GOVERNOR OF MISSOURI

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July 11, 2015

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 224 (Senate Bill No. 224), entitled:

AN ACT

To repeal sections 160.545 RSMo, and to enact in lieu thereof one new section relating to eligibility criteria for reimbursements from the A+ schools program.

I disapprove of Senate Bill No. 224. My reasons for disapproval are as follows:

Senate Bill No. 224 would unfairly deny a group of students their eligibility for A+ financial aid, an educational benefit that they have earned, having met all the educational standards that apply, usually after overcoming significant odds against them. Its unwarranted exclusion of these meritorious students cannot be condoned.

Under existing Missouri law (section 173.1110.1, RSMo), students who are unlawfully present in the United States are not eligible for "a postsecondary education public benefit." One of these benefits includes eligibility for A+ financial aid. This eligibility is distinguished from the criteria for Bright Flight and Access Missouri scholarships, both of which require that recipients are "citizens or permanent residents of the United States."

A number of mechanisms exist in current Missouri law for students to prove that they are legally present in the U.S. One of them is "any document issued by the federal government that confirms an alien's lawful presence in the United States." Such documentation now includes the U.S. Department of Homeland Security's determination that a student meets the criteria for Deferred Action for Childhood Arrivals (DACA), under guidelines established in 2012.

Senate Bill No. 224's sole purpose is to deny students, deemed to be lawfully present in the United States, from being A+ eligible.

Who are these students? They came to the U.S. through no choice or action of their own. They arrived as young dependents, in the controlling embrace of an adult who entered the U.S. illegally. They bear no responsibility for this action.

Because DACA students have had to be continuously present in the United States since June 15, 2007, students who are, or who will be, graduating from high school would have had to be 10 years old or younger when they were brought to the U.S. DACA status requires eligible individuals to be in school currently, or to have graduated from high school, or to be honorably discharged from the United States Military. And it requires that they have not been convicted of a felony, significant misdemeanor, or three or more misdemeanors.

A group of DACA students have now lived in Missouri for at least eight years and have met every standard for A+ financial aid. They have attended a public Missouri high school for at least three years. They have earned at least a 2.5 GPA. They have maintained a 95% attendance rate. They have volunteered in their communities or tutored other students. And they have done so while overcoming daunting obstacles such as learning English, living in fear of deportation, and facing the constant stigma of being an alien.

Senate Bill No. 224 is the legislature's attempt to deny these students the A+ benefit they have otherwise earned. Rather than discouraging the continuing education of these students, the state has an interest in encouraging their successful participation in higher education so that they have an opportunity to pursue productive careers and make positive contributions to the state of Missouri.

Senate Bill No. 224 is a harsh measure imposed unfairly on children who have done nothing wrong. Quite to the contrary, they have done much to be admired, in their studies, for their schools, and on behalf of their communities. Rather than rewarding them for their achievements, Senate Bill No. 224 singles them out for exclusion. Consequently, Senate Bill No. 224 cannot receive my support.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 224 without my approval.

Respectfully submitted,

Jeremiah W. (Jay) Nixon
Governor