

## Why the Department of Education Should Follow the Master Calendar

Below are talking points regarding the master calendar. These talking points are meant to be used for educational purposes to better understand the importance of the master calendar in the Higher Education Act (HEA) and the need for the Department of Education (Department) to abide by those requirements when implementing the One Big Beautiful Bill (OBBB) Act. In doing so, OBBB would be implemented on July 1, 2027.

- The master calendar in the HEA was placed into law in the Higher Education Amendments of 1986.
- The Higher Education Amendments of 1986 was sponsored by Senator Robert Stafford (R-VT) and passed on a bipartisan basis. The bill was signed into law by President Ronald Reagan.
- The main focus of the master calendar language was on student aid delivery, including a requirement that the Secretary of Education (Secretary) comply with an annual schedule for the awarding of federal financial aid beginning February 1 through June 1.
- It also included a requirement that the Secretary must adhere to a December 1 date of the year prior to the start of a new federal aid award year before any regulatory changes impacting programs in Title IV of the HEA could take effect. This deadline was later moved back to November 1.<sup>1</sup>
- Congress uses the master calendar language to ensure that the Department and stakeholders have an adequate amount of time to comply with any new laws and resulting regulations.
- The master calendar language states that:
  - any regulatory changes initiated by the Secretary affecting the programs under this title [title IV of the HEA] that have not been published in final form by November 1 prior to the start of the award year shall not become effective until the beginning of the second award year after such November 1 date.<sup>2</sup>
- The Department, in the preamble to the Reimagining and Improving Student Education (RISE) proposed rules, stated that master calendar procedures are implicitly waived by Congress when a statutory deadline is imposed that is irreconcilable with other procedural requirements but only under specific conditions.<sup>3</sup>

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<sup>1</sup> The November 1 date was initially included in [S. 1882, the Higher Education Amendments of 1998](#), led by Republican Senator James Jeffords from Vermont. During conference negotiations, the House receded to moving the date from December 1 to November 1. Congress stated that these changes would provide the Secretary and program participants with greater flexibility, as well as more lead time, in implementing regulations.

<sup>2</sup> Higher Education Act of 1965, 20 U.S.C. §1089 (2025). <https://www.govinfo.gov/content/pkg/COMPS-765/pdf/COMPS-765.pdf>

<sup>3</sup> Reimagining and Improving Student Education, 91 F.R. 4257 (proposed January 30, 2026) (to be codified at 34 CFR Parts 674, 682, and 685). <https://www.federalregister.gov/documents/2026/01/30/2026-01912/reimagining-and-improving-student-education>

- In the preamble regarding the proposed rule on Workforce Pell, the Department makes an argument that if there is a conflict between a general provision and a specific provision, the specific provision prevails.<sup>4</sup> This statement relates to the Department’s preferred implementation timeline for OBBB.
- Contrary to the Department’s assertions, historically whenever Congress has wanted to waive the master calendar requirements, their intention to do so has been specifically stated in the statute.<sup>5</sup>
- Both *Asiana Airlines v. F.A.A.* and *Methodist Hospital of Sacramento v. Shalala*, which are cited in the RISE preamble, gave agencies explicit directives to bypass proposed rules and issue interim final rules that were in direct conflict with the Administrative Procedure Act.<sup>6</sup> No such directives were incorporated into OBBB.
- Given this, **the final rules issued in 2026 to implement OBBB should have an implementation date of July 1, 2027, at the earliest.**<sup>7</sup> Abiding by the master calendar gives institutions the proper amount of time to prepare for the changes implemented by the Department, adequately inform students and families of the changes to their student aid, and plan for the smoothest possible transition.

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<sup>4</sup> Also known as the General/Specific Canon perspective.

<sup>5</sup> For example, the last bill to reauthorize the HEA was the Higher Education Opportunity Act (HEOA) and this bill included direct instructions to waive the master calendar requirements. More information on ACE’s position regarding the master calendar can be found in the comment letter to the Department regarding the Reimagining and Improving Student Education (RISE) NPRM: <https://www.acenet.edu/Documents/Comments-ED-RISE-030226.pdf>

<sup>6</sup> In the RISE preamble, the Department provides these two court cases as examples of why they believe they have the authority to bypass the master calendar requirements. In *Methodist Hospital of Sacramento v. Shalala*, the Social Security Amendments of 1983 directed the Secretary of Health and Human Services to publish a notice of interim final rates no later than September 1, 1983, in the *Federal Register* and allow for a period of public comment after. In *Asiana Airlines v. F.A.A.*, the Federal Aviation Reauthorization Act directed the Federal Aviation Administration to publish in the *Federal Register* an initial fee schedule and associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

<sup>7</sup> The Department has the authority in Section 482(c)(2) of the HEA to designate any regulatory provision as one that may be implemented early at the discretion of the entity that is subject to the regulation.