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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1042 Session of  
2017

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INTRODUCED BY SCHWEYER, McNEILL, SCHLOSSBERG, SOLOMON, BULLOCK,  
V. BROWN, McCLINTON AND D. COSTA, APRIL 3, 2017

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REFERRED TO COMMITTEE ON EDUCATION, APRIL 3, 2017

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AN ACT

1 Providing for in-State tuition rates and access to financial aid  
2 for certain students.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Pennsylvania  
7 Higher Education Tuition Fairness Act.

8 Section 2. Legislative findings and intent.

9 The General Assembly finds and declares as follows:

10 (1) Many children arrive in the United States and in  
11 this Commonwealth through parental decisions to relocate in  
12 search of economic opportunities.

13 (2) Twenty-first-century economies depend on an educated  
14 workforce for productivity and competitiveness. Therefore, it  
15 is essential to the Commonwealth's economy and its ability to  
16 compete that all students with the intellectual ability,  
17 desire and motivation have access to higher education  
18 programs.

1 (3) Rising tuition costs, increasingly restrictive  
2 eligibility criteria for financial aid programs and other  
3 trends in higher education finance impede access to a higher  
4 education for many students, especially students in immigrant  
5 communities.

6 (4) Although extending in-State tuition to students in  
7 immigrant communities will help them more easily afford  
8 higher education in this Commonwealth, access to financial  
9 aid is also necessary for them to achieve the American dream.

10 (5) It is of utmost importance that children in  
11 immigrant communities have every opportunity to position  
12 themselves for economic success so that they can obtain the  
13 knowledge and tools necessary to help the Commonwealth  
14 maintain its competitive edge in the world economy.

15 (6) It is the intent of this act to identify the  
16 principles under which in-State tuition and financial aid  
17 will be extended to students in immigrant communities.

18 (7) For the purposes of 8 U.S.C. § 1621(d) (relating to  
19 aliens who are not qualified aliens or nonimmigrants  
20 ineligible for State and local public benefits), this act is  
21 a law of the Commonwealth.

22 Section 3. Definitions.

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

26 "Agency." The Pennsylvania Higher Education Assistance  
27 Agency established under the act of August 7, 1963 (P.L.549,  
28 No.290), known as the Pennsylvania Higher Education Assistance  
29 Agency Act.

30 "Department." The Department of Education of the

1 Commonwealth.

2 "Immigrant." The term shall have the meaning given to it  
3 under 8 U.S.C. § 1101(a)(15) (relating to definitions) of the  
4 Immigration and Nationality Act (66 Stat. 163, 8 U.S.C. § 1101  
5 et seq.).

6 "Independent institution of higher education." An accredited  
7 private or independent college or university entitled to convey  
8 degrees in accordance with 24 Pa.C.S. § 6505 (relating to power  
9 to confer degrees).

10 "Institution of higher education." As defined in section 118  
11 of the act of March 10, 1949 (P.L.30, No.14), known as the  
12 Public School Code of 1949.

13 Section 4. Out-of-State tuition exemption.

14 (a) Exemption authorized.--Notwithstanding any other  
15 provision of law or regulation to the contrary, a student, other  
16 than a nonimmigrant alien within the meaning of section 1101(a)  
17 (15) of the Immigration and Nationality Act (66 Stat. 163, 8  
18 U.S.C. § 1101 et seq.), shall be exempt from paying out-of-State  
19 tuition at an institution of higher education if the student:

20 (1) attended high school in this Commonwealth for two or  
21 more years;

22 (2) graduated from a high school in this Commonwealth or  
23 received the equivalent of a high school diploma in this  
24 Commonwealth;

25 (3) registered as an entering student or is currently  
26 enrolled in an institution of higher education not earlier  
27 than the fall semester of the 2017-2018 academic year; and

28 (4) has at least one parent who immigrated to the United  
29 States.

30 (b) Confidentiality.--Student information obtained in the

1 implementation of this section shall be confidential and shall  
2 not be subject to disclosure under the act of February 14, 2008  
3 (P.L.6, No.3), known as the Right-to-know Law.

4 Section 5. Access to financial aid.

5 (a) Access authorized.--Notwithstanding the provisions of  
6 the act of August 7, 1963 (P.L.549, No.290), known as the  
7 Pennsylvania Higher Education Assistance Agency Act, or any  
8 other law or regulation to the contrary, a student who meets the  
9 requirements under section 4 shall be eligible to apply for and  
10 participate in student financial aid programs administered by  
11 the agency or the department.

12 (b) Forms.--The agency shall collaborate with the department  
13 to establish the forms and procedures necessary to enable  
14 students eligible under section 4 to apply for and participate  
15 in all student financial aid programs administered by the agency  
16 and the department.

17 Section 6. Applicability to independent institutions of higher  
18 education.

19 The provisions of this act shall apply to an independent  
20 institution of higher education that:

21 (1) receives assistance grants under the act of July 18,  
22 1974 (P.L.483, No.174), known as The Institutional Assistance  
23 Grants Act; or

24 (2) participates in the agency's financial aid or loan  
25 guaranty program to make financial assistance available to  
26 students or parents for postsecondary educational purposes.

27 Section 7. Regulations.

28 The department and the agency shall adopt and promulgate  
29 regulations necessary to carry out and enforce the provisions of  
30 this act.

1 Section 8. Effective date.

2 This act shall take effect immediately.