

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 3028

By: Jordan of the House

and

Halligan of the Senate

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7 [higher education - directing the Oklahoma State
8 Regents for Higher Education to prepare an economic
9 security report including employment and earning
10 outcomes by degrees from certain institutions -
11 effective date]
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15 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

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17 "An Act relating to higher education; directing the
18 Oklahoma State Regents for Higher Education, in
19 certain conjunction, to prepare or contract with an
20 entity to prepare an economic security report
21 including employment and earning outcomes by
22 degrees or certificates from certain institutions;
23 requiring report to be accessible to the public and
24 available online; specifying sources and type of
data; requiring institutions to provide enrolled
students electronic access to the report; requiring
comprehensive and regional institutions to provide
electronic access to certain earnings and
employment information; amending 40 O.S. 2011,
Section 4-508, as last amended by Section 19,
Chapter 249, O.S.L. 2015 (40 O.S. Supp. 2015,
Section 4-508), which relates to confidentiality

1 and disclosure of information by the Oklahoma
2 Employment Security Commission; modifying
3 information to be disclosed to the State Regents;
4 providing for codification; and providing an
5 effective date.

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

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

10 A. Beginning January 1, 2017, and annually thereafter, the
11 Oklahoma State Regents for Higher Education in conjunction with the
12 Oklahoma Employment Security Commission shall prepare, or contract
13 with an entity to prepare, an economic security report of employment
14 and earning outcomes for degrees or certificates earned at
15 institutions of The Oklahoma State System of Higher Education.

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

19 1. Use the data collected by the State Regents and the Oklahoma
20 Employment Security Commission for data relating to the employment
21 and earnings by graduates of a degree or certificate program from
22 each institution;

23 2. Use the Integrated Postsecondary Education Data System
24 operated by the National Center for Education Statistics or its

1 equivalent for calculating the average student loan debt of each
2 institution;

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

7 4. Include data on the earnings of graduates of a degree or
8 certificate program from each institution the year after earning the
9 degree or certificate based on the most recent four quarters of
10 employment data.

11 C. Beginning January 31, 2018, and annually thereafter, each
12 community college of The Oklahoma State System of Higher Education
13 prior to registration shall provide each enrolled student electronic
14 access to the economic security report of employment and earning
15 outcomes prepared pursuant to this section.

16 D. Beginning January 31, 2018, and annually thereafter, each
17 comprehensive and regional institution of The Oklahoma State System
18 of Higher Education prior to registration shall provide each
19 enrolled student electronic access to the economic security report
20 of employment and earning outcomes prepared pursuant to this
21 section. In addition, each year prior to registration using the
22 data described in this section each comprehensive and regional
23 institution shall provide each enrolled student electronic access to
24 the following information:

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

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

6 E. The collection and reporting of data pursuant to this
7 section shall comply with the provisions of the Family Education
8 Rights and Privacy Act (FERPA).

9 SECTION 2. AMENDATORY 40 O.S. 2011, Section 4-508, as
10 last amended by Section 19, Chapter 249, O.S.L. 2015 (40 O.S. Supp.
11 2015, Section 4-508), is amended to read as follows:

12 Section 4-508.

13 INFORMATION TO BE KEPT CONFIDENTIAL - DISCLOSURE.

14 A. Except as otherwise provided by law, information obtained
15 from any employing unit or individual pursuant to the administration
16 of the Employment Security Act of 1980, any workforce system program
17 administered or monitored by the Oklahoma Employment Security
18 Commission, and determinations as to the benefit rights of any
19 individual shall be kept confidential and shall not be disclosed or
20 be open to public inspection in any manner revealing the
21 individual's or employing unit's identity. Any claimant or employer
22 or agent of such person as authorized in writing shall be supplied
23 with information from the records of the Oklahoma Employment
24 Security Commission, to the extent necessary for the proper

1 presentation of the claim or complaint in any proceeding under the
2 Employment Security Act of 1980, with respect thereto.

3 B. Upon receipt of written request by any employer who
4 maintains a Supplemental Unemployment Benefit (SUB) Plan, the
5 Commission or its designated representative may release to such
6 employer information regarding weekly benefit amounts paid its
7 workers during a specified temporary layoff period, provided such
8 Supplemental Unemployment Benefit (SUB) Plan requires benefit
9 payment information before Supplemental Unemployment Benefits can be
10 paid to such workers. Any information disclosed under this
11 provision shall be utilized solely for the purpose outlined herein
12 and shall be held strictly confidential by the employer.

