

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1960

By: Jordan

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6 AS INTRODUCED

7 An Act relating to higher education; directing the
8 Oklahoma State Regents for Higher Education to
9 prepare certain economic security report; requiring
10 report to be accessible to the public and available
11 online; specifying sources and type of data;
12 requiring institutions to provide enrolled students
13 electronic access to the report; requiring
14 comprehensive and regional institutions to provide
15 electronic access to certain job placement and
16 earnings information; requiring collection and
17 reporting of data to comply with certain act;
18 amending 40 O.S. 2011, Section 4-508, as last amended
19 by Section 19, Chapter 249, O.S.L. 2015 (40 O.S.
20 Supp. 2016, Section 4-508), which relates to certain
21 information required to be kept confidential;
22 permitting information to be disclosed to employees
23 of the Oklahoma State Regents for Higher Education to
24 identify economic trends and educational program
outcomes; providing for codification; and providing
an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3249 of Title 70, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Beginning January 1, 2018, and annually thereafter, the
24 Oklahoma State Regents for Higher Education in conjunction with the

1 Oklahoma Employment Security Commission shall prepare, or contract
2 with an entity to prepare, an economic security report of employment
3 and earning outcomes for degrees or certificates earned at
4 institutions of The Oklahoma State System of Higher Education.

5 B. The report required in subsection A of this section shall be
6 easily accessible to and readable by the public and shall be made
7 available online. The report, by educational sector, shall:

8 1. Use the data collected by the State Regents and the Oklahoma
9 Employment Security Commission for data relating to the employment
10 and earnings by graduates of a degree or certificate program from
11 each institution;

12 2. Use the Integrated Postsecondary Education Data System
13 operated by the National Center for Education Statistics or its
14 equivalent for calculating the average student loan debt of each
15 institution;

16 3. Include data on the employment of graduates of a degree or
17 certificate program from each institution the year after and five
18 (5) years after the degree or certificate is earned by number and
19 percentage and for graduates employed; and

20 4. Include data on the earnings of graduates of a degree or
21 certificate program from each institution the year after earning the
22 degree or certificate based on the most recent four quarters of
23 employment data.

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1 C. Beginning January 31, 2019, and annually thereafter, each
2 community college of The Oklahoma State System of Higher Education
3 prior to registration shall provide each enrolled student electronic
4 access to the economic security report of employment and earning
5 outcomes prepared pursuant to this section.

6 D. Beginning January 31, 2019, and annually thereafter, each
7 comprehensive and regional institution of The Oklahoma State System
8 of Higher Education prior to registration shall provide each
9 enrolled student electronic access to the economic security report
10 of employment and earning outcomes prepared pursuant to this
11 section. In addition, each year prior to registration using the
12 data described in this section each comprehensive and regional
13 institution shall provide each enrolled student electronic access to
14 the following information:

15 1. The top and bottom twenty percent (20%) of degrees reported
16 by the State Regents for earnings and employment in the state; and

17 2. The top and bottom twenty percent (20%) of degrees by
18 institution reported by the State Regents for earnings and
19 employment in the state.

20 E. The collection and reporting of data pursuant to this
21 section shall comply with the provisions of the Family Education
22 Rights and Privacy Act (FERPA).
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1 SECTION 2. AMENDATORY 40 O.S. 2011, Section 4-508, as
2 last amended by Section 19, Chapter 249, O.S.L. 2015 (40 O.S. Supp.
3 2016, Section 4-508), is amended to read as follows:

4 Section 4-508.

5 INFORMATION TO BE KEPT CONFIDENTIAL - DISCLOSURE.

6 A. Except as otherwise provided by law, information obtained
7 from any employing unit or individual pursuant to the administration
8 of the Employment Security Act of 1980, any workforce system program
9 administered or monitored by the Oklahoma Employment Security
10 Commission, and determinations as to the benefit rights of any
11 individual shall be kept confidential and shall not be disclosed or
12 be open to public inspection in any manner revealing the
13 individual's or employing unit's identity. Any claimant or employer
14 or agent of such person as authorized in writing shall be supplied
15 with information from the records of the Oklahoma Employment
16 Security Commission, to the extent necessary for the proper
17 presentation of the claim or complaint in any proceeding under the
18 Employment Security Act of 1980, with respect thereto.

19 B. Upon receipt of written request by any employer who
20 maintains a Supplemental Unemployment Benefit (SUB) Plan, the
21 Commission or its designated representative may release to such
22 employer information regarding weekly benefit amounts paid its
23 workers during a specified temporary layoff period, provided such
24 Supplemental Unemployment Benefit (SUB) Plan requires benefit

1 payment information before Supplemental Unemployment Benefits can be
2 paid to such workers. Any information disclosed under this
3 provision shall be utilized solely for the purpose outlined herein
4 and shall be held strictly confidential by the employer.

