



Oklahoma Statutes Citationized

Title 70. Schools

Chapter 1 - School Code of 1971

Article Article XXVIII - Oklahoma Parental Choice Tax Credit Act

Section 28-101 - Definitions - Tax Credit Requirements - Claiming the Credit

Cite as: 70 O.S. § 28-101 (OSCN 2024)

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;
4. “Education service provider” means a person, business, public school district, public charter school, magnet school, or organization that provides educational goods and/or services to eligible students in this state;
5. “Eligible student” means a resident of this state who is eligible to enroll in a public school in this state. Eligible student shall include a student who is enrolled in and attends or is expected to enroll in a private school in this state accredited by the State Board of Education or another accrediting association or a student who is educated pursuant to the other means of education exception provided for in subsection A of [Section 10-105](#) of this title;
6. “Qualified expense” for the purpose of claiming the credit authorized by paragraph 1 of subsection C of this section means tuition and fees at a private school in this state accredited by the State Board of Education or another accrediting association. Provided, the amount of tuition and fees considered a qualified expense pursuant to this paragraph shall not include tuition and fees paid with any scholarship or tuition and fees discounted or otherwise reduced by the school;
7. “Qualified expense” for the purpose of claiming the credit authorized by paragraph 2 of subsection C of this section means the following expenditures:
 - 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 expense on behalf of an eligible student, to be administered subject to the following amounts:

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

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

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

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

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

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

2. For tax year 2024 and subsequent tax years, the maximum credit amount shall be One Thousand Dollars (\$1,000.00) in qualified expenses per eligible student in each tax year if the eligible student is educated pursuant to the other means of education exception provided for in subsection A of Section 10-105 of this title. To claim the credit, the taxpayer shall submit to the Commission receipts for qualified expenses as defined by paragraph 7 of subsection A of this section;

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

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

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

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

7. Credits claimed by a taxpayer pursuant to the provisions of 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 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).

E. The Commission shall prescribe applications for the purposes of claiming the credits authorized by the Oklahoma Parental Choice Tax Credit Act and a deadline by which applications shall be submitted. A taxpayer claiming the credit authorized by paragraph 1 of subsection C of this section shall submit an application prescribed by the Commission to receive the credit in two installments, each of which shall be half of the expected amount of tuition and fees for the private school based on the enrollment verification form submitted pursuant to this subsection, but in no event shall an installment payment exceed the amount of the credit authorized by paragraph 1 of subsection C of this section. If an eligible taxpayer provides documentation on the application that he or she is a recipient of income-based government benefits including the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), or SoonerCare, the eligible taxpayer shall not be required to provide additional income verification. A taxpayer claiming the credit authorized by paragraph 1 of subsection C of this section shall submit to the Commission an enrollment verification form from the private school in which the eligible student is enrolled or is expected to enroll with the tuition and fees to be charged the taxpayer for the applicable school year. In reviewing applications submitted by eligible taxpayers to determine whether they qualify for a credit authorized by paragraph 1 of subsection C of this section, the Commission shall give first preference in making installments to taxpayers who qualify pursuant to subparagraphs a and b of paragraph 1 of subsection C of this section. For credits issued in the 2025-2026 school year and subsequent school years, the application period shall open on February 15 prior to the beginning of each school year. For any eligible student whose parents or legal guardians have a combined adjusted gross income that does not exceed One Hundred Fifty Thousand Dollars (\$150,000.00), 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 credit shall be paid in two installments, one per school semester, to be paid no later than August 30 and January 15, each of which shall be half of the total expected amount of tuition and fees on the enrollment verification form submitted pursuant to this subsection.

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

G. Taxpayers claiming the credit shall:

1. Only claim the credit for qualified expenses as defined in paragraphs 6 and 7 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.

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

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

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

3. The Commission shall be authorized to reallocate credits to the next eligible taxpayer in line when 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.

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

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

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

1. The total amount of credits claimed each year pursuant to paragraphs 1 through 4 of subsection C of this section;
2. The amount of credits claimed and number of students awarded each fiscal year pursuant to paragraph 1 of subsection C of this section disaggregated by income categories;
3. The total amount of credits claimed and number of students awarded who attended a public school in the semester immediately preceding the school year for which the application is made each year; and
4. The total number of applications denied and total amount of credits the denied applications represent for each fiscal year.

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

Historical Data

Laws 2023, HB 1934, c. 278, § 2, emerg. eff. May 25, 2023; Amended by Laws 2024, HB 3388, c. 277, § 3, emerg. eff. May 6, 2024 ([superseded document available](#)).

