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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2085 Session of 2005

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INTRODUCED BY BISHOP, YOUNGBLOOD, PHILLIPS, MANN, CALTAGIRONE,  
COHEN, FRANKEL, BELFANTI, GRUCELA, ROEBUCK, BEBKO-JONES,  
JOSEPHS, JAMES, MARKOSEK, HENNESSEY, WILLIAMS, THOMAS, BEYER,  
PARKER, BLACKWELL AND MANDERINO, OCTOBER 19, 2005

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REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 19, 2005

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AN ACT

1 Providing for educational grants for minority students committed  
2 to minority elementary and secondary education; imposing  
3 powers and duties on the Department of Education;  
4 establishing the Minority Educational Incentive Fund; making  
5 an appropriation; and providing for remedies.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Minority  
10 Educational Incentive Grant Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "College." A State-owned institution or a State-related  
16 institution.

17 "Department." The Department of Education of the  
18 Commonwealth.

1 "Fund." The Minority Educational Incentive Fund established  
2 in section 4.

3 "Grantee." An individual awarded a grant under section 5(b).

4 "Minority." A group which has a social or economic  
5 disadvantage because of:

6 (1) cultural, racial or chronic economic circumstances;

7 or

8 (2) background.

9 "State-owned institution." An institution which is part of  
10 the State System of Higher Education.

11 "State-related institution." Any of the following:

12 (1) The Pennsylvania State University.

13 (2) The University of Pittsburgh.

14 (3) Temple University.

15 (4) The Pennsylvania College of Technology.

16 (5) Lincoln University.

17 Section 3. Department of Education.

18 The department has the following powers and duties:

19 (1) Administer this act. This paragraph includes the  
20 power and duty to promulgate regulations and statements of  
21 policy.

22 (2) Utilize the fund under section 4(c).

23 (3) Formulate covenants under section 5(c).

24 (4) Pursue remedies under section 6.

25 Section 4. Fund.

26 (a) Establishment.--The Minority Educational Incentive Fund  
27 is established as a separate fund in the State Treasury.

28 (b) Sources.--The following are the sources of the fund:

29 (1) Appropriations.

30 (2) Judgments under section 6.

1           (3) Return on money in the fund.

2           (c) Use.--The department shall use the fund to make grants  
3 under section 5.

4           (d) Continuing appropriation.--The money in the fund is  
5 continuously appropriated into the fund. This appropriation  
6 shall not lapse at the end of any fiscal year.

7 Section 5. Grants.

8           (a) Eligibility.--A grant for tuition aid at a college is  
9 available to an individual who meets all of the following:

10           (1) The individual has 60 credits, or the equivalent, at  
11 a college.

12           (2) The individual is a member of a minority.

13           (b) Application and determination.--

14           (1) An individual must make an application for a grant  
15 by May 31 for the following fiscal year.

16           (2) By July 31, the department shall make a  
17 determination to award the grant or deny the application. The  
18 determination under this paragraph shall be based on all of  
19 the following:

20           (i) Eligibility under subsection (a).

21           (ii) Availability of money in the fund.

22           (3) Failure to make a determination by the date  
23 specified in paragraph (2) shall be deemed a denial of the  
24 application.

25           (c) Covenant.--In order to receive the grant, a grantee must  
26 enter into a covenant with the department to commit to teach as  
27 follows:

28           (1) In an elementary or a secondary school in this  
29 Commonwealth approved by the department. The department's  
30 approval shall be based upon the school having at least 15%

1 of the pupils being members of the same minority group as the  
2 grantee.

3 (2) For a period up to five years as determined by the  
4 department. The department's determination shall be based on  
5 the amount of the grant.

6 (d) Judicial review.--All of the following are subject to  
7 appeal under 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial  
8 review of Commonwealth agency action):

9 (1) A denial under subsection (b)(2) or (3).

10 (2) A failure to approve under subsection (c)(1).

11 (3) A determination under subsection (c)(2).

12 Section 6. Remedies.

13 A grantee who violates a covenant under section 5(c) is  
14 obligated to repay:

15 (1) The amount of the grant in the proportion that the  
16 length of the default caused by the violation bears to the  
17 length of the covenant.

18 (2) Interest at 6% annually from the date the violation  
19 begins until final payment is made.

20 Section 19. Appropriation.

21 The sum of \$ , is hereby appropriated into the Minority  
22 Educational Incentive Fund to carry out the provisions of this  
23 act. This appropriation is subject to section 4(d).

24 Section 20. Effective date.

25 This act shall take effect in 60 days.