

March 2, 2026

Ms. Tamy Abernathy
Office of Postsecondary Education
400 Maryland Ave. SW
Washington, DC 20202

Re: Docket ID ED-2025-OPE-0944

Dear Ms. Abernathy:

On behalf of the American Council on Education (ACE) and the undersigned higher education associations, we write to offer comments on the Department of Education's (Department) Notice of Proposed Rulemaking (NPRM) titled, "Reimagining and Improving Student Education (RISE)." This NPRM would implement key elements of H.R. 1, the One Big Beautiful Bill (OBBB) Act, which was signed into law on July 4, 2025.¹ Passage of the OBBB represented a major overhaul of the nation's student loan and repayment systems, the institutional accountability framework, and student aid.

The RISE NPRM focuses on changes to the student loan and repayment systems in OBBB. While there are policy provisions in OBBB that we do not fully support, these comments focus on the Department's implementation of the law rather than the underlying statutory provisions.²

Before we offer our comments, we urge the Department to allow more time for future negotiated rulemakings. While the Department has been able to reach consensus so far in all negotiated rulemaking sessions, restricting discussion on top issues impacting all students, families, and institutions of higher education to one week limits the effectiveness of the process and hinders the ability of negotiators and stakeholders to fully analyze and weigh the issues. During the first Trump Administration, the Department reached consensus on key issues by working in good faith and not by using time pressure to influence an outcome. While we understand the importance of working efficiently, we want to make sure that the experts selected by the Department who are serving as negotiators do not feel pressured into making rushed decisions on exceedingly complex matters due to an expedited time frame. Negotiators should have an adequate amount of time to understand the issue, communicate with their stakeholders, present well-informed arguments at the table, and participate with a goal of consensus.³

In addition, we would like to bring attention to who is serving at the negotiating table and reiterate the need to have a comprehensive representation of institutions of higher education. At the very least, we strongly encourage the Department to include the following representation:

- Institutions of higher education eligible to receive federal assistance under Title III, parts A, B, and F, and Title V of the HEA, which include Historically Black Colleges and Universities, American Indian Tribally Controlled Colleges and Universities, Hispanic-Serving Institutions, Alaska Native and Native Hawaiian-Serving Institutions, and other

¹ Congress.gov. (2025, July 4). *H.R.1 - One Big Beautiful Bill Act*. <https://www.congress.gov/119/plaws/publ21/PLAW-119publ21.pdf>

² Any matters of concern with the policies in OBBB should be directed to Congress.

³ Section 492(b) of the HEA shares that the Secretary shall provide for a comprehensive discussion and exchange of information.

institutions with a substantial enrollment of needy students as defined in Title III of the HEA;

- Two-year public institutions of higher education;
- Four-year public institutions of higher education;
- Private, nonprofit institutions of higher education;
- Private, proprietary institutions of higher education; and
- Financial aid administrators at postsecondary institutions.

With this in mind, we offer the comments below.

The Department Should Abide by the Master Calendar

The master calendar in the Higher Education Act of 1965 (HEA) was placed into law in the Higher Education Amendments of 1986. 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 this 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. However, this section 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 changed to November 1.⁴ Congress used this language to ensure that the Department and stakeholders had adequate time to comply with any new regulations. The 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.⁵

The preamble states 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.⁶ Both *Asiana Airlines v. F.A.A.* and *Methodist Hospital of Sacramento v. Shalala*, which are cited in the preamble, gave agencies explicit directives to bypass proposed rules and issue interim final rules that were in direct conflict with the Administrative Procedure Act.⁷ No such directives were incorporated into OBBB.

The HEA clearly requires the Secretary to adhere to the master calendar. If it were the intent of Congress to waive the master calendar requirements, it would have been specifically addressed

⁴ 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.

⁵ Higher Education Act of 1965, 20 U.S.C. §1089 (2025). <https://www.govinfo.gov/content/pkg/COMPS-765/pdf/COMPS-765.pdf>

⁶ 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>

⁷ In the 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.

in the statutory language of the OBBB. For example, the last bill to reauthorize the HEA was the Higher Education Opportunity Act (HEOA), which was signed into law by President George W. Bush on August 14, 2008.⁸ This law included an implementation date as early as July 1, 2009, for changes to Title IV programs. In adherence to the HEA, the Department embarked on their negotiated rulemaking process⁹ with final rules issued to implement HEOA in 2009 and 2010. Section 402(b) of the HEOA explicitly waived the master calendar and negotiated rulemaking requirements.¹⁰ This action alone proved the intent of Congress and provided a clear directive to the Department. In OBBB, no such directive was given.

