First Things First
Arizona Early Childhood Development and Health Board
Arizona Tribal Government Consultation Policy

INTRODUCTION:

The purpose of First Things First is to aid in the creation of a system that offers opportunities and supports for families and communities in the development of all children so they can grow up healthy and ready to succeed. Our work involves community partners, volunteer Regional Partnership Councils for early childhood planning and Arizona Tribes who, working together, will help create a system that grows and sustains a network of early childhood programs and services. We all share the belief that Arizona's children are our greatest asset and deserve opportunities for positive health and developmental outcomes. To this end, a Tribal Government Consultation Policy has been established to provide direction for this task.

BACKGROUND:

First Things First recognizes that a unique government-to-government relationship exists between Indian Tribes, the Federal Government and State Governments. This policy establishes the basic principles that govern the Arizona Early Childhood Development and Health Board (AZECDH), also known as, and hereinafter referred to as, First Things First, and its interactions with Arizona Tribal Governments.

- First Things First acknowledges that the United States Government has a unique relationship with American Indian Tribes as set forth in the Constitution of the United States, treaties, statutes, court decisions, executive orders and memoranda.
- First Things First recognizes **Tribal Sovereignty** as the inherent authority of American Indian Tribes to govern themselves. The United States recognizes this sovereignty and stresses that it is government-to-government relations that occur between the Federal Government and the American Indian Tribes.
- First Things First is committed to operating within a **government-to-government** relationship with federally recognized Arizona American Indian Tribes, and to advance self-governance for such Tribes. First Things First, to the greatest extent possible and to the extent permitted by law, will consult with Tribal Governments prior to taking actions that have substantial direct effects on federally recognized Tribes. In order to ensure that the rights of sovereign Tribal Governments are fully respected, all such consultations are to be open so that Tribal Governments may evaluate for themselves the potential impact of relevant proposals.
- First Things First accepts Tribal Governments as the appropriate form of government in Indian country through the adoption of the "Tribal **Self-Determination**" policy. The Indian Self-Determination and Education Assistance Act of 1975 (Self-Determination Act) entitles Tribes and Inter-Tribal consortia to take over administration of federal programs for the benefit of their members through "self-determination contracts" with the Federal Departments of the Interior and of Health and Human Services.
- First Things First acknowledges the rich cultural diversity of Arizona's twenty-two federally recognized Tribes. According to the 2000 Census, there are over 250,000 Native Americans living in Arizona. Reservations and Tribal communities comprise over a quarter of Arizona's lands.
- First Things First acknowledges self governance as expressed by the right of Arizona Tribes to make their own determination whether or not to become their own Region.

- ❖ First Things First acknowledges self-determination by Arizona Tribes and recognizes Arizona Tribes as owners of their indigenous knowledge, cultural resources and intellectual property.
- ❖ First Things First recognizes Arizona Tribes as sovereign nations which have the right to regulate research and data on their tribal lands. First Things First honors tribal ownership of data and recognizes communication is necessary with Arizona Tribes to determine what process/protocol is needed to obtain data. First Things First also recognizes the need for communication on the reporting of data. It is our intent to protect the confidentially of individuals and all data gathered will be reported in the aggregate and held in strictest confidence. Steps will be taken to ensure that primary data collected from the Tribes is not transferred to any other party without formal agreement between the Tribe and First Things First. Moreover, First Things First will provide copies of draft reports, publications and final reports prior to publication and dissemination. First Things First recognizes that following tribal protocols ensures participation and involvement among the tribal leadership and communities in the work being completed by the Regional Partnership Councils and First Things First.

AUTHORITY:

State

- State of Arizona Executive Order 2006-14---Consultation and Cooperation with Arizona Tribes
- Arizona Early Childhood Development and Health Initiative, Title 8, Arizona Revised Statutes

Federal Government

The special relationship between the Federal Government and American Indian Tribes is affirmed in statutes, legislation and various Presidential Executive Orders including, but not limited to:

- The Snyder Act, P.L. 67-85
- Indian Self-Determination and Education Assistance Act, P.L. 93-639, as amended
- Native American Programs Act, P.L. 93-644, as amended
- Indian Health Care Improvement Act, P.L. 94-644, as amended
- Personal Responsibility and Work Opportunity Reconciliation Act of 1966, P.L. 104-193
- Native American Languages Act of 1990, P.L. 104-477
- Presidential Executive Memorandum to the Heads of Executive Departments, April 29, 1994
- President Bush's Executive Order on American Indian and Alaska Native Education, April 30, 2004
- Presidential Memorandum, Government-to-Government Relationships with Tribal Governments, September 23, 2004

DEFINITIONS:

<u>Consultation</u> – Consultation is the meaningful and timely dialogue with appropriate officials and representatives of tribal governments. Consultation emphasizes trust and respect, and requires the open exchange of information, full and candid expressions of views, and a commitment to fully consider other views during decision-making. Consultation seeks mutually acceptable resolutions to the extent possible. Consultation occurs when the Chairperson, Vice-Chairperson or member of the First Things First Board, Executive Director, Deputy Executive Director or their designee and a recognized Tribal President, Tribal Governor, Tribal Chairperson, Elected Tribal Leader or their designee formally meet or exchange written correspondence to discuss issues concerning either Government. Consultation shall

occur on a regular basis, and may occur on an "as needed" basis as well when the Tribes and First Thing First raise issues that need to be addressed. Either party may initiate consultation when issues are identified.

