may result in denial of private school participation in  
2 | subsequent school years.

3 | SECTION 2. This act shall become effective July 1, 2025.

4 | SECTION 3. It being immediately necessary for the preservation  
5 | of the public peace, health or safety, an emergency is hereby  
6 | declared to exist, by reason whereof this act shall take effect and  
7 | be in full force from and after its passage and approval.

8 |  
9 | 60-1-1774

QD

3/3/2025 5:48:09 PM

10 |  
11 |  
12 |  
13 |  
14 |  
15 |  
16 |  
17 |  
18 |  
19 |  
20 |  
21 |  
22 |  
23 |  
24 |