

# **1Supporting Statement A**

## **Bureau of Indian Affairs Data Elements for Bureau-Funded Schools OMB Control Number 1076-0122**

**Terms of Clearance:** None

### **General Instructions**

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

### **Specific Instructions**

#### **Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Secretary of the Interior, through the Bureau of Indian Education (BIE), is required by the *Snyder Act* (25 U.S.C. 13), *Indian Self-Determination and Education Assistance Act of 1975* (25 U.S.C. 5301), *Education Amendments of 1978* (25 U.S.C. 2001), *Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988* (20 U.S.C. 6301 et seq.), and *Every Student Succeeds Act* (20 U.S.C. 6301) to provide educational services to federally recognized Indians and Alaska Natives. In addition, 25 CFR 43, *Maintenance and Control of Student Records in Bureau Schools*, contain regulations governing the maintenance, control, and accessibility of student records.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

BIE provides educational services to federally recognized Indians and Alaska Natives.

- BIE's **Student Enrollment Application** is utilized by schools operated or funded by BIE. The information is collected by school registrars to determine the student's eligibility for enrollment in a bureau-operated school, and if eligible, is shared with

appropriate school officials to identify the student's base and supplemental educational and/or residential program needs. The information is compiled into a national database by the Bureau of Indian Education to facilitate budget requests and the allocation of congressionally appropriated funds.

- BIE's **Behavioral Health and Wellness Program (BHWP)** is focused on providing indigenous focused, evidence-based, and trauma-informed behavioral health and wellness services/resources for students and staff at all Bureau-funded programs, departments, and institutions including Bureau operated schools, Tribally controlled schools, post-secondary institutions, and Tribal colleges and universities.

### **STUDENT ENROLLMENT APPLICATION**

This Student Enrollment Application is utilized by schools operated or funded by BIE. The form addresses criteria for attendance that was set forth by the Amendment to Title 25 USC - Indian Education Programs (99 STAT. 1747), which allows for tuition-free attendance of any Indian student who is a member of a federally recognized tribe, or has ¼ degree blood quantum of a member of such tribes, as well as dependents of the Bureau, Indian Health Services, or tribal government employees who live on or near the school site. 25 CFR 32, Indian Education Policies and 25 CFR 39, Indian School Equalization Program, lists information that BIE has determined is necessary for this information collection.

The information is collected by school registrars to determine the student's eligibility for enrollment in a bureau-operated school, and if eligible, is shared with appropriate school officials to identify the student's base and supplemental educational and/or residential program needs. The information is compiled into a national database by the Bureau of Indian Education to facilitate budget requests and the allocation of congressionally appropriated funds.

#### **Page One**

Schools will place their name in the header of the form, providing the school and funding type.

Box 1 requests identification information which includes the student's full name, address, distance between home and school, date of birth, place of birth including city/state/zip code, gender/orientation including options of male, female, self-identifies as, and prefer not to respond, degree of Indian blood, tribal enrollment number, home agency, primary language at home and secondary language at home. This information helps the schools with decisions about student placement.

Box 2 requests for family information, which includes the mother and father's addresses, home agency, tribal affiliations, tribal enrollments numbers

#### **Page Two**

Continues with Box 2, regarding family information whether they are living or deceased with date of death, occupation information, employer, home telephone number, work number, cellular number, emergency contact, and other. Requests information of legal guardian and other (such as group home) in lieu of family information, and requests

contact information which mirrors that of the family information. This information helps the school to ensure someone will be responsible for working with the school, if necessary, and what arrangements the parents have made regarding emergencies.

Box 3 requests information on school(s) previously attended, which includes the school name and address including city/state/zip code, dates of attendance, grades completed, and reason(s) for leaving.

### **Page Three**

Continues with Box 3, regarding previously attended school information. At the bottom of Box 3 there is a statement regarding acknowledgement of legal responsibility for the student and the possibility of submitting additional information if requested, with space for the parent/legal guardian/adult student to sign and date. Below there is space for the principal to document if the child is accepted into the school and space for the principal's signature and date.

Box 4 contains the criteria for boarding or out-of-boundary enrollment, with lists of educational and social factors.

### **Page Four**

Continues with Box 4, regarding criteria for boarding or out-of-boundary enrollment. The required approvals are also listed. The *Privacy Act* Statement appears on this page. The *Paperwork Reduction Act* Statement appears on this page. It also contains instructions for completing the Student Enrollment Application Form.

### **Page Five**

Continues the instructions for completing the Student Enrollment Application.

