United States Senate

WASHINGTON, DC 20510

April 30, 2026

The Honorable Linda McMahon
Secretary
Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

The Honorable Nicholas Kent
Undersecretary
Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Secretary McMahon and Undersecretary Kent,

We write to express our concern with recent developments at the National Advisory Committee on Institutional Quality and Integrity (NACIQI) meetings. The Department of Education (the Department) appears to have politicized what has long been a bipartisan and independent committee and a nonpartisan process—oversight of accreditation bodies—to impose the Administration's politicized and partisan views on accreditors and the institutions of higher education they oversee. NACIQI's independence in making informed, deliberate decisions on the status of accrediting agencies protects students from predatory institutions and protects students and taxpayer dollars from unchecked waste, fraud, or abuse. While we agree that reforms to the accreditation system are warranted, the Department's rhetoric and actions could jeopardize the independence of NACIQI as an objective body for oversight and review. We urge the Department to refrain from allowing partisan politics to enter NACIQI's work and instead focus on accreditation reforms which maintain and improve institutional quality and protect students and taxpayers.

NACIQI was established in 2008 by the Higher Education Opportunity Act of 2008 to advise the Secretary of Education (the Secretary) on accreditation, which is the eligibility and certification process that grants institutions of higher education access to Title IV funds like the Pell Grant and Federal Direct Loans. Congress created this committee to make recommendations to the Secretary on which accreditation agencies the Department should recognize, therefore permitting the agency's member institutions to access federal funds. NACIQI also conducts ongoing oversight of accrediting agencies to ensure the agencies remain adequate gatekeepers to taxpayer dollars. The committee reviews recognition applications for 63 accrediting agencies once every five years, using analysis by the Department, supporting documents submitted by the accrediting agency, and public comment.

By design, the NACIQI board is made up of 18 members who are appointed to staggered, six-year terms by the U.S. House of Representatives, the U.S. Senate, and the Secretary of Education. Congress intended for NACIQI to be balanced. Of the 12 members selected by Congress, half are nominated by the minority, and the other half are nominated by the majority.

The recent absence of Joshua Figueira from the March 2026 NACIQI meeting is deeply troubling. In November 2025, Figueira, one of the five committee members the Department appointed to NACIQI that month, voted against fellow Department appointee Jay Greene in the election of a new committee chair. At NACIQI's next meeting on March 24, 2026, Figueira was

not in attendance, with multiple reports that the Department removed him from the committee.[1] Thus far, the Department does not deny removing Figueira from his position on the committee.

The Federal Advisory Committee Act (FACA) reflects that advisory committee members make their determinations and recommendations free from undue influence.[2] While the Department can appoint six members to NACIQI and has the prerogative to appoint those who align with the current Administration on higher education policy, their continued membership on the board should not be conditional on their adherence to the Administration's political preferences.

Figueira's conspicuous absence and apparent removal from the committee after his vote against Greene, a former Heritage Foundation research fellow, threatens NACIQI's ability to operate as an independent oversight body. We are concerned Figueira's removal is intended to discourage other appointees from acting on their independent judgment out of fear of losing their seat on the committee and runs afoul of the legal requirement that advisory committees "will not be inappropriately influenced by the appointing authority or by any special interest."[3] That would be an unacceptable and unethical outcome, one which threatens the integrity of the board and opens it up to greater corruption from the Department. When asked whether members would face consequences for their votes or opinions, the Department responded only to affirm that the Administration has broad authority to appoint and remove members as it sees fit.[4] The Department failed to assure NACIQI members that they can fulfill their responsibilities as independent members of the Committee without fear their votes could lead to their removal.

