
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 394 Session of
2023

INTRODUCED BY SCHWANK, KEARNEY, HUGHES, FONTANA, HAYWOOD,
STREET, TARTAGLIONE, CAPPELLETTI, COMMITTA, COSTA, SAVAL AND
MUTH, FEBRUARY 21, 2023

REFERRED TO EDUCATION, FEBRUARY 21, 2023

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-L

13 DEVELOPMENT, RELIEF AND EDUCATION

14 FOR ALIEN MINORS (DREAM)

15 Section 2001-L. 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 "PHEAA." The Pennsylvania Higher Education Assistance
3 Agency.

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

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

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

9 (3) A State-related institution as defined in section
10 1502-A.

11 Section 2002-L. Eligibility.

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

18 Section 2003-L. Requirements.

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

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

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

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

1 Section 2004-L. Institution of higher education requirements.

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

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

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

9 Section 2005-L. Financial aid.

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

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

19 Section 2006-L. Departmental requirements.

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

26 Section 2007-L. Confidentiality.

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

30 Section 2. This act shall take effect July 1, 2023, or

1 immediately, whichever is later.