Given this, the final rules issued in 2026 should have an implementation date of July 1, 2027, at the earliest.¹¹ 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.

The Department Should Expand the List of Professional Degree Programs

Historically, institutions have determined what programs on their campuses are considered professional degree programs, using the definition in the Integrated Postsecondary Education Data Systems (IPEDS) to ensure that these programs met certain requirements. There were an estimated 1,648 programs at the four-digit Classification of Instructional Programs (CIP) code level classified as “First Professional Degree” in the National Student Loan Data System (NSLDS) during academic year (AY) 2023-24 or 2024-25.¹²

During the negotiated rulemaking for the RISE committee, the Department decided to limit the number of professional degree programs to just 11.¹³ This change means that students in only 11 professional degree programs would be able to access higher student loan limits. In the preamble, the Department states that the programs listed in Section 668.2 of the Code of Federal Regulations (CFR) are the only professional degree programs that have been identified as meeting all of the requirements although there are many more professional degree programs that exist. Congress did not mandate that the Department only consider 11 programs in this category but instead provided criteria for making that determination rather than a categorical list of eligible programs. Based on the Department’s new narrowed definition of what counts as a professional degree program, an estimated 930 out of 1,648 programs—or 56 percent—at the four-digit CIP code level will no longer be considered as meeting the professional definition.

Professional degree programs help educate students in highly skilled, in-demand professions that are critical to our economy, such as nursing, education, and social work. Forcing students

⁸ Higher Education Opportunity Act, H.R. 4137, 110th Cong. (2008). <https://www.congress.gov/bill/110th-congress/house-bill/4137/text/pl?s=2&r=1&q=%7B%22search%22%3A%22higher+education+opportunity+act%5Cr%5Cn%22%7D>

⁹ Office of Postsecondary Education; Notice of Negotiated Rulemaking for Programs Authorized Under Title IV and Title II of the Higher Education Act of 1965, as Amended, 73 F.R. 51990-51992 (proposed September 8, 2008). <https://www.govinfo.gov/content/pkg/FR-2008-09-08/pdf/E8-20776.pdf>

¹⁰ The language waiving these requirements reads, “Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to the amendments made by subsection (a), or to any regulations promulgated under those amendments.”

¹¹ 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.

¹² Analysis conducted by ACE and uses 2026 Program Performance Data and IPEDS 2023-24 Completions survey data. Since PDD data only included the four-digit program CIP Codes, calculations are based on these and not the six-digit program CIP Codes, this creates limitations to narrow in on the specific impact of granular programs of study. Also, the NSLDS definition of First Professional Degree also includes the IPEDS definition for Doctor’s Degree – Professional Practice. The definition does not include master’s degrees with a professional practice focus, such as M.B.A., M.S.N., or M.S.W. degrees, for example.

¹³ These include Pharmacy (Pharm.D.); Dentistry (D.D.S. or D.M.D.); Veterinary Medicine (D.V.M.); Chiropractic (D.C. or D.C.M.); Law (L.L.B. or J.D.); Medicine (M.D.); Optometry (O.D.); Osteopathic Medicine (D.O.); Podiatry (D.P.M., D.P., or Pod.D.); Theology (M.Div. or M.H.L.); and Clinical Psychology (Psy.D. or Ph.D.).

out of the many professional degree programs that exist outside of the 11 programs will have a detrimental impact on student loan borrowers. About 28 percent of all student loan borrowers need to borrow amounts that exceed the new loan limits established in OBBB.¹⁴ This problem is most acute for professional programs in fields such as health, education, architecture, and business administration.

