
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 440 Session of
2021

INTRODUCED BY SCHWANK, FONTANA, TARTAGLIONE, HUGHES, KEARNEY,
BREWSTER, SAVAL, COSTA AND MUTH, MARCH 17, 2021

REFERRED TO EDUCATION, MARCH 17, 2021

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-K

13 DEVELOPMENT, RELIEF AND EDUCATION

14 FOR ALIEN MINORS (DREAM)

15 Section 2001-K. 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
20 Commonwealth.

1 "PHEAA." The Pennsylvania Higher Education Assistance
2 Agency.

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

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

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

8 (3) A State-related institution as defined in section
9 1502-A.

10 Section 2002-K. Eligibility.

11 An individual other than a nonimmigrant within the meaning of
12 8 U.S.C. § 1101(a)(15)(F), (H)(iii), (J), including only
13 students or trainees, or (M) (relating to definitions), who
14 meets the requirements under section 2003-K, shall be exempt
15 from paying out-of-state tuition rates at a public institution
16 of higher education.

17 Section 2003-K. Requirements.

18 (a) General rule.--The following provisions shall be the
19 requirements of eligibility:

20 (1) The individual must have attended a public,
21 nonpublic, charter or cyber charter secondary school in this
22 Commonwealth for at least two years.

23 (2) The individual must have graduated from a public,
24 nonpublic, charter or cyber charter secondary school in this
25 Commonwealth or received the equivalent of a high school
26 diploma in this Commonwealth.

27 (b) Guidance.--The department shall issue guidance to public
28 institutions of higher education on what evidence is acceptable
29 to prove the requirements under this section.

30 Section 2004-K. Institution of higher education requirements.

1 An institution of higher education that admits an individual
2 under this article shall:

3 (1) Keep a record of the number of individuals admitted
4 under this article and annually report this information to
5 the department.

6 (2) Adopt appropriate policies to implement the
7 provisions of this article.

8 Section 2005-K. Financial aid.

9 The following shall apply:

10 (1) An individual accepted by an institution of higher
11 education under this article shall qualify as a resident of
12 this Commonwealth for purposes of educational financial aid
13 through PHEAA.

14 (2) PHEAA shall create an alternative financial aid
15 application for an individual under this section. The
16 application shall not require an applicant's Social Security
17 number or a parent of the applicant's Social Security number.

18 Section 2006-K. Departmental requirements.

19 The department shall submit to the chairperson and minority
20 chairperson of the Education Committee of the Senate and the
21 chairperson and minority chairperson of the Education Committee
22 of the House of Representatives an annual report consisting of a
23 compilation of the reports submitted to the department under
24 section 2004-K.

25 Section 2007-K. Confidentiality.

26 Information obtained in the implementation of this act is
27 confidential and shall be used or disclosed only for purposes of
28 administering this program.

29 Section 2. This act shall take effect July 1, 2021, or
30 immediately, whichever is later.