FIRST THINGS FIRST

Ready for School. Set for Life.

AGENDA ITEM Second Read on the proposed changes and updates to the First Things First Tribal Consultation Policy

BACKGROUND First Things First recognizes and honors the government-to-government relationship that exists between Indian Tribes, the Federal government and State government. In accordance with Arizona Executive Order 2006-14, Consultation and Cooperation with Arizona Tribes, a Tribal Consultation Policy was developed and then adopted by the First Things First State Board in 2009. This policy outlines how First Things First will engage and conduct consultation with Tribal Governments. The First Things First Tribal Government Consultation Policy establishes the basic principles that govern First Things First's interactions with Arizona Tribal Governments. The basic premise of the policy is to demonstrate our commitment to operating within a government-to-government relationship with federally recognized Arizona American Indian Tribes, and 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. The policy itself has four key components:

1. To formalize the requirement 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 by the 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.

The FTF State Board last reviewed and updated the policy on May 19, 2009. The board is scheduled to conduct a second review of the document to update and/or revise the policy this year as outlined in the First Things First Strategic and Tactical Plan. In preparation for this review, the First Things First internal advisory group prepared recommendations for updates to the policy in early 2012. Additionally, the tribal consultation policy was distributed to tribal leaders for review and feedback in early August. This policy is presented with recommendations for revisions and updates to the policy for the first read, with final approval anticipated in December of 2012.

RECOMMENDATION The CEO recommends the approval of the revised Tribal Consultation Policy.

FTF Tribal Government Consultation Policy

This side-by-side document summarizes the First Things First Tribal Government Consultation Policy passed by the State Board in 2009. The document compares proposed changes and recommendations to the current policy. A summary of the proposed changes to each subheading of the policy follows each section and is provided in the blue shaded cells.

CURRENT VERSION	PROPOSED CHANGES
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.	**AGENCY OVERVIEW** The First Things First mission is to serve as one of the critical partners in creating a family-centered, comprehensive, collaborative and high-quality early childhood system that supports the development, health and early education of all Arizona's children birth through age five. The vision of First Things First is that all Arizona's children are ready to succeed in school and in life.
Summary of Changes: Current version introduction statement includes an agency overview, some belief statements and a policy purpose. For clarity the text has been organized into three new sections titled: Agency Overview, Philosophy, and Purpose. The new agency overview is summarized by using the organization's updated mission and vision.	
	New Section **PHILOSOPHY** First Things First acknowledges the rich cultural diversity of Arizona's twenty-two federally recognized Tribes and recognizes that Indian tribes must have a strong voice in shaping the policies and programming that affect their communities. First Things First believes that improving communication and partnerships with Indian tribes of Arizona is essential to providing all of Arizona's children a solid start so they can grow up ready to succeed in school and life. To this end, First Things First is committed to operating within a government-to-government relationship with federally recognized Indian Tribes of Arizona. In order to achieve this goal, it is essential that First Things First and Arizona Tribes engage in open, continuous, and meaningful consultation on a government-to-government basis. To guide this work the First Things First Tribal Government Consultation Policy has been established.
Summary of Changes: A new section titled Philosophy has been added to highlight FTF's perspective on the government to government status and tribal consultation.	

	New Section **PURPOSE** This policy establishes the basic concepts and principles that govern First Things First, and its interactions with Tribal governments within the State of Arizona. The purpose of this policy is to describe the consultative approach to be taken to promote and protect the government-to- government relationship between First Things First and Arizona Tribes. The foundation for this policy is State of Arizona Executive Order 2006-14Consultation and Cooperation with Arizona Tribes and the Arizona Early Childhood Development and Health Initiative, Title 8, Arizona Revised Statutes.
Summary of Changes: A new section has been added titled Purpose to clearly outline the intent and authority foundation for the policy.	
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.	**BACKGROUND** First Things First honors the government-to-government relationship that exists between Indian Tribes, the Federal government and State 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. Dealings between First Things First and the Indian tribes of Arizona shall be consistent with the principles of tribal sovereignty and self-governance as described by federal law.