5 C. The provisions of this section shall not prevent the
6 Commission from disclosing the following information and no
7 liability whatsoever, civil or criminal, shall attach to any member
8 of the Commission or any employee thereof for any error or omission
9 in the disclosure of such information:

10 1. The delivery to taxpayer or claimant a copy of any report or
11 other paper filed by the taxpayer or claimant pursuant to the
12 Employment Security Act of 1980;

13 2. The disclosure of information to any person for a purpose as
14 authorized by the taxpayer or claimant pursuant to a waiver of
15 confidentiality. The waiver shall be in writing and shall be
16 notarized;

17 3. The Oklahoma Department of Commerce may have access to data
18 obtained pursuant to the Employment Security Act of 1980 pursuant to
19 rules promulgated by the Commission. The information obtained shall
20 be held confidential by the Department and any of its agents and
21 shall not be disclosed or be open to public inspection. The
22 Oklahoma Department of Commerce, however, may release aggregated
23 data, either by industry or county, provided that such aggregation
24 meets disclosure requirements of the Commission;

1 4. The publication of statistics so classified as to prevent
2 the identification of a particular report and the items thereof;

3 5. The disclosing of information or evidence to the Attorney
4 General or any district attorney when the information or evidence is
5 to be used by the officials or other parties to the proceedings to
6 prosecute or defend allegations of violations of the Employment
7 Security Act of 1980. The information disclosed to the Attorney
8 General or any district attorney shall be kept confidential by them
9 and not be disclosed except when presented to a court in a
10 prosecution of a violation of Section 1-101 et seq. of this title,
11 and a violation by the Attorney General or district attorney by
12 otherwise releasing the information shall be a felony;

13 6. The furnishing, at the discretion of the Commission, of any
14 information disclosed by the records or files to any official person
15 or body of this state, any other state or of the United States who
16 is concerned with the administration of assessment of any similar
17 tax in this state, any other state or the United States;

18 7. The furnishing of information to other state agencies for
19 the limited purpose of aiding in the collection of debts owed by
20 individuals to the requesting agencies or the Oklahoma Employment
21 Security Commission;

22 8. The release to employees of the Department of Transportation
23 or any Metropolitan Planning Organization as defined in 23 U.S.C.,
24 Section 134 and 49 U.S.C., Section 5303 of information required for

1 use in federally mandated regional transportation planning, which is
2 performed as a part of its official duties;

3 9. The release to employees of the State Treasurer's office of
4 information required to verify or evaluate the effectiveness of the
5 Oklahoma Small Business Linked Deposit Program on job creation;

6 10. The release to employees of the Attorney General, the State
7 Insurance Fund, the Department of Labor, the Workers' Compensation
8 Commission, and the Insurance Department for use in investigation of
9 workers' compensation fraud;

10 11. The release to employees of any Oklahoma state, Oklahoma
11 county or Oklahoma municipal law enforcement agency for use in
12 criminal investigations and the location of missing persons or
13 fugitives from justice;

14 12. The release to employees of the Center of International
15 Trade, Oklahoma State University, of information required for the
16 development of International Trade for employers doing business in
17 the State of Oklahoma;

18 13. The release to employees of the Oklahoma State Regents for
19 Higher Education of information required for use in the default
20 prevention efforts and/or collection of defaulted student loans
21 guaranteed by the Oklahoma Guaranteed Student Loan Program. Any
22 information disclosed under this provision shall be utilized solely
23 for the purpose outlined herein and shall be held strictly
24 confidential by the Oklahoma State Regents for Higher Education;

1 14. The release to employees of the Center for Economic and
2 Management Research of the University of Oklahoma, the Center for
3 Economic and Business Development at Southwestern Oklahoma State
4 University, ~~or a center of economic and business research or~~
5 ~~development at a comprehensive or regional higher education~~
6 ~~institution within The Oklahoma State System of Higher Education~~ the
7 Oklahoma State Regents for Higher Education of information required
8 to identify economic trends and educational program outcomes. The
9 information obtained shall be kept confidential by the higher
10 education institution and shall not be disclosed or be open to
11 public inspection. The higher education institution may release
12 aggregated data, provided that such aggregation meets disclosure
13 requirements of the Commission;

14 15. The release to employees of the Office of Management and
15 Enterprise Services of information required to identify economic
16 trends. The information obtained shall be kept confidential by the
17 Office of Management and Enterprise Services and shall not be
18 disclosed or be open to public inspection. The Office of Management
19 and Enterprise Services may release aggregate data, provided that
20 such aggregation meets disclosure requirements of the Commission;

21 16. The release to employees of the Department of Mental Health
22 and Substance Abuse Services of information required to evaluate the
23 effectiveness of mental health and substance abuse treatment and
24 state or local programs utilized to divert persons from inpatient