## **2023 PROPOSED REVISION**

### **BEHAVIORAL HEALTH AND WELLNESS PROGRAM**

BIE's Behavioral Health and Wellness Program (BHWP) is focused on providing indigenous focused, evidence-based, and trauma-informed behavioral health and wellness services/resources for students and staff at all Bureau-funded programs, departments, and institutions including Bureau operated schools, Tribally controlled schools, post-secondary institutions, and Tribal colleges and universities.

The *Every Student Succeeds Act* (20 U.S.C. 6301) directs the BIE to foster safe, healthy, supportive, and drug-free environments that support student academic achievement; and subject to funding and resources, to provide technical assistance (20 U.S.C. 7424) and school-based mental health services (20 U.S.C. 7118).

The BHWP's tele-behavioral health counseling program is designed to provide short-term, solution-focused brief therapy, a 24/7 crisis hotline, and onsite crisis support for students and staff. Services are provided for students and staff at all bureau-funded institutions

including Bureau-operated schools, Tribally Controlled schools, Post-Secondary Institutions operated by BIE, Tribal Colleges and Universities, and all departments within BIE.

In order to initiate BHWP virtual counseling and/or crisis services, the following demographic and referral intake information will be collected to ensure BHWP Behavioral Health Specialists and Care Coordinators have accurate client (student and/or staff) and client emergency contact information. The specified information collected by the BHWP is strictly for counseling and crisis service delivery and all efforts to minimize burden and breaches of Personally Identifying Information (PII) have been explored.

Student information:	Name, email, date of birth, mailing address, physical address, home and/or cell phone number, school of enrollment, grade level, Tribe of enrollment, and emergency contact information.
Student parent and/or legal guardian information:	Name, email, mailing address, physical address, home and/or cell phone number.
Tribal and school level staff/employee:	Name, email, date of birth, mailing address, physical address, home and/or cell phone number, school affiliation, Tribe of enrollment, and emergency contact information.
Emergency contact person:	Contact's name, relationship to client, emergency contact phone and/or cell phone number.
In the case of a critical incident, sentinel event, or death:	<p>Name of client (student/staff), date of birth, age, address, parent/legal guardian information (if applicable), emergency contact information, manner of death or incident type, location of death or incident, time of death or incident, any known witness or collateral contact, and their contact information at the time of client death or client related incident</p> <p>This information may be shared with the appropriate local, Tribal, city, county, state, or federal law enforcement officials and first responders for immediate emergency response engagement, medical centers for medical care, and social service or other agencies in the event of abuse or neglect.</p> <p>Information will be shared with appropriate BIE and BHWP officials and administrators, as needed for appropriate critical incident or sentinel event reporting.</p>

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.

INTERIOR/BIA-22, Native American Student Information System (NASIS):

BIE provides the school with the information collection form and a web-based system called NASIS (Native American Student Information System) located at <https://www.bie.edu/landing-page/native-american-student-information-system-nasis>.

NASIS is a customized school administrative software program, designed to streamline the process and time to collect, retrieve, and compile the information – which is used to determine enrollment eligibility and the allocation of funds. NASIS provides schools with cyber-security and functionality for the electronic maintenance of student records.

The school in turn collects student information through the information collection form and enters the data into NASIS. Schools encourage students to provide completed forms, to the school, in a medium that suits each student – schools/students use digital and paper formats of the form. NASIS data entry rights are granted to specific subject-matter experts within the school’s administration. Student records within NASIS are maintained by the school in a digital, web-based format.

BIE plans to explore the potential for technical enhancements to NASIS and web-based fillable student forms.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This information is not collected or duplicated by any other Federal agency. We are the only bureau authorized to collect the information needed for our school system.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection does not impact small business or other small entities.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Without collecting this information, BIE would not be able to:

- meet the requirements set forth in the *Snyder Act* and Public Laws 93-638, 95-561, and 100-297, to provide educational services to Federally recognized Indians and Alaska Natives, and would negatively impact the planning for and distributing the appropriated funds.
- Provide technical assistance or BHWP behavioral health and crisis support services to students and staff.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- \* **requiring respondents to report information to the agency more often than quarterly;**
- \* **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- \* **requiring respondents to submit more than an original and two copies of any document;**
- \* **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- \* **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- \* **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- \* **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- \* **requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that will apply to this collection.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A 60-day notice for public comments was published in the Federal Register on March 2, 2023 (88 FR 13145). BIE received one comment.

*Comment:* Commentor opposes the BIE proposal for a referral intake form to facilitate virtual counseling and crisis services and believes the new form would place undue burden on schools, especially those without a counselor on staff.

