

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 2-24

By the Governor

WHEREAS, the United States Congress passed the FAFSA Simplification Act in 2020, requiring the U.S. Department of Education to simplify the Free Application for Federal Student Aid (“FAFSA”), which college and university students must complete as a prerequisite to receiving any federal student aid, such as federal grants, work-study funds, and loans; and

WHEREAS, the U.S. Department of Education first released its “simplified” FAFSA December 30, 2023, three months later than the October 1st date the application is typically available, but quickly had to pull the applications and make technical corrections, and since that date there have been further problems and issues in its implementation, including issues in the Department’s ability to timely and accurately process the applications; and

WHEREAS, these issues at the federal level have consistently delayed the FAFSA availability and, when the application has been available, has frustrated students trying to complete the application as the start to a long process of determining which college or university is right for them in light of the student’s financial considerations; and

WHEREAS, due to these issues, FAFSA completion rates are down significantly across the Nation, and are down 30.2% compared to this time last year for all West Virginia resident and non-resident students; and

WHEREAS, FAFSA completion rates are down 32.1% compared to this time last year for all West Virginia resident and non-resident students who are eligible for the Federal Pell Grant; and

WHEREAS, approximately 5,500 West Virginia high school students have completed the FAFSA compared to the over 9,000 that had been completed this time last year, which represents a nearly 40% decrease; and

WHEREAS, the scale of this problem is enormous, affecting thousands upon thousands of West Virginia's students; and

WHEREAS, Federal subsidized loans are distributed to approximately 16,000 students across our public colleges and universities in this State, totaling nearly \$60 million in funds to help our students attend our public colleges and universities; and

WHEREAS, Federal unsubsidized loans are distributed to approximately 25,000 students across our public colleges and universities in this State, totaling over \$194 million dollars in funds to help our students attend our public colleges and universities; and

WHEREAS, nearly 20,000 students across our public colleges and universities receive the Federal Pell Grant, totaling over \$90 million in funds to help our students attend our public colleges and universities; and

WHEREAS, West Virginia public colleges and universities directly receive an additional \$100 million in federal direct grad plus loans, federal parent loans, and work study monies to provide assistance to students; and

WHEREAS, 8,500 students across our independent colleges and universities also receive federal subsidized loans, federal unsubsidized loans, or Federal Pell Grant money, totaling nearly \$30 million in funds to help our students attend these independent colleges and universities; and

WHEREAS, the delays and issues following the rollout of this new "simplified" FAFSA have left nearly \$500 million in funding assistance that should be available to our students hanging in the balance, severely jeopardizing college access and affordability for thousands of students in West Virginia, many of whom would be the first in their families to go to college, necessitating the declaration of a State of Emergency throughout this State on this vital higher education issue; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor, during a declared State of Emergency, to suspend the provisions of any regulatory statute or rules of a state agency if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and


WHEREAS, West Virginia law currently requires that a student submit their completed FAFSA in order to be eligible for various State programs for funding, including the PROMISE Scholarship, the Higher Education Grant Program, the Higher Education Adult Part-Time Student Grant Program, and the West Virginia Invests Grant Program; and

WHEREAS, given the conditions affecting the welfare of thousands of West Virginia students, I find that it is in the best interests of our State and our students to declare a State of Emergency and invoke the authority to suspend such regulatory statutes and/or rules requiring a FAFSA be submitted as a condition of eligibility for State funding being made available to students in this State;

NOW, THEREFORE, I, JIM JUSTICE, by virtue of the authority vested in me as the Governor of the State of West Virginia, and in view of the foregoing, do hereby **FIND AND DECLARE** that a State of Emergency exists and continues throughout the State of West Virginia, and said State of Emergency shall remain in effect unless terminated or extended pursuant to West Virginia Code § 15-5-6(b). In response to this State of Emergency, I have **INVOKED** the emergency powers set forth in West Virginia Code § 15-5-6 and I hereby **SUSPEND** the following rules to the extent necessary to waive the requirement that a completed FAFSA be submitted as a condition of eligibility for State-funded financial aid programs to the students of this State for the duration of this State of Emergency: 133 C.S.R. 7, 133 C.S.R. 42, 133 C.S.R. 6, and 135 C.S.R. 8, as well any other regulatory statutes or rules that may be identified by the West Virginia Higher Education Policy Commission and the Council for Community and Technical College Education that require completion of the FAFSA as a condition of eligibility for State-funded financial aid programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirtieth Day of April, in the Year of our Lord, Two Thousand Twenty-Four in the One Hundred Sixty-First Year of the State.


GOVERNOR



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SECRETARY OF STATE