

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1695 Session of 2011

INTRODUCED BY PAYTON, K. BOYLE, FABRIZIO, JOHNSON, JOSEPHS,
STURLA AND WATERS, JUNE 20, 2011

REFERRED TO COMMITTEE ON EDUCATION, JUNE 20, 2011

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for in-State tuition for
6 undocumented individuals.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding an
11 article to read:

12 ARTICLE XX-H

13 IN-STATE TUITION FOR UNDOCUMENTED INDIVIDUALS

14 Section 2001-H. Definitions.

15 The following words and phrases when used in this article
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

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

20 "Individual." An undocumented person who is not a citizen or

national of the United States. The term does not include a
nonimmigrant alien as defined in 8 U.S.C. § 1101(a)(15)
(relating to definitions).

"Public institution of higher education." Any of the
following:

(1) A community college under Article XIX-A.

(2) A university within the State System of Higher
Education under Article XX-A.

(3) A State-related institution as defined in section
1502-A.

Section 2002-H. Individual requirements.

An individual shall be exempt from paying the out-of-State
tuition rate at a public institution of higher education in this
Commonwealth if the individual:

(1) Beginning with the 2005-2006 school year, attended a
public or nonpublic secondary school in this Commonwealth for
at least three years.

(2) Beginning with the 2007-2008 school year, graduated
from a public or nonpublic secondary school in this
Commonwealth or received the equivalent of a high school
diploma in this Commonwealth.

(3) Enters as a student in a public institution of
higher education in this Commonwealth not earlier than the
2011 fall semester.

(4) Provides to the public institution of higher
education documentation that the individual or the
individual's parent or legal guardian has filed a
Pennsylvania income tax return for all of the following:

(i) Annually for the three years while the
individual attended a public or nonpublic secondary

1 school in this Commonwealth in accordance with paragraph
2 (1).

3 (ii) Annually during the period, if any, between
4 graduation from a public or nonpublic secondary school in
5 this Commonwealth and registration at a public
6 institution of higher education in this Commonwealth.

7 (iii) Annually during the period of attendance at
8 the public institution of higher education.

9 (5) In the case of an individual who is not a permanent
10 resident, provides to the public institution of higher
11 education an affidavit stating that the individual will file
12 an application to become a permanent resident within 30 days
13 after the individual becomes eligible to do so.

14 (6) In the case of an individual who is required to
15 register with the Selective Service System, provides to the
16 public institution of higher education documentation that the
17 individual has complied with the registration requirement.

18 (7) Registers in a public institution of higher
19 education in this Commonwealth not later than four years
20 after graduating from a public or nonpublic secondary school
21 in this Commonwealth or receiving the equivalent of a high
22 school diploma in this Commonwealth.

23 Section 2003-H. Public institution of higher education
24 requirements.

25 A public institution of higher education that admits an
26 individual under this article shall:

27 (1) Keep a record of the number of individuals admitted
28 under this article and annually report this information to
29 the department.

30 (2) Adopt appropriate policies to implement the

1 provisions of this article.

2 Section 2004-H. Departmental requirements.

3 The department shall submit to the General Assembly an annual
4 report consisting of a compilation of the reports submitted to
5 the department under section 2003-H.

6 Section 2005-H. Confidentiality.

7 Information obtained from an individual for the purposes of
8 implementing this article is confidential. A public institution
9 of higher education that receives an affidavit under section
10 2002-H(5) shall treat the affidavit as an education record of
11 the individual under the provisions of the Family Educational
12 Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. §
13 1232g).

14 Section 2. This act shall take effect July 1, 2011.