

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3269 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Max Wolfley \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 PROPOSED SUBCOMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3269

By: Wolfley

7  
8 PROPOSED SUBCOMMITTEE SUBSTITUTE

9 An Act relating to schools; amending Section 2,  
10 Chapter 278, O.S.L. 2023 (70 O.S. Supp. 2023, Section  
11 28-101), which relates to the Oklahoma Parental  
12 Choice Tax Credit Act; directing Oklahoma Tax  
Commission to modify distribution of credits if  
certain funding caps are exceeded; and providing an  
effective date.

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

17 SECTION 1. AMENDATORY Section 2, Chapter 278, O.S.L.  
18 2023 (70 O.S. Supp. 2023, Section 28-101), is amended to read as  
19 follows:

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

- 22 1. "Commission" means the Oklahoma Tax Commission;  
23 2. "Curriculum" means a complete course of study for a  
24 particular content area or grade level;

1 3. "Department" means the State Department of Education;

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

6 5. "Eligible student" means a resident of this state who is  
7 eligible to enroll in a public school in this state. Eligible  
8 student shall include a student who is enrolled in and attends a  
9 private school accredited by the State Board of Education or another  
10 accrediting association or a student who is educated pursuant to the  
11 other means of education exception provided for in subsection A of  
12 Section 10-105 of ~~Title 70 of the Oklahoma Statutes~~ this title;

13 6. "Qualified expense" for the purpose of claiming the credit  
14 authorized by subparagraph a of paragraph 1 of subsection C of this  
15 section means tuition and fees at a private school accredited by the  
16 State Board of Education or another accrediting association;

17 7. "Qualified expense" for the purpose of claiming the credit  
18 authorized by subparagraph b of paragraph 1 of subsection C of this  
19 section means the following expenditures:

20 a. tuition and fees for nonpublic online learning  
21 programs,

22 b. academic tutoring services provided by an individual  
23 or a private academic tutoring facility,  
24

1 c. textbooks, curriculum, or other instructional  
2 materials including, but not limited to, supplemental  
3 materials or associated online instruction required by  
4 an education service provider, and

5 d. fees for nationally standardized assessments  
6 including, but not limited to, assessments used to  
7 determine college admission and advanced placement  
8 examinations as well as tuition and fees for tutoring  
9 or preparatory courses for the assessments; and

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

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

17 C. For the tax year 2024 and subsequent tax years, there shall  
18 be allowed against the tax imposed by Section 2355 of Title 68 of  
19 the Oklahoma Statutes a credit for any Oklahoma taxpayer who incurs  
20 a qualified expense on behalf of an eligible student, to be  
21 administered subject to the following amounts for each tax year:

22 1. If the eligible student attends a private school accredited  
23 by the State Board of Education or another accrediting association,  
24 the maximum credit amount shall be:

- 1 a. (1) Seven Thousand Five Hundred Dollars (\$7,500.00)  
2 or the amount of tuition and fees for the private  
3 school, whichever is less, if the eligible  
4 student is a member of a household in which the  
5 total adjusted gross income during the second  
6 preceding tax year does not exceed Seventy-five  
7 Thousand Dollars (\$75,000.00),
- 8 (2) Seven Thousand Dollars (\$7,000.00) or the amount  
9 of tuition and fees for the private school,  
10 whichever is less, if the eligible student is a  
11 member of a household in which the total adjusted  
12 gross income during the second preceding tax year  
13 is more than Seventy-five Thousand Dollars  
14 (\$75,000.00) but does not exceed One Hundred  
15 Fifty Thousand Dollars (\$150,000.00),
- 16 (3) Six Thousand Five Hundred Dollars (\$6,500.00) or  
17 the amount of tuition and fees for the private  
18 school, whichever is less, if the eligible  
19 student is a member of a household in which the  
20 total adjusted gross income during the second  
21 preceding tax year is more than One Hundred Fifty  
22 Thousand Dollars (\$150,000.00) but does not  
23 exceed Two Hundred Twenty-five Thousand Dollars  
24 (\$225,000.00),

1 (4) Six Thousand Dollars (\$6,000.00) or the amount of  
2 tuition and fees for the private school,  
3 whichever is less, if the eligible student is a  
4 member of a household in which the total adjusted  
5 gross income during the second preceding tax year  
6 is more than Two Hundred Twenty-five Thousand  
7 Dollars (\$225,000.00) but does not exceed Two  
8 Hundred Fifty Thousand Dollars (\$250,000.00), or

9 (5) Five Thousand Dollars (\$5,000.00) or the amount  
10 of tuition and fees for the private school,  
11 whichever is less, if the eligible student is a  
12 member of a household in which the total adjusted  
13 gross income during the second preceding tax year  
14 is more than Two Hundred Fifty Thousand Dollars  
15 (\$250,000.00), and

16 b. One Thousand Dollars (\$1,000.00) in qualified expenses  
17 per eligible student in each tax year if the eligible  
18 student is educated pursuant to the other means of  
19 education exception provided for in subsection A of  
20 Section 10-105 of ~~Title 70 of the Oklahoma Statutes~~  
21 this title. To claim the credit, the taxpayer shall  
22 submit to the Commission receipts for qualified  
23 expenses as defined by paragraph 7 of subsection A of  
24 this section;

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

4        3. If the credit exceeds the tax imposed by Section 2355 of  
5 Title 68 of the Oklahoma Statutes, the excess amount shall be  
6 refunded to the taxpayer.