Figueira's reported ouster comes after months of other instances of the Department threatening NACIQI's independence. In June 2025, the Department postponed NACIQI's semiannual meeting from July to October, thereby letting the six-year terms of six committee members expire. Four of the committee members were appointed by the Department during the first Trump Administration and reportedly did not share the Administration's aggressive posturing against Middle States Commission on Higher Education (MSCHE)—the accreditor for Columbia University—whose renewal of recognition was meant to be considered at the next meeting.[5] By postponing the meeting to later in the year, the Department was able to appoint new appointees more in line with its political aims.

Additionally, before this first meeting, the Department ousted Democratic appointee Zakiya Smith Ellis as NACIQI chair. Smith Ellis, who had been serving as NACIQI's Vice Chair, assumed the position in February 2025 after the retirement of Claude Pressnell, a Republican

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[1] Rebecca Carballo, *Education Department ousts Trump-appointed member from key advisory committee*, POLITICOPRO (Mar. 24, 2026, 12:30EDT) https://subscriber.politicopro.com/article/2026/03/education-department-ousts-trump-appointed-member-from-key-advisory-committee-00841626?site=pro&prod=alert&prodname=alertmail&linktype=article&source=email.

[2] 5 U.S.C. § 1004(b)(3).

[3] *Id.*

[4] Rebecca Carballo, *Education Department ousts Trump-appointed member from key advisory committee*, POLITICOPRO (Mar. 24, 2026, 12:30EDT) https://subscriber.politicopro.com/article/2026/03/education-department-ousts-trump-appointed-member-from-key-advisory-committee-00841626?site=pro&prod=alert&prodname=alertmail&linktype=article&source=email.

[5] Douglas Belkin, Delayed Meeting at a Powerful College Panel Stirs Suspicions in Higher Ed, THE WALL ST. J. (July 3, 2025, 11:00EST) https://www.wsj.com/us-news/education/trump-college-accreditation-meeting-postponed-58dfa404?msockid=11e84ed425606bca14b5583524696af3.

appointee,[6] but the Department claimed that it did not consider her to be the chair because she took the role in the middle of her predecessor's term.[7] The election of a new chair took two votes after both candidates, Smith Ellis and Greene received equal votes. After recessing, Jennifer Blum, a House Republican appointee, abstained from voting against Greene in the election.[8]

Additionally, at least one committee member has raised concerns at the heightened partisanship present at recent NACIQI meetings. At December's meeting, NACIQI member Robert Shireman remarked on the "extreme partisanship in the way this meeting is organized" and pointed out the fact that, for the first time as far as he knew, NACIQI members were separated by the party that appointed them — seated by the party by which they were appointed, introduced by appointing party, and voting on the chair in order by party.[9]

These attempts to inject partisanship into NACIQI's work come at a time when the Department is pursuing "a dramatic overhaul of the accreditation system as it currently exists," as Undersecretary Kent said last September.[10] The Department is engaging in rulemaking which could make it easier for colleges to switch accreditors and for new accreditors to gain recognition with limited experience,[11] potentially enabling those with ties to the Trump Administration[12] and predatory, for-profit institutions[13] to enter the accreditation market. The Department has also taken further action against accreditors' diversity, equity, and inclusion (DEI) standards, in tandem with the Administration's efforts to coerce institutions into adhering to its views on DEI, transgender rights, and other culture war issues.[14] Ironically, Undersecretary Kent in his first remarks to NACIQI said, "we will end the practice of using accreditation as a political weapon," but that may very well be the era of accreditation ushered in under his leadership.[15]

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[6] U.S. DEP'T OF EDUC., NACIQI TRANSCRIPT FEBRUARY 19-20, 2025 (DAY 2 THURSDAY FEBRUARY 20) 113 (Feb. 20, 2025) https://sites.ed.gov/naciqi/files/2025/03/Day-2_Transcription_2-20-25_Final.pdf.

[7] Douglas Belkin, Delayed Meeting at a Powerful College Panel Stirs Suspicions in Higher Ed, THE WALL ST. J. (July 3, 2025, 11:00EST) https://www.wsj.com/us-news/education/trump-college-accreditation-meeting-postponed-58dfa404?msockid=11e84ed425606bca14b5583524696af3.

