



NATIONAL INDIAN EDUCATION ASSOCIATION

April 28, 2026

Steven Mullen
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U.S. Department of the Interior
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Re: Comment on Information Collection Renewal—Data Elements for Bureau-Funded Schools (OMB Control No. [1076-0122](#))

Mr. Steven Mullen,

The National Indian Education Association (NIEA) respectfully submits the following comments regarding the proposed renewal, without revision, of the information collection titled “*Data Elements for Bureau-Funded Schools*.”

Although presented as a routine administrative action, this information collection functions as a central governance mechanism for Indian education. It establishes how student eligibility is determined, how services are identified, and how information is aggregated to support federal budget requests and funding allocations. As such, it must be evaluated in light of the statutory framework established by the Indian Self-Determination and Education Assistance Act (ISDEAA), which affirms the right of Tribal Nations to exercise meaningful control over programs and services affecting their communities.

Federal Control of Data Systems and Implications for Self-Determination

The proposed renewal maintains a system in which student-level data from BIE-operated and tribally controlled schools is collected under federal definitions and centralized within a database managed by the Bureau of Indian Education. The notice does not identify any mechanism for tribal ownership, governance, or control of that data.

Under ISDEAA, Congress established a policy to ensure that Tribal Nations exercise “maximum control” over programs affecting them and participate fully in the direction of educational services (25 U.S.C. §§ 5301(a)(1), 5302(b)). In contemporary education systems, that control necessarily extends to the data that defines program eligibility, measures outcomes, and informs funding decisions.

Data systems determine what is measured, what is reported, and what is ultimately resourced. Where those systems are federally defined and managed, Tribal Nations do not have full authority over the

inputs that shape education policy and funding. This creates a structural limitation on self-determination, even where tribes administer programs directly.

Absence of Tribal Consultation

The notice does not indicate that Tribal Nations were consulted prior to the renewal of this information collection. The system at issue governs how education services are operationalized across BIE-funded and tribally controlled schools and therefore constitutes a core component of program administration.

Renewing such a system without consultation is inconsistent with the government-to-government framework that underlies ISDEAA and longstanding federal policy. Consultation is necessary to ensure that systems affecting Tribal Nations reflect their priorities, expertise, and governance authority.

Standardized Data Structures and Historical Context

The collection relies on uniform federal data elements applied across all BIE-funded schools. This approach reflects a longstanding federal practice of standardization in Indian education systems.

Federal Indian education systems historically operated under assimilation-based frameworks that excluded Native language and cultural priorities. Congress enacted reforms, including the Indian Self-Determination and Education Assistance Act and the Education Amendments of 1978, to reverse this approach by restoring tribal authority over education systems. While program administration has shifted toward tribal control, the underlying data systems have not evolved at the same pace. As a result, federal data collection continues to reflect earlier models of centralized control rather than sovereign frameworks contemplated by these statutes.

Standardized data elements continue to define student need and success in ways that may not align with tribal priorities. In practice, this constrains the ability of Tribal Nations to fully implement education systems grounded in their cultural, linguistic, and community-defined goals.

Data as the Basis for Funding Decisions

The notice confirms that collected data is used to support federal budget requests and allocate appropriated funds. In this context, data functions as the primary input into funding decisions.

Where data is defined, validated, and controlled at the federal level, Tribal Nations do not have full authority over the information that drives resource allocation. This creates a risk that funding decisions may not fully reflect tribal needs, particularly where standardized data elements fail to capture the scope of conditions within tribal communities. In effect, the federal government retains control over the inputs that determine funding outcomes.

Behavioral Health Data and Privacy Considerations

The inclusion of Behavioral Health and Wellness Program data extends the scope of the collection to sensitive student information. The notice does not specify how such data is governed, protected, or limited in use within tribal contexts.

The absence of clearly defined safeguards, including tribal governance mechanisms and limitations on data sharing, introduces risks related to privacy and secondary use. These risks are particularly significant in small or closely connected communities, where even aggregated data may carry identifiable implications. From a policy perspective, the lack of tribal control over sensitive data is difficult to reconcile with a framework that emphasizes local authority over education systems and services.

Administrative Burden on Tribal Schools

The collection imposes an estimated 12,500 burden hours annually . Federal reporting requirements function as a condition of access to education services and funding.

Where reporting requirements are extensive and centrally defined, they can divert limited administrative resources within tribal school systems and reinforce dependency on federal processes. This dynamic is in tension with the intent of ISDEAA to reduce federal administrative barriers and support tribal autonomy in program administration.

Absence of Measurable Cultural and Language Education Metrics

The current data collection does not capture Native language preservation, cultural education, or other community-defined measures of student success.

Federal Indian education systems have a documented history of excluding, and in some cases suppressing, Indigenous language and cultural instruction. Subsequent policy reforms, including the Indian Self-Determination and Education Assistance Act and the Education Amendments of 1978, were intended to restore tribal authority over education systems, including the ability to define program goals.

The absence of cultural and language indicators in federal data systems means that these priorities are not systematically measured, reported, or incorporated into funding and policy decisions. The omission of these indicators creates a structural misalignment between federal data practices and tribally defined education goals. Tribal Nations with Bureau funded schools must have the ability to define and measure success within their education systems; a data framework that does not accommodate these measures limits that authority.

Recommendations

To better align this information collection with the intent of the Indian Self-Determination and Education Assistance Act, NIEA recommends that the Department modernize the current framework to reflect tribal governance and participation in data systems. This includes: establishing

mechanisms for tribal data ownership, access, and control; incorporating tribally defined indicators of student success, particularly in the areas of language and cultural education, into the data collection framework; and ensuring that Tribal Nations are meaningfully consulted in the design and renewal of data systems.

In addition, the Department should provide greater transparency regarding how collected data informs budget requests and funding allocations, implement clear safeguards for sensitive information including behavioral health data, and review reporting requirements to reduce unnecessary administrative burden on tribal schools while supporting local capacity.

Conclusion

The proposed renewal maintains a federally centralized data system that governs key aspects of Indian education, including eligibility, services, and funding. While the collection satisfies procedural requirements under the Paperwork Reduction Act of 1995, it does not fully reflect the principles of tribal control and participation established under the Indian Self-Determination and Education Assistance Act.

As federal Indian education policy continues to evolve toward greater recognition of tribal sovereignty, data systems must evolve accordingly. NIEA appreciates the opportunity to provide comment and stands ready to support the development of data systems that align with both administrative effectiveness and the full realization of tribal self-determination in education.

Respectfully submitted,

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