*Agency Response to Comment:* BIE wholeheartedly appreciates schools are limited in both capacity and resources. To clarify, BIE's program seeks to connect schools to federally-funded virtual counseling and crisis services. The proposed action would not create a regulatory requirement for schools to provide counseling services; and it would not require Tribal schools/organizations to have a counselor on staff. BIE's Behavioral Health and Wellness Program (BHWP) is an optional resource for students and staff at all Bureau-funded programs, departments, and institutions—including Bureau operated schools, Tribally controlled schools, post-secondary institutions, and Tribal colleges and universities. The purpose of the referral intake form is to collect information necessary to facilitate virtual

counseling and crisis services.

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

The following persons were contacted to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, or reported:

- Registrar, BIE-operated school, Oregon
- Superintendent, BIE-operated school, South Dakota
- NASIS Admin, Tribally-controlled school, Arizona

In summary, these individuals believe this information collection is necessary. Each reported that the instructions were clear. Respondents reported that the applications took between 5 and 20 minutes to complete, with one respondent estimating a maximum of 40 minutes to complete.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

Respondents will not receive any payment, gift, or other remuneration for providing the information collection requirements.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Federal Education Rights and Privacy Act (FERPA)

The Federal Education Rights and Privacy Act (FERPA) regulations are followed to ensure confidentiality of information.

INTERIOR/BIA-22, Native American Student Information System (NASIS): Published July 15, 2008 (86 FR 50156); modification published September 7, 2021 (86 FR 50156)

*The Privacy Act, Native American Student Information System, BIA-22*, published in the Federal Register at 73 Fed. Reg. 40605 (July 15, 2008), provides protection for confidential information for the Student Enrollment Application. Categories of individuals covered by the system: All students who attend BIE-funded primary and secondary schools; All education staff who work at BIE-funded primary and secondary schools, including school

administrators, principals, registrars, school clerks, teachers, teacher aides, counselors, school bus drivers (for certifications), janitorial staff, food service staff, school complex security staff, and dormitory staff; and Parents or guardians of, and emergency or authorized contacts for, students attending BIE-funded primary and secondary schools.

### **2023 PROPOSED REVISION**

INTERIOR/BIA-35, Behavioral Health and Wellness Program: Publication in the Federal Register of the System of Record Notice (SORN) is currently pending. When the SORN is approved BIE will then submit a non-substantive change request to for this information collection, adding the published SORN.

*The Privacy Act, Behavioral Health and Wellness Program, BIA-35, provides protection for confidential information for immediate behavioral health crisis support, clinical counseling services, crisis care coordination, and to facilitate communication between the client and appropriate points of contact for referrals and continued service delivery or emergency care. Individuals covered by the system include current BIE employees, contractors, students (from any Bureau-funded school, college, and/or university), parents, guardians, or caretakers of students, and staff at BIE-operated K-12 schools, BIE-operated post-secondary institutions, Tribally-controlled schools operated pursuant to a grant under the Tribally Controlled Schools Act of 1988 or a contract under the Indian Self-Determination and Education Assistance Act, and Tribal colleges and universities.*

Referral information is obtained by the BHWP Care Coordinator and/or BHWP Behavioral Health Specialists verbally from the school point of contact, from the individual client, and from the client's parent, guardian, or caretaker, as applicable.

- The school's point of contact will call the BHWP contact number and verbally provide client data via the telephone.
- BHWP staff will verbally collect data and enter required demographics into the EHR system.
- BHWP Care Coordinators and Behavioral Health Specialists rely on the school point of contact, the individual client, parent, legal guardian, or caretaker, where applicable for the accuracy and timeliness of data and information gathered.
- At each clinical encounter, BHWP staff will take steps to re-verify the client's name, demographic information and ask about any changes to demographic information since the last clinical encounter to ensure continued accuracy.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

We do not request any information of sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement**



should:

- \* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- \* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.

The total annual estimated burden is estimated at **12,500** hours or equivalent to **\$523,250**.

To obtain the hourly rate, the BIE used **\$41.86**, the wages and salaries figure for civilian works from BLS Release USDL-22-2307, Employer Costs for Employee Compensation – September 2022, Table 1, Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian works, at <https://www.bls.gov/news.release/pdf/ecec.pdf>. This wage includes a multiplier for benefits.