[8] Josh Moody, *'Buckle Up': Trump Official Pledges to Fix Accreditation*, INSIDE HIGHER ED (Dec. 17, 2025) https://www.insidehighered.com/news/governance/accreditation/2025/12/17/kent-tells-accreditation-panel-buckle.

[9] U.S. DEP'T OF EDUC., NACIQI TRANSCRIPT DECEMBER 16, 2025 38 (Dec. 16, 2025) https://sites.ed.gov/naciqi/files/2026/01/48821-REVISED2_DOE-12-16-25-No-Lines.pdf.

[10] Liam Knox, *Trump's College Czar Has a 'Secret Weapon' to Transform Campuses*, BLOOMBERG (Oct. 30, 2025) https://www.bloomberg.com/news/features/2025-10-30/trump-higher-education-crackdown-targets-accreditation?embedded-checkout=true.

[11] Jessica Blake, *Experts: New Accreditation Rules Threaten Academic Freedom*, INSIDE HIGHER ED (Apr. 13, 2026) https://www.insidehighered.com/news/governance/accreditation/2026/04/13/experts-new-accreditation-rules-threaten-academic-freedom.

[12] Jeremy Bauer-Wolf, *Trump Wants an Accreditation Revolution. These Emails Reveal the Players Behind It*., NEW AM. (Dec. 16, 2025) https://www.newamerica.org/insights/trump-wants-an-accreditation-revolution-these-emails-reveal-the-players-behind-it/.

[13] Jeremy Bauer-Wolf, *Meet the Would-Be Accreditors Tied to Predatory For-Profit Colleges*, NEW AM. (Apr. 28, 2025) https://www.newamerica.org/insights/meet-the-would-be-accreditors-tied-to-predatory-for-profit-colleges/.

[14] Jeremy Bauer-Wolf, *A Trump Official's Thin Legal Case Against Accreditors' DEI Policies*, NEW AM. (Mar. 18, 2026) https://www.newamerica.org/insights/a-trump-officials-thin-legal-case-against-accreditors-dei-policies/.

[15] Josh Moody, *'Buckle Up': Trump Official Pledges to Fix Accreditation*, INSIDE HIGHER ED (Dec. 17, 2025) https://www.insidehighered.com/news/governance/accreditation/2025/12/17/kent-tells-accreditation-panel-buckle.

NACIQI must remain steadfast in its efforts to provide independent, bipartisan oversight to ensure accrediting agencies are staying true to its mission of safeguarding taxpayer dollars and maintaining academic quality. Any attempts to politicize NACIQI in service of this Administration's agenda jeopardizes its independence and leaves it vulnerable to abuse or conflicts of interest. Thus, we urge you to refrain from any further actions to politicize NACIQI. Additionally, we ask that you respond to the following questions by May 22, 2026:

1. What role did the Department play in the removal of Joshua Figueira from NACIQI? Which Department employees, if any, were involved in the decision to remove him?

2. Why was Joshua Figueira removed from NACIQI? Please provide all communications or records that relate to the Department's decision.

3. Has any Department employee threatened other NACIQI members with removal if they do not approve Department proposals or nominees?

4. Will the Department commit to complying with FACA by refraining from any future removal of appointees based on their votes?

5. Will the Department commit to ensuring that its appointees' membership on NACIQI is not conditional on their votes or any other decisions they might reach in their capacity as committee members?

6. Will the Department commit to refraining from announcing members by their political nomination or seating members according to their nominating authority?

NACIQI plays a crucial role in protecting students and taxpayers from waste, fraud, and abuse. We urge you to respect NACIQI's independence as an advisory board and look forward to working with you on accreditation reform in a bipartisan manner.

Sincerely,

Adam B. Schiff
United States Senator

Tim Kaine
United States Senator

Alex Padilla
United States Senator

Bernard Sanders
United States Senator