❖ 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.	
Summary of Changes: The current section provides various bullet points relating to tribal sovereignty and self-governance. The new section summarizes the bullet points into a concise paragraph. Additionally 5 of the bullet points in the current policy have been moved into other sections to offer a better flow of the document.	
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	<u>AUTHORITY</u> **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. 93-638, as amended ❖ Native American Programs Act, P.L. 93-644, 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	❖ Indian Health Care Improvement Act, P.L. 94-437, 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 ❖ Presidential Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000 ❖ Presidential Executive Order on American Indian and Alaska Native Education, April 30, 2004 ❖ Presidential Memorandum, Government-to-Government Relationship with Tribal Governments, September 23, 2004 ❖ Presidential Executive Order 13592, Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities, December 2, 2011
Summary of Changes: Slight changes to format and correction/updates of public law citation numbers.	
	New Section **FIRST THINGS FIRST REGIONAL BOUNDARY DECISIONS, DATA COLLECTION, RESEARCH AND ANALYSIS** There are many functions of First Things First that may impact tribal governments. However First Things First recognizes decisions related to regional boundaries and data collection and reporting requires consistent and timely consultation with Arizona Tribes. The First Things First statue empowers Arizona's Federally Recognized Tribes to decide how they would like to participate in the regional structure of First Things First. Tribes can choose to have their lands designated as a separate region with a separate Regional Partnership Council, or they can choose to stay within a designated region 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. Further, evaluation and research have been a critical component of FTF since its inception. FTF is transparent and holds itself and its collaborations with partners accountable for achieving intended outcomes for children. Additionally, we know that high-quality information for decision-making increases the effectiveness of planning and improves the implementation and impact of programs. 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 for review by Tribes. 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. First Things Firsts recognizes Arizona Tribes as owners of their indigenous knowledge, cultural resources and intellectual property.
Summary of Changes: A new section has been added titled FTF Activities Directly Impacting Tribes to address elements of the statute that require consistent consultation and responses from participating tribes. This section also helps to give context two various statements in the current policy that reference regional boundaries and data. These sections have been moved into this new section to provide a better flow of the information.	
DEFINITIONS: Consultation – 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.	**DEFINITIONS:** Consultation – 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, Chief Executive Officer, or his/her 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 federal 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

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.	recognized American Indian Tribes. Critical Issues – Planned or unplanned events/issues that have or may have a substantial impact on Indian Tribe(s), e.g., issues, police, or budgets which may come from any level within First Things First. Indian Organizations- Any regional or national organizations whose board is comprised of Federally recognized Tribes and elected/appointed Tribal leaders. Indian Tribe – an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a." Sovereignty – The ultimate source of political power from which all specific political powers are derived. Tribal Government – A governing body of a American Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village or Community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 USC 479a. Tribal Self–Governance – The governmental actions of Tribes exercising self-government and self-determination.
Summary of Changes: New definitions have been added based on new sections and terms used throughout the policy.	
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	**CONSULTATION PROCEDURES AND RESPONSIBLITIES** The responsibility for the administration of the First Things First Tribal Government Consultation Policy lies with the Executive Office with the coordination of such activities carried out by the Senior Director for Tribal Affairs. A. Consultation Parties and Mechanisms- Consultation Occurs when the First Things First Board of Directors, Chief Executive Officer, First Things First Division Heads or their designees, meets and/or exchanges written correspondence with a Tribal President/Chair/Governor/and/or elected/appointed Indian Tribal Leader, or their designee to discuss issues concerning either party. B. Consultation Procedures 1. Specific consultation mechanisms that will be used to consult with an Indian Tribe(s) include but are not limited to mailings, in person meetings, teleconference, electronic/computer based meetings, electronic communication such as email and roundtable discussion. 2. An Indian Tribe(s) has the ability to initiate consultation, i.e. meet one-on-one with First Things First to consult on issues specific to that Indian Tribe. 3. First Things First will initiate consultation to solicit official Indian Tribe(s)