1 treatment. The information obtained shall be kept confidential by
2 the Department and shall not be disclosed or be open to public
3 inspection. The Department of Mental Health and Substance Abuse
4 Services, however, may release aggregated data, either by treatment
5 facility, program or larger aggregate units, provided that such
6 aggregation meets disclosure requirements of the Oklahoma Employment
7 Security Commission;

8 17. The release to employees of the Attorney General, the
9 Oklahoma State Bureau of Investigation, and the Insurance Department
10 for use in the investigation of insurance fraud and health care
11 fraud;

12 18. The release to employees of public housing agencies for
13 purposes of determining eligibility pursuant to 42 U.S.C., Section
14 503(i);

15 19. The release of wage and benefit claim information, at the
16 discretion of the Commission, to an agency of this state or its
17 political subdivisions, or any nonprofit corporation that operates a
18 program or activity designated as a partner in the Workforce
19 Investment Act One-Stop delivery system pursuant to 29 U.S.C.A.,
20 Section 2481(b), based on a showing of need made to the Commission
21 and after an agreement concerning the release of information is
22 entered into with the entity receiving the information;

23 20. The release of information to the wage record interchange
24 system, at the discretion of the Commission;

1 21. The release of information to the Bureau of the Census of
2 the U.S. Department of Commerce for the purpose of economic and
3 statistical research;

4 22. The release of employer tax information and benefit claim
5 information to the Oklahoma Health Care Authority for use in
6 determining eligibility for a program that will provide subsidies
7 for health insurance premiums for qualified employers, employees,
8 self-employed persons, and unemployed persons;

9 23. The release of employer tax information and benefit claim
10 information to the State Department of Rehabilitation Services for
11 use in assessing results and outcomes of clients served;

12 24. The release of information to any state or federal law
13 enforcement authority when necessary in the investigation of any
14 crime in which the Commission is a victim. Information that is
15 confidential under this section shall be held confidential by the
16 law enforcement authority unless and until it is required for use in
17 court in the prosecution of a defendant in a criminal prosecution;

18 25. The release of information to vendors that contract with
19 the Oklahoma Employment Security Commission to provide for the
20 issuance of debit cards, to conduct electronic fund transfers, to
21 perform computer programming operations, or to perform computer
22 maintenance or replacement operations; provided the vendor agrees to
23 protect and safeguard the information it receives and to destroy the
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1 information when no longer needed for the purposes set out in the
2 contract;

3 26. The release to employees of the Office of Juvenile Affairs
4 of information for use in assessing results and outcomes of clients
5 served as well as the effectiveness of state and local juvenile and
6 justice programs including prevention and treatment programs. The
7 information obtained shall be kept confidential by the Office of
8 Juvenile Affairs and shall not be disclosed or be open to public
9 inspection. The Office of Juvenile Affairs may release aggregated
10 data for programs or larger aggregate units, provided that the
11 aggregation meets disclosure requirements of the Oklahoma Employment
12 Security Commission; or

13 27. The release of information to vendors that contract with
14 the State of Oklahoma for the purpose of providing a public
15 electronic labor exchange system that will support the Oklahoma
16 Employment Security Commission's operation of an employment service
17 system to connect employers with job seekers and military veterans.
18 This labor exchange system would enhance the stability and security
19 of Oklahoma's economy as well as support the provision of veterans'
20 priority of service. The vendors may perform computer programming
21 operations, perform computer maintenance or replacement operations,
22 or host the electronic solution; provided each vendor agrees to
23 protect and safeguard all information received, that no information
24 shall be disclosed to any third party, that the use of the

1 information shall be restricted to the scope of the contract, and
2 that the vendor shall properly dispose of all information when no
3 longer needed for the purposes set out in the contract.

4 D. Subpoenas to compel disclosure of information made
5 confidential by this statute shall not be valid, except for
6 administrative subpoenas issued by federal, state, or local
7 governmental agencies that have been granted subpoena power by
8 statute or ordinance. Confidential information maintained by the
9 Commission can be obtained by order of a court of record that
10 authorizes the release of the records in writing. All
11 administrative subpoenas or court orders for production of documents
12 must provide a minimum of twenty (20) days from the date it is
13 served for the Commission to produce the documents. If the date on
14 which production of the documents is required is less than twenty
15 (20) days from the date of service, the subpoena or order shall be
16 considered void on its face as an undue burden or hardship on the
17 Commission. All administrative subpoenas, court orders or notarized
18 waivers of confidentiality authorized by paragraph 2 of subsection C
19 of this section shall be presented with a request for records within
20 ninety (90) days of the date the document is issued or signed, and
21 the document can only be used one time to obtain records.

22 E. Should any of the disclosures provided for in this section
23 require more than casual or incidental staff time, the Commission
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1 shall charge the cost of such staff time to the party requesting the
2 information.

3 F. It is further provided that the provisions of this section
4 shall be strictly interpreted and shall not be construed as
5 permitting the disclosure of any other information contained in the
6 records and files of the Commission.

7 SECTION 3. This act shall become effective November 1, 2017.

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