

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 713 Session of 2013

INTRODUCED BY SMUCKER, PILEGGI, WILLIAMS, WASHINGTON, RAFFERTY, COSTA, BLAKE, SCHWANK, FERLO, LEACH, KITCHEN AND STACK, MARCH 20, 2013

REFERRED TO EDUCATION, MARCH 20, 2013

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:

ARTICLE XX-H

DEVELOPMENT, RELIEF AND EDUCATION

FOR ALIEN MINORS (DREAM)

15 Section 2001-H. Definitions.

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

19 "Department." The Department of Education of the

1 Commonwealth.

2 "Individual." An undocumented person who is not a citizen or
3 national of the United States. The term does not include a
4 nonimmigrant alien as defined in 8 U.S.C. § 1101(a)(15)
5 (relating to definitions).

6 "PHEAA." The Pennsylvania Higher Education Assistance
7 Agency.

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

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

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

13 (3) A State-related institution as defined in section
14 1502-A.

15 Section 2002-H. Eligibility.

16 An individual shall be exempt from paying the out-of-State or
17 international tuition rate at a public institution of higher
18 education in this Commonwealth if the individual meets both of
19 the following requirements:

20 (1) Beginning with the 2007-2008 school year, attended a
21 public or nonpublic secondary school in this Commonwealth for
22 at least two years.

23 (2) Beginning with the 2009-2010 school year, graduated
24 from a public or nonpublic secondary school in this
25 Commonwealth or received the equivalent of a high school
26 diploma in this Commonwealth.

27 Section 2003-H. Requirements.

28 To be considered eligible under this article, an individual
29 must:

30 (1) Enter as a student in a public institution of higher

1 education in this Commonwealth not earlier than the 2013 fall
2 semester.

3 (2) If not a permanent resident, provide to the public
4 institution of higher education an affidavit stating that the
5 individual will file an application to become a permanent
6 resident within 30 days after the individual becomes eligible
7 to do so.

8 Section 2004-H. Public institution of higher education
9 requirements.

10 A public institution of higher education that admits an
11 individual under this article shall:

12 (1) Keep a record of the number of individuals admitted
13 under this article and annually report this information to
14 the department.

15 (2) Adopt appropriate policies to implement the
16 provisions of this article.

17 Section 2005-H. Financial aid.

18 Any individual applying to or accepted by a public
19 institution of higher education under this article may apply for
20 and receive financial aid with PHEAA.

21 Section 2006-H. Departmental requirements.

22 The department shall submit to the chairman and minority
23 chairman of the Education Committee of the Senate and the
24 chairman and minority chairman of the Education Committee of the
25 House of Representatives an annual report consisting of a
26 compilation of the reports submitted to the department under
27 section 2004-H.

28 Section 2007-H. Confidentiality.

29 Information obtained from an individual for the purposes of
30 implementing this article is confidential. A public institution

1 of higher education that receives an affidavit under section
2 2003-H(2) shall treat the affidavit as an education record of
3 the individual under the provisions of the Family Educational
4 Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. §
5 1232g).

6 Section 2. This act shall take effect July 1, 2013.