

# SENATE BILL 329

F1, Q3

6lr2047  
CF HB 455

---

By: **Senator Folden**

Introduced and read first time: January 23, 2026

Assigned to: Education, Energy, and the Environment

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Certification of Scholarship Granting Organizations**  
3 **(Opting in on Opportunity Act)**

4 FOR the purpose of requiring the State Department of Education to approve and certify a  
5 nonprofit organization that meets certain requirements as a scholarship granting  
6 organization; requiring the Department, beginning in a certain year, to annually  
7 provide the Secretary of the U.S. Department of the Treasury a list of scholarship  
8 granting organizations in the State; requiring the Comptroller to make available  
9 online guidance that assists individual taxpayers in claiming the federal income tax  
10 credit for contributions to scholarship granting organizations; and generally relating  
11 to scholarship granting organizations.

12 BY adding to  
13 Article – Education  
14 Section 7–137  
15 Annotated Code of Maryland  
16 (2025 Replacement Volume and 2025 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – Education**

20 **7–137.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION THAT IS NOT SUBJECT TO TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND IS NOT A PRIVATE FOUNDATION.

(3) "SCHOLARSHIP GRANTING ORGANIZATION" HAS THE MEANING STATED IN § 25F OF THE INTERNAL REVENUE CODE.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS SECTION BE CONSTRUED IN A MANNER THAT IS CONSISTENT WITH, AND ENABLES THE STATE TO PARTICIPATE IN, THE FEDERAL TAX CREDIT SCHOLARSHIP PROGRAM ESTABLISHED UNDER § 25F OF THE INTERNAL REVENUE CODE.

(C) TO CARRY OUT SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL:

(1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, APPROVE AND CERTIFY A NONPROFIT ORGANIZATION AS A SCHOLARSHIP GRANTING ORGANIZATION IF THE NONPROFIT ORGANIZATION:

(I) IS ORGANIZED UNDER THE LAWS OF THE STATE;

(II) PROVIDES SCHOLARSHIPS TO ELIGIBLE STUDENTS, AS DEFINED IN § 25F OF THE INTERNAL REVENUE CODE, IN THE STATE; AND

(III) APPLIES TO THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION; AND

(2) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2027, SUBMIT TO THE SECRETARY OF THE U.S. DEPARTMENT OF THE TREASURY A LIST OF SCHOLARSHIP GRANTING ORGANIZATIONS IN THE STATE.

(D) (1) A NONPROFIT ORGANIZATION SEEKING STATUS AS A SCHOLARSHIP GRANTING ORGANIZATION SHALL APPLY TO THE DEPARTMENT FOR APPROVAL AND CERTIFICATION AS REQUIRED BY THE DEPARTMENT.

(2) EACH YEAR, EACH SCHOLARSHIP GRANTING ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT A FINANCIAL STATEMENT AND PROGRAM REPORT AS REQUIRED BY THE DEPARTMENT DEMONSTRATING COMPLIANCE WITH THIS SECTION.

(E) EACH YEAR, THE DEPARTMENT SHALL MAKE AVAILABLE ONLINE A REPORT THAT INCLUDES:

1                   **(1) THE NUMBER OF SCHOLARSHIPS AWARDED BY EACH**  
2 **SCHOLARSHIP GRANTING ORGANIZATION;**

3                   **(2) THE AVERAGE AND MEDIAN SCHOLARSHIP AMOUNTS; AND**

4                   **(3) THE SCHOOLS ATTENDED BY SCHOLARSHIP RECIPIENTS.**

5           **(F) THE COMPTROLLER SHALL MAKE AVAILABLE ONLINE GUIDANCE THAT**  
6 **ASSISTS INDIVIDUAL TAXPAYERS IN CLAIMING THE FEDERAL INCOME TAX CREDIT**  
7 **ALLOWABLE UNDER § 25F OF THE INTERNAL REVENUE CODE FOR MAKING**  
8 **QUALIFIED CONTRIBUTIONS, AS DEFINED IN § 25F OF THE INTERNAL REVENUE**  
9 **CODE, TO SCHOLARSHIP GRANTING ORGANIZATIONS DURING A TAXABLE YEAR.**

10           **(G) (1) AS AUTHORIZED BY STATE AND FEDERAL LAW, THE DEPARTMENT**  
11 **AND THE COMPTROLLER MAY SHARE INFORMATION AS NECESSARY TO CARRY OUT**  
12 **THE REQUIREMENTS OF THIS SECTION.**

13                   **(2) THE DEPARTMENT, IN CONSULTATION WITH THE COMPTROLLER,**  
14 **MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS**  
15 **GOVERNING REPORTING, ACCOUNTABILITY, AND PENALTIES FOR NONCOMPLIANCE.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
17 1, 2026.