**2023 PROPOSED REVISION**

Requirement	Annual Number of Respondents	Number of Responses Each	Total Annual Responses	Completion Time per Response (Hours)	Total Annual Burden Hours	Total Dollar Value of Annual Burdens
<b>Student Enrollment Application</b>						
Student Enrollment Application	48,000	1	48,000	.25	12,000	\$502,320
<b>Behavioral Health and Wellness Program</b>						
BHWP Referral Form	1,000	1	1,000	.5	500	\$20,930
<b>Total</b>	<b>49,000</b>		<b>49,000</b>		<b>12,500</b>	<b>\$523,250</b>

**13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**

- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount

rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- \* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no non-hour cost burden.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

The estimated total cost to the Federal Government to collect the information is **\$806,632**. This includes **\$765,382** for Federal staff and **\$41,250** for contractor services.

- **Federal Staff:** The salary associated with this grade and step is based on the General Schedule 2023, *Rest of the United States*. The hourly salary is multiplied by 1.6 to cover benefits. See [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/RUS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/RUS_h.aspx).
- **Contractor Services:** The BHWP's services provide short-term, solution-focused brief therapy, crisis support, and care coordination via a tele-health platform and an available 24/7 crisis response hotline. Contractor's call center staff verify the spelling of the first and last name of the caller, any demographic information provided by the caller, as well as the caller's phone number by verbally reading back the information gathered and verifying the accuracy of data entry into its software. BIE has arranged for a contractor to provide the following BHWP behavioral health tasks.
  - *Tele-Behavioral Health Platform:* Client intakes, screenings, referral services, progress notes, treatment planning, crisis intervention, client chat, tele-health video options, electronic signature captures for consent documentation, release of information requests, uploading of external client records, data analysis, and reporting.
  - *Crisis Response Hotline:* The BHWP services will be provided through a contractor to deliver a crisis hotline accessible 24 hours per day, 7 days a week, and 365 days a year. The contractor's call center staff are crisis-trained professionals providing

specific crisis support processes – including brief intakes, safety screenings, immediate crisis response, and referrals to BHWP Behavioral Health Specialist s for additional behavioral health services.

**2023 PROPOSED REVISION**

Program	Grade, Step	Loaded Rate	Total Annual Responses	Completion Time per Response (Hours)	Total Annual Burden Hours	Value of Annual Burden Hours
<b>Information Collection Clearance</b>						
DOI staff	GS-14, Step 1	\$89.23	N/A	N/A	20	\$1,785
<b>Student Enrollment Application Staff</b>						
School Registrar	GS-4, Step 5	\$29.28	48,000	0.1	4,800	\$140,544
ERC Lead	GS-13, Step5	\$85.58	11,000	0.1	1,100	\$94,138
ERC Staff	GS-7, Step 5	\$40.58	37,000	0.1	3,700	\$150,146
ISEP Specialist	GS-14, Step 5	\$101.14	183	15	2,745	\$277,629
<b>Behavioral Health and Wellness Program Staff</b>						
BHWP Staff	GS-14, Step 5	\$101.14	1,000	1	1,000	\$101,140
<b>Behavioral Health and Wellness Program Staff</b>						
BHWP Contractor	N/A	\$41.25	1,000	1	1,000	\$41,250
<b>Total</b>						<b>806,632</b>

**15. Explain the reasons for any program changes or adjustments in hour or cost burden.**

Updates were made to the Bureau of Labor Statistics (BLS) and Office of Personnel Management (OPM) compensation data contained in Sections 12 and 14.

BIE proposes updates to hour and cost burdens in order to establish a new Behavioral Health and Wellness Program (BHWP) through contractor services. The BHWP is focused on providing indigenous focused, evidence-based, and trauma-informed behavioral health and wellness services/resources for students and staff at all Bureau-funded programs, departments, and institutions including Bureau operated schools, Tribally controlled schools, post-secondary institutions, and Tribal colleges and universities. All data collected for the BHWP will be utilized for establishing the appropriate level of care, assessing client safety, ensuring services are individualized to meet the client’s specific needs, and providing clients with external referrals, as needed.

Publication in the Federal Register of the System of Record Notice INTERIOR/BIA-35 is currently pending. When the SORN is approved BIE will then submit a non-substantive change request to for this information collection, adding the published SORN.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The Student Enrollment Application may be used to support budget requests and to report on the status of Indian education, but individual persons will not be identifiable.

The BIE contractor, BHWP, will not publish data or create external reports for the public. The data collection will not have any complex analytical techniques. Regular required BHWP reports will not include any PII from clients who have used services and will adhere to confidentiality regulations. The BIE internal reports will be created, evaluated, and reviewed monthly by BIE Leadership to exercise management oversight of the program, evaluate client participation, and for use in briefings, data calls, and reports.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We intend to display the OMB control number and the expiration date.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

We are not seeking any exceptions to the certification statement.