13 C. The provisions of this section shall not prevent the
14 Commission from disclosing the following information and no
15 liability whatsoever, civil or criminal, shall attach to any member
16 of the Commission or any employee thereof for any error or omission
17 in the disclosure of such information:

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

21 2. The disclosure of information to any person for a purpose as
22 authorized by the taxpayer or claimant pursuant to a waiver of
23 confidentiality. The waiver shall be in writing and shall be
24 notarized;

1 3. The Oklahoma Department of Commerce may have access to data
2 obtained pursuant to the Employment Security Act of 1980 pursuant to
3 rules promulgated by the Commission. The information obtained shall
4 be held confidential by the Department and any of its agents and
5 shall not be disclosed or be open to public inspection. The
6 Oklahoma Department of Commerce, however, may release aggregated
7 data, either by industry or county, provided that such aggregation
8 meets disclosure requirements of the Commission;

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

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

21 6. The furnishing, at the discretion of the Commission, of any
22 information disclosed by the records or files to any official person
23 or body of this state, any other state or of the United States who
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1 is concerned with the administration of assessment of any similar
2 tax in this state, any other state or the United States;

3 7. The furnishing of information to other state agencies for
4 the limited purpose of aiding in the collection of debts owed by
5 individuals to the requesting agencies or the Oklahoma Employment
6 Security Commission;

7 8. The release to employees of the Department of Transportation
8 or any Metropolitan Planning Organization as defined in 23 U.S.C.,
9 Section 134 and 49 U.S.C., Section 5303 of information required for
10 use in federally mandated regional transportation planning, which is
11 performed as a part of its official duties;

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

15 10. The release to employees of the Attorney General, the State
16 Insurance Fund, the Department of Labor, the Workers' Compensation
17 Commission, and the Insurance Department for use in investigation of
18 workers' compensation fraud;

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

23 12. The release to employees of the Center of International
24 Trade, Oklahoma State University, of information required for the

1 development of International Trade for employers doing business in
2 the State of Oklahoma;

3 13. The release to employees of the Oklahoma State Regents for
4 Higher Education of information required for use in the default
5 prevention efforts and/or collection of defaulted student loans
6 guaranteed by the Oklahoma Guaranteed Student Loan Program. Any
7 information disclosed under this provision shall be utilized solely
8 for the purpose outlined herein and shall be held strictly
9 confidential by the Oklahoma State Regents for Higher Education;

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

23 15. The release to employees of the Office of Management and
24 Enterprise Services of information required to identify economic

1 trends. The information obtained shall be kept confidential by the
2 Office of Management and Enterprise Services and shall not be
3 disclosed or be open to public inspection. The Office of Management
4 and Enterprise Services may release aggregate data, provided that
5 such aggregation meets disclosure requirements of the Commission;

6 16. The release to employees of the Department of Mental Health
7 and Substance Abuse Services of information required to evaluate the
8 effectiveness of mental health and substance abuse treatment and
9 state or local programs utilized to divert persons from inpatient
10 treatment. The information obtained shall be kept confidential by
11 the Department and shall not be disclosed or be open to public
12 inspection. The Department of Mental Health and Substance Abuse
13 Services, however, may release aggregated data, either by treatment
14 facility, program or larger aggregate units, provided that such
15 aggregation meets disclosure requirements of the Oklahoma Employment
16 Security Commission;

17 17. The release to employees of the Attorney General, the
18 Oklahoma State Bureau of Investigation, and the Insurance Department
19 for use in the investigation of insurance fraud and health care
20 fraud;

21 18. The release to employees of public housing agencies for
22 purposes of determining eligibility pursuant to 42 U.S.C., Section
23 503(i);

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

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

11 21. The release of information to the Bureau of the Census of
12 the U.S. Department of Commerce for the purpose of economic and
13 statistical research;

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

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

22 24. The release of information to any state or federal law
23 enforcement authority when necessary in the investigation of any
24 crime in which the Commission is a victim. Information that is

1 confidential under this section shall be held confidential by the
2 law enforcement authority unless and until it is required for use in
3 court in the prosecution of a defendant in a criminal prosecution;

4 25. The release of information to vendors that contract with
5 the Oklahoma Employment Security Commission to provide for the
6 issuance of debit cards, to conduct electronic fund transfers, to
7 perform computer programming operations, or to perform computer
8 maintenance or replacement operations; provided the vendor agrees to
9 protect and safeguard the information it receives and to destroy the
10 information when no longer needed for the purposes set out in the
11 contract;

12 26. The release to employees of the Office of Juvenile Affairs
13 of information for use in assessing results and outcomes of clients
14 served as well as the effectiveness of state and local juvenile and
15 justice programs including prevention and treatment programs. The
16 information obtained shall be kept confidential by the Office of
17 Juvenile Affairs and shall not be disclosed or be open to public
18 inspection. The Office of Juvenile Affairs may release aggregated
19 data for programs or larger aggregate units, provided that the
20 aggregation meets disclosure requirements of the Oklahoma Employment
21 Security Commission; or

22 27. The release of information to vendors that contract with
23 the State of Oklahoma for the purpose of providing a public
24 electronic labor exchange system that will support the Oklahoma

1 Employment Security Commission's operation of an employment service
2 system to connect employers with job seekers and military veterans.
3 This labor exchange system would enhance the stability and security
4 of Oklahoma's economy as well as support the provision of veterans'
5 priority of service. The vendors may perform computer programming
6 operations, perform computer maintenance or replacement operations,
7 or host the electronic solution; provided each vendor agrees to
8 protect and safeguard all information received, that no information
9 shall be disclosed to any third party, that the use of the
10 information shall be restricted to the scope of the contract, and
11 that the vendor shall properly dispose of all information when no
12 longer needed for the purposes set out in the contract.

