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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1886 Session of  
2015

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INTRODUCED BY SCHWEYER, ACOSTA, YOUNGBLOOD, STURLA, SCHLOSSBERG,  
CALTAGIRONE, BULLOCK, PAYNE, V. BROWN, McNEILL, COHEN, ROZZI  
AND BRADFORD, MARCH 10, 2016

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REFERRED TO COMMITTEE ON EDUCATION, MARCH 10, 2016

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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 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

1 programs.

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

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

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

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

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

### 23 Section 3. Definitions.

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

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

1 "Department." The Department of Education of the  
2 Commonwealth.

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

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

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

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

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

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

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

26 (3) registered as an entering student or is currently  
27 enrolled in an institution of higher education not earlier  
28 than the fall semester of the 2015-2016 academic year; and

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

1 (b) Confidentiality.--Any student information, including an  
2 affidavit under subsection (a) (5) obtained in the implementation  
3 of this section, shall be confidential and shall not be subject  
4 to disclosure under the act of February 14, 2008 (P.L.6, No.3),  
5 known as the Right-to-know Law.

6 Section 5. Access to financial aid.

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

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

19 Section 6. Applicability to independent institutions of higher  
20 education.

21 The provisions of this act shall apply to any independent  
22 institution of higher education that receives assistance grants  
23 under the act of July 18, 1974 (P.L.483, No.174), known as The  
24 Institutional Assistance Grants Act, or that participates in the  
25 agency's financial aid or loan guaranty program to make  
26 financial assistance available to students or parents for  
27 postsecondary educational purposes.

28 Section 7. Regulations.

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

1 this act.

2 Section 8. Effective date.

3 This act shall take effect immediately.