	comments and recommendations on policy affecting Indian Tribe(s). These sessions at roundtables, forums and meetings will provide the opportunity for meaningful dialogue and effective participation by Indian Tribe(s). 4. Regional/State-wide Inter-Tribal Forums: Other types of meetings and/or conferences occur which may not be considered consultation sessions, but these meetings may provide opportunities to share information, conduct workshops, and provide technical assistance with Indian Tribes.
Summary of Changes: The current policy language for this section is vague and refers to positions within FTF that have new titles. The proposed revision to this section has been retitled, Consultation Procedures and Responsibilities. The new language uses updated titles, and includes information that clearly identifies responsibilities and procedures for consultation.	
	New Section **CONSULTATION PARTICIPANTS AND ROLES** 1. ***Indian Tribes***: The government-to-government relationship between the U.S. and Federally recognized Indian Tribes dictates that the principal focus for First Things First consultation is Indian Tribes, individually or collectively. 2. ***Indian Organizations***: At times it is useful that First Things First communicate with Tribal organizations to solicit Indian Tribe(s) advice and recommendations. First Things First does not participate in government-to-government consultations with these entities; rather these organizations represent the interests of Indian Tribes when authorized by those Tribes. These organizations by the nature of their business serve and advocate Indian Tribes issues and concerns that might be adversely affected if these organizations were excluded from the process. First Things First may provide written notice and a solicitation for feedback to 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. 3. ***Tribal Affairs:*** is responsible for agency-wide implementation and monitoring of the First Things First Tribal consultation policy. Tribal Affairs serves as the Agency's point of contact in accessing First Things First-wide information. The single point of contact within First Things First for Indian Tribes and other Tribal/Indian organizations, at a level with access to all First Things First Divisions, is the Senior Director for Tribal Affairs. 4. ***First Things First Divisions:*** FTF has numerous Operating Divisions under its purview. Each of the these Divisions share in the Agency-wide responsibility to coordinate, communicate and consult with Indian Tribes on issues that affect these

	governments. All Operating Divisions shall comply with the First Things First Tribal Consultation Policy. All Divisions are responsible for working with the Senior Director for Tribal Affairs to determine the best course of Tribal consultation to the extent practicable and permitted by law on policies that have Tribal implications.
Summary of Changes: The new section clearly identifies the participants of tribal consultation and outlines their responsibilities to the process.	
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.	**OBJECTIVES** In order to fully effectuate this Policy, First Things First will: • Establish communication channels with the elected leader of each Indian Tribe and the appointed leadership for early childhood/education services for each Indian Tribe. First Things First recognizes that a standing goal of working with Indian Tribes is to increase their knowledge and understanding of First Things First programs and policies. • Seek timely 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. • Allow for consultation with Indian Tribes in the development of new policy or a change in policy with substantial Tribal implications. • Coordinate within the Agency to ensure consistent application of the Tribal Consultation among all First Things First Board, staff members and members of FTF Regional Partnership Councils. • Ensure that information and data regarding Tribal members are reviewed with the Tribe prior to release or use. • Provide relevant background information on consultation topics so that Indian Tribes may fully consider information when providing recommendations to First Things First. • Seek formal written recommendations from Indian Tribes which include pertinent impacts of proposed changes. • Provide opportunity on an ongoing basis for Indian Tribes to request tribal consultation on a specific topic or issue affecting one or more Indian Tribe(s) • To ensure that information and data regarding Tribal members are reviewed with the Tribe prior to release or use.
Summary of Changes: New objectives have been as proposed changes to acknowledge the current actions taken by FTF Tribal Affairs as it related to tribal consultation.	
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	**CONSULTATION PROCESS** An effective consultation between First Things First and Indian Tribes requires trust between all parties which is an indispensable element in establishing a good consultative relationship. Before any action is taken that will significantly affect Indian Tribes it is First Things First policy that, to the extent practicable and permitted by law, consultation with Indian Tribes will occur. Such actions refer to policies that: 1. Have Tribal implications, and

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.