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

11                b. For tax year 2025, the total amount of credits  
12                authorized by subparagraph a of paragraph 1 of  
13                subsection C of this section shall not exceed Two  
14                Hundred Million Dollars (\$200,000,000.00).

15                c. For tax year 2026, and subsequent tax years, the total  
16                amount of credits authorized by subparagraph a of  
17                paragraph 1 of subsection C of this section shall not  
18                exceed Two Hundred Fifty Million Dollars  
19                (\$250,000,000.00).

20        2. For tax year 2025, and subsequent tax years, the total  
21 amount of credits authorized by subparagraph b of paragraph 1 of  
22 subsection C of this section shall not exceed Five Million Dollars  
23 (\$5,000,000.00).

1 E. 1. The Commission shall prescribe applications for the  
2 purposes of claiming the credits authorized by the Oklahoma Parental  
3 Choice Tax Credit Act and a deadline by which applications shall be  
4 submitted. A taxpayer claiming the credit authorized by  
5 subparagraph a of paragraph 1 of subsection C of this section shall  
6 submit an application prescribed by the Commission to receive the  
7 credit in two installments, each of which shall be half of the  
8 expected amount of tuition and fees for the private school based on  
9 the affidavit submitted pursuant to this subsection, but in no event  
10 shall an installment payment exceed half the amount of the credit  
11 authorized by subparagraph a of paragraph 1 of subsection C of this  
12 section. A taxpayer claiming the credit authorized by subparagraph  
13 a of paragraph 1 of subsection C of this section shall submit to the  
14 Commission an affidavit from the private school in which the  
15 eligible student is enrolled or is expected to enroll with the  
16 tuition and fees to be charged the taxpayer for the applicable  
17 school year. In reviewing applications submitted by eligible  
18 taxpayers to determine whether they qualify for a credit authorized  
19 by subparagraph a of paragraph 1 of subsection C of this section,  
20 the Commission shall give first preference in making installments to  
21 taxpayers who qualify pursuant to divisions (1) and (2) of  
22 subparagraph a of paragraph 1 of subsection C of this section. The  
23 Commission shall make the installments based on the expected amount  
24



1 of tuition and fee amounts on the affidavit submitted pursuant to  
2 this subsection.

3 2. If the total amount of credits authorized by division (1) of  
4 subparagraph a of paragraph 1 of subsection C of this section  
5 exceeds Two Hundred Million Dollars (\$200,000,000.00) for tax year  
6 2025, the Commission shall distribute the Two Hundred Million  
7 Dollars (\$200,000,000.00) equally among qualifying taxpayers with a  
8 total adjusted gross income during the second preceding tax year  
9 that does not exceed Seventy-five Thousand Dollars (\$75,000.00). If  
10 the total amount of credits authorized by division (1) of  
11 subparagraph a of paragraph 1 of subsection C of this section does  
12 not exceed Two Hundred Million Dollars (\$200,000,000.00) for tax  
13 year 2025, but the remaining monies are not enough to distribute the  
14 total amount of credits authorized by subparagraph a of paragraph 1  
15 of subsection C of this section, the Commission shall distribute, in  
16 ascending order based upon the taxpayer's total adjusted gross  
17 income, the remaining monies to qualifying taxpayers with a total  
18 adjusted gross income during the second preceding tax year that  
19 exceeds Seventy-five Thousand Dollars (\$75,000.00).

20 3. If the total amount of credits authorized by division (1) of  
21 subparagraph a of paragraph 1 of subsection C of this section  
22 exceeds Two Hundred Fifty Million Dollars (\$250,000,000.00) for tax  
23 year 2026, the Commission shall distribute the Two Hundred Fifty  
24 Million Dollars (\$250,000,000.00) equally among qualifying taxpayers

1 with a total adjusted gross income during the second preceding tax  
2 year that does not exceed Seventy-five Thousand Dollars  
3 (\$75,000.00). If the total amount of credits authorized by division  
4 (1) of subparagraph a of paragraph 1 of subsection C of this section  
5 does not exceed Two Hundred Fifty Million Dollars (\$250,000,000.00)  
6 for tax year 2026, but the remaining monies are not enough to  
7 distribute the total amount of credits authorized by subparagraph a  
8 of paragraph 1 of subsection C of this section, the Commission shall  
9 distribute, in ascending order based upon the taxpayer's total  
10 adjusted gross income, the remaining monies to qualifying taxpayers  
11 with a total adjusted gross income during the second preceding tax  
12 year that exceeds Seventy-five Thousand Dollars (\$75,000.00).

13 F. Taxpayers claiming the credit shall:

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

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

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

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

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 ~~Title 70 of the Oklahoma Statutes~~  
4 this title while participating in the Oklahoma Parental Choice Tax  
5 Credit Program.

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

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

17 I. In the event of a failure of revenue pursuant to the  
18 Oklahoma State Finance Act, the tax credits otherwise authorized in  
19 subsection C of this section shall be reduced proportionately to the  
20 reduction in the amount of money appropriated to the State Board of  
21 Education for the financial support of public schools for the fiscal  
22 year in which the failure of revenue occurs.

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1 J. The Commission shall make available on its website the  
2 amount of credits claimed each tax year pursuant to subparagraphs a  
3 and b of paragraph 1 of subsection C of this section.

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

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