A total of 39 percent of students in master's-level health programs borrow an average annual amount of \$28,500 more than the new limits, and 67 percent of doctoral-level students in health programs borrow \$26,700 more.¹⁵ We understand that the Department believes that creating downward pressure will compel institutions to lower costs by narrowing the number of professional degree programs to 11, but the simple reality is that this will instead lead to a significant decrease in affordability for the very students that need federal support. There are over 3.3 million students enrolled in post-baccalaureate master's, doctoral, and professional degree programs, and over 1.3 million rely on federal student loans to finance their degree.¹⁶

We believe that institutions should ideally be able to determine the programs that meet the IPEDS definition for "Doctor's Degree–Professional Practice" as they are currently able to do today. At the very least, should there be any list of programs by the Department, we believe that the list should be much broader to include, outside of the CFR, programs identified in the *Federal Register* as meeting the definition of "qualifying graduate program" in the financial value transparency (FVT) final regulations, as these programs require professional licensure.¹⁷ Also, based on institutional feedback, below are examples of programs we believe should be considered as well.¹⁸

- Accounting
- Architecture
- Audiology
- Business Administration and Management, General
- Accounting
- Occupational Therapy
- Physician Assistant/Associate
- Physical Therapy
- Nursing
- Social Work
- Integrative Chaplaincy
- Special Education
- Secondary Education
- Vocal/General Music Education
- World Languages
- Public Health
- Education programs where professional licensure is required

We appreciate your time and attention to this matter. We hope that you will consider our comments and make the needed changes that will further enhance the postsecondary educational experiences of our students and families.

¹⁴ First-time professional degree-seeking students who enroll in a professional degree program after July 1, 2026, will have an annual loan limit of \$50,000 and an aggregate loan limit of \$200,000. First-time graduate degree-seeking students enrolled in a graduate degree program will have an annual loan limit of \$20,500 and an aggregate limit of \$100,000.

¹⁵ Monarrez, T. E., Matsudaira, J., & Ritter, D. (2025, December). *Student loans for graduate school: Who will be affected by the new federal lending limits?* Federal Reserve Bank of Philadelphia. <https://www.philadelphiafed.org/-/media/FRBP/Assets/Consumer-Finance/Reports/student-loans-for-graduate-school.pdf>

¹⁶ Matsudaira, J., Caldwell, T., Welch, M., & Vásquez, M. L. (2025, October). How will graduate student and parent borrowing be affected by new federal loan limits? PEER Center, School of Public Affairs, American University. https://www.american.edu/spa/peer/upload/loan-limits-from-npsas_rpt_final.pdf

¹⁷ Federal Register. (2024, June 28). *Financial value transparency and gainful employment: List of approved classification of instructional program (CIP) codes for qualifying graduate programs*. U.S. Department of Education, Office of Postsecondary Education. <https://www.federalregister.gov/documents/2024/06/28/2024-14217/financial-value-transparency-and-gainful-employment-list-of-approved-classification-of-instructional>

¹⁸ The Department should also consider programs that are recognized as professional degrees by accrediting bodies designated by the Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Mitchell".

Ted Mitchell
President

On behalf of:

AACTE: American Association of Colleges for Teacher Education
ACPA-College Student Educators International
American Association of Colleges and Universities
American Association of Colleges of Nursing
American Association of Colleges of Osteopathic Medicine
American Association of Collegiate Registrars and Admissions Officers
American Association of State Colleges and Universities
American Association of University Professors
American Association of Veterinary Medical Colleges
American Council on Education
Association for Institutional Research
Association of American Medical Colleges
Association of American Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Independent California Colleges and Universities
Association of Independent Colleges & Universities in Massachusetts
Association of Independent Colleges & Universities of Rhode Island
Association of Independent Colleges and Universities of Pennsylvania
Association of Jesuit Colleges and Universities
Association of Schools Advancing Health Professions
Association of Schools and Colleges of Optometry
Association of Schools and Programs of Public Health
Career Education Colleges and Universities
Connecticut Conference of Independent Colleges
Council for Advancement and Support of Education
Council of Graduate Schools
Council on Social Work Education
EDUCAUSE
Higher Education Loan Coalition
Hispanic Association of Colleges and Universities
Independent Colleges of Indiana
Maryland Independent College and University Association
NASPA-Student Affairs Administrators in Higher Education
National Association of College and University Business Officers
National Association of Colleges and Employers
National Association of Diversity Officers in Higher Education
National Association of Student Financial Aid Administrators

National Council for Community and Education Partnerships
New Hampshire College & University Council
UPCEA - The Online and Professional Education Association