13 D. Subpoenas to compel disclosure of information made
14 confidential by this statute shall not be valid, except for
15 administrative subpoenas issued by federal, state, or local
16 governmental agencies that have been granted subpoena power by
17 statute or ordinance. Confidential information maintained by the
18 Commission can be obtained by order of a court of record that
19 authorizes the release of the records in writing. All
20 administrative subpoenas or court orders for production of documents
21 must provide a minimum of twenty (20) days from the date it is
22 served for the Commission to produce the documents. If the date on
23 which production of the documents is required is less than twenty
24 (20) days from the date of service, the subpoena or order shall be

1 considered void on its face as an undue burden or hardship on the
2 Commission. All administrative subpoenas, court orders or notarized
3 waivers of confidentiality authorized by paragraph 2 of subsection C
4 of this section shall be presented with a request for records within
5 ninety (90) days of the date the document is issued or signed, and
6 the document can only be used one time to obtain records.

7 E. Should any of the disclosures provided for in this section
8 require more than casual or incidental staff time, the Commission
9 shall charge the cost of such staff time to the party requesting the
10 information.

11 F. It is further provided that the provisions of this section
12 shall be strictly interpreted and shall not be construed as
13 permitting the disclosure of any other information contained in the
14 records and files of the Commission.

15 SECTION 3. This act shall become effective November 1, 2016."

16 Passed the Senate the 19th day of April, 2016.

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Presiding Officer of the Senate

20 Passed the House of Representatives the ____ day of _____,
21 2016.

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Presiding Officer of the House
of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 3028

By: Jordan of the House

3 and

4 Halligan of the Senate

5
6 [higher education - directing the Oklahoma State
7 Regents for Higher Education to prepare an economic
8 security report including employment and earning
9 outcomes by degrees from certain institutions -
10 effective date]

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

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16 is created a duplication in numbering, reads as follows:

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18 Oklahoma State Regents for Higher Education in conjunction with the
19 Oklahoma Department of Commerce shall prepare, or contract with an
20 entity to prepare, an economic security report of employment and
21 earning outcomes for degrees or certificates earned at institutions
22 of The Oklahoma State System of Higher Education.

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

4 1. Use the data collected by the State Regents and other state
5 agencies for data relating to the employment and earnings by
6 graduates of a degree or certificate program from each institution;

7 2. Use the Integrated Postsecondary Education Data System
8 operated by the National Center for Education Statistics or its
9 equivalent for calculating the average student loan debt of a
10 graduate of a degree or certificate program from each institution;

11 3. Include data on the employment of graduates of a degree or
12 certificate program from each institution the year after the degree
13 or certificate is earned by number and percentage and for graduates
14 employed full time in the year after graduation by number and
15 percentage. Beginning January 1, 2018, the report shall include the
16 employment data of graduates of a degree or certificate program from
17 each institution five (5) years after graduation by number and
18 percentage; and

19 4. Include data on the earnings of graduates of a degree or
20 certificate program from each institution the year after earning the
21 degree or certificate on an annualized basis, rounded to the nearest
22 dollar.

23 C. Beginning January 31, 2018, and annually thereafter, each
24 community college of The Oklahoma State System of Higher Education

1 prior to registration shall provide each enrolled student electronic
2 access to the economic security report of employment and earning
3 outcomes prepared pursuant to this section.

4 D. Beginning January 31, 2018, and annually thereafter, each
5 comprehensive and regional institution of The Oklahoma State System
6 of Higher Education prior to registration shall provide each
7 enrolled student electronic access to the economic security report
8 of employment and earning outcomes prepared pursuant to this
9 section. In addition, each year prior to registration using the
10 data described in this section each comprehensive and regional
11 institution shall provide each enrolled student electronic access to
12 the following information:

13 1. The top twenty-five percent (25%) of degrees reported by
14 each institution in terms of highest full-time job placement and
15 highest average annualized earnings in the year after earning the
16 degree; and

17 2. The bottom ten percent (10%) of degrees reported by each
18 institution in terms of lowest full-time job placement and lowest
19 average annualized earnings in the year after earning the degree.

20 E. Beginning January 31, 2018, and annually thereafter, each
21 school district in the state shall provide to each middle school and
22 high school student or the parent or guardian of the student prior
23 to registration a two-page summary of the latest economic security
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1 report of employment and earning outcomes prepared pursuant to this
2 section and electronic access to the report.

3 SECTION 2. This act shall become effective November 1, 2016.

4 Passed the House of Representatives the 10th day of March, 2016.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2016.

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Presiding Officer of the Senate

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