Federally Recognized Tribe - An American Indian Tribe, Alaska Native Tribe, Band, Nation, Pueblo, Village or Community with whom the Federal Government maintains an official government-to-government relationship, established by a federal treaty, statute, executive order, court order or a federal administrative action is considered a federally recognized Tribe. The Bureau of Indian Affairs (BIA) maintains and regularly publishes the list of Federally Recognized Tribes.

Government-to-Government Relationship - The term was first used by Tribes and the Federal Government and is grounded in treaties, statutes and executive orders. It is also used to describe the relationship between Tribes and State Governments.

Joint Tribal/State/Federal Workgroup and/or Task Forces - A group composed of elected Tribal officials and First Things First officials who will work on a particular policy, practice, issue and/or concern.

Tribal Officials - Tribal Officials are considered elected or duly appointed Officials of Federally recognized American Indian Tribes.

Tribal Liaison - Tribal staff member designated by Tribal Leaders that is knowledgeable about Tribal programs and services, has access to the Elected Leaders of the Tribe and is authorized to maintain communication with First Things First and Regional Partnership Councils.

RESPONSIBILITY:

The responsibility for the administration and enforcement of the First Things First Tribal Government Consultation Policy lies with the Executive Director, Deputy Executive Director and Assistant Directors, working with and through the First Things First Tribal Liaison. It is equally important to recognize Regional Partnership Councils who are responsible for the needs and assets assessment, planning, programs and service implementation for early childhood development and health improvements in their regions. These Regional Partnership Councils share in the decision-making with the Arizona Tribal leadership and program staff.

OBJECTIVES:

1. To formalize the requirement of First Things First to seek consultation and the participation of Arizona Federally Recognized Tribes with existing, potential and new early childhood development and health policies and actions that would have a significant impact on Arizona Tribes.
2. To establish consistent communication with Tribal Leaders of each Tribe and the leadership of the Board and staff of First Things First and members of FTF Regional Partnership Councils.
3. To ensure consistent application of the Tribal Government Consultation Policy among all First Things First Board, staff members and members of FTF Regional Partnership Councils.
4. To ensure that information and data regarding Tribal members are reviewed with the Tribe prior to release or use.

CONSULTATION PROCESS:

First Things First will engage in consultation with Arizona Tribes about existing, changing or new policy issues affecting Tribes. First Things First, in communication with the Tribe, must determine the level of consultation necessary, whether through correspondence, meetings or Notice of Public Comment.

1. Tribal Consultation will be held to solicit Tribal comments and recommendations on policy matters affecting Arizona Tribes. These sessions whether work sessions, forums or meetings will provide the opportunity for meaningful dialogue and effective participation by Arizona Tribes.
2. Consultation with a single Indian Tribe will not substitute for consultation with other Tribes on issues that may affect more than one Tribe.
3. Arizona Tribes may meet one-on-one with the Executive Director, Deputy Executive Director, Assistant Directors or designated representative to consult on First Things First issues specific to the Tribe, but should recognize that decisions for First Things First can only come from the Board and/or Executive Director. Conversely, First Things First recognizes decisions for an individual Tribe can only come from its elected leader(s) and/or by action of its Tribal Council.
4. When a Tribal Leader or appointed Official requests additional information or provides feedback regarding an issue, First Things First shall communicate, verbally or through written correspondence, with the Official to provide a timely and substantive response.
5. First Things First may provide written notice and a solicitation for feedback to non-Tribal organizations such as the Advisory Council on Indian Health Care, the Inter-Tribal Council of Arizona, Indian Health Services, Native Connections and Urban Indian Health Care Programs/Indian Centers and other state agencies such as the Arizona Departments of Education, Economic Security, Health Services, Arizona Health Care Cost Containment System or the Commission on Indian Affairs. Such communication does not substitute for direct communication with Arizona Tribes nor is a substitute for each Arizona Tribe making its own determination of what is best for the Tribe and its people.
6. Policy development through the Tribal consultation process may be undertaken by Arizona Tribes, Regional Partnership Councils and FTF Board and staff members.
7. The First Things First Tribal Consultation Policy shall be posted on the agency website, filed with the Office of the Governor and offered to Tribes for posting as they deem appropriate.

ONGOING PARTNERSHIPS:

Trust between and among Arizona Tribes and First Things First is essential in building a good consultative relationship. To establish and maintain trust:

- First Things First will meet with Arizona Tribes on a consistent basis as mutually agreed upon. If follow-up is needed, the First Things First Tribal Liaison or other designated staff will provide the follow-up.
- First Things First is committed to developing cooperative relationships with Arizona Tribes. First Things First will invite Tribal Government Officials and Early Childhood Representatives to training programs when and where appropriate and encourages Tribes to request participation if they so desire.
- First Things First will solicit Tribal Officials and Leaders for participation on Partnership Councils, special committees and work groups that will either directly or indirectly affect Arizona Tribes.
- First Things First will utilize various communication strategies, including electronic communication that supports interactive communication and understanding with Tribal Governments.

REPORTING:

By June 30th of each year, First Things First shall review their Tribal Consultation Policy and submit an electronic report to the Governor and the Legislature describing all actions taken as a result of the implementation of the Tribal Consultation Policy. Electronic copies of these annual reports shall be provided to the Arizona Commission of Indian Affairs, which will make them available to Arizona Tribal Leaders.

SUMMARY

This policy is reflected in the First Things First Agency Strategic Plan, which confirms the belief that First Things First will develop and maintain a culture of strong collaboration and cooperation both internally and externally with the Board, staff, Regional Council members, Arizona Tribes and community partners. First Things First recognizes this Tribal Government Consultation Policy will be a developing document, changing as circumstances and Tribal input indicate a need for revisions.