2. Have substantial direct effects on one or more Indian Tribes, and
3. On the relationship between the First Things First and Indian Tribes

The degree and extent of consultation will depend on the identified critical issue. A critical issue may be identified by First Things and/or an Indian Tribe(s). Upon identification of the issue significantly affecting one or more Indian Tribe(s), First Things First will initiate consultation regarding the event. In order to initiate and conduct consultation, the following serves as a guideline to be utilized by First Things First and Indian Tribes:

- Identify the critical issue: Complexity, implications, time constraints, and issue(s) (including policy, funding, programs, services, functions and activities).
- Identify affected/potentially affected Indian Tribe(s)
- Determine Consultation Mechanism – The most useful and appropriate consultation mechanisms can be determined by First Things First and/or Indian Tribe(s) after considering the issue and Indian Tribe(s) affected/potentially affected. Consultation mechanisms include but are not limited to one or more of the following:
    a) Mailings
    b) Teleconference
    c) Arizona Tribes may meet one-on-one with the Chief Executive Officer, Chief Officers 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 Chief Executive Officer. 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.
    d) Face-to-Face Meetings at the local, regional and state-wide levels between First Things First and Indian Tribes.
    e) Roundtables
    f) Annual First Things First Policy Consultation Sessions.
    g) Other regular or special First Things First or program level consultation sessions.

Communication Methods: The determination of the critical issue and the level of consultation mechanism to be used shall be communicated to affected/potentially affected Indian Tribe(s) using all appropriate methods and with as much advance notice as practicable. These methods include but are not limited to the following:

a) Correspondence: Written communications shall be issued within 30 calendar days of an identified critical issue. The communication should clearly provide affected/potentially affected Indian Tribe(s) with detail of the critical issue the manner and timeframe in which to provide comment. First Things First frequently uses a correspondence format to notify individual Indian Tribes of consultation activities.
b) Official Notification: Within 30 calendar days, and upon the determination the consultation mechanism, proper notice of the issue and the consultation mechanism utilized shall be communicated to affected/potentially affected Indian Tribe(s) using all appropriate methods including mailing, e-mail, and a public notice.
c) Receipt of Tribal Comment(s): First Things First shall develop and use all appropriate

	methods to communicate clear and explicit instructions on the means and time frames for Indian Tribe(s) to submit comments on the issue, whether in person, by teleconference, and/or in writing. d) Reporting of Outcome: First Things First shall report on the outcomes of the consultation within 60 calendar days of final consultation. For ongoing issues identified during the consultation, the First Things First shall provide status reports throughout the year to Indian Tribe(s).
Summary of Changes:_ The current policy outlines the consultation process, however there are no specific methods to guides how the will be carried out. The new proposed changes include text that provides clarifications about how consultation is initiated and the mechanisms and timelines.	
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. ❖	<u>ONGOING PARTNERSHIPS</u> 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 Senior Director for Tribal Affairs 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.
Summary of Changes: Staff title has been updated from Tribal Liaison in the current policy to Senior Director for Tribal Affairs in the new proposed language.	
	New Section <u>ESTABLISHMENT OF JOINT TRIBAL/FIRST THINGS FIRST WORKGROUPS AND/OR TASKFORCES</u> The need to develop or revise a policy may be identified from within First Things First or by an Indian Tribe(s). When new or revised state early childhood development and policy, regulations or legislation affects an Indian Tribe(s), an Indian Tribe(s) or First Things First may recommend the establishment of a workgroup and/or task force. In response, First Things First may establish such a workgroup and/or task force to develop recommendations on various technical, regulatory, or policy issues.
Summary of Changes: A new section was added to address the formation of advisory workgroups or taskforces to provide guidance on tribal issues.	
REPORTING:	<u>REPORTING</u>

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.	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.
NO CHANGES	
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.	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.
NO CHANGES	
	New Section Approval Steven W. Lynn, Chair Date First Things First Board of Directors *Original Approval Date:* *Revised on:*
Summary of Changes: A signature/acknowledgement of approval is added as proposed update to the policy.	