



Tribal Leaders Congress
On Education



Washington State Department of
Early Learning

Consultation Protocol

Between Federally Recognized Tribes and the Department of Early Learning

Purpose

The Tribes and the Department of Early Learning (DEL) are committed to achieving agreement whenever possible regarding issues of mutual concern. The Tribes and DEL share a common interest in the early childhood development and education of Native Children.

The Tribes and DEL recognize that The Centennial Accord and New Millennium Agreement establish a framework to support the development of strong government-to-government relationships between the federally recognized Indian Tribes and state agencies. A key component of both of these agreements is the shared commitment to create a framework within which individual Tribes and DEL can actively consult regarding issues of mutual concern.

DEL recognizes that each federally recognized Indian tribe is a government with responsibilities to provide services to tribal members and other members of the tribal community and that each government has unique interests and concerns that should be addressed in any government-to-government consultation.

In order to facilitate strong government-to-government consultation, the parties have entered into this Consultation Protocol.

General Provisions

Tribes have traditionally practiced early learning with Tribal children as a part of Tribal ways. Culturally relevant performance strategies by DEL and Tribes can only contribute to successful early learning and beyond.

Consultation encompasses an enhanced form of communication which emphasizes trust, respect and shared responsibility. It is an open and free exchange of information and opinion among parties, which leads to mutual understanding and comprehension. Consultation is integral to a deliberative process which results in effective collaboration and informed decision-making. Consultation includes formal government-to-government meetings called to provide an opportunity for an exchange of information and opinion prior to DEL decisions regarding programs that may be of particular concern to the Tribes.

September 17, 2010

DEL is committed to working with Tribal partners on issues of mutual concern including:

- New policy development
- Proposed change to policy that has an impact to Tribes
- Parent education and support
- Child care resource & referral services
- DEL Parent Advisory Group
- Seeds to Success (Quality Rating and Improvement System)
- Child care licensing policy
- Child care subsidies
- Negotiated rule making
- Collective bargaining for family home child care providers
- Early Childhood Education and Assistance Program (ECEAP)
- Head Start State Collaboration Office
- Infant and toddler quality initiatives
- Washington Kindergarten Inventory of Developing Skills (WaKIDS)—Kindergarten assessment process
- Washington State Early Learning and Development Benchmarks review
- P-3 partnerships
- Early intervention

Nothing in this policy is meant to discourage early and/or informal information sharing and other communications on topics that facilitate intergovernmental relationships. Ideally, regular ongoing communications will simply evolve into more formal consultation as necessary, shifting back to a less formal style once consultation on a particular action or topic is complete.

Either the Tribal government or DEL may initiate a formal consultation on an issue of concern by sending a written request for consultation detailing the issue of concern and requesting government to government consultation to the highest level of DEL or the Tribal government. For DEL, the request should be directed to the Director. For the Tribal Government, the request should be directed to the Tribal Chair.

When DEL or a Tribe initiates a consultation, it will send a minimum of two written notifications of requests for consultation. The first such notice must be sent 45 to 60 days prior to any meetings between DEL and Tribal government officials. DEL or the Tribe will send a second notice 15 to 30 days prior to any meeting.

While the parties agree that the notification time frames set out are intended to become the standard practice for initiation of consultation by DEL, the parties acknowledge that from time to time, it may not be possible for DEL or the Tribe to initiate the consultation and meet other deadlines associated with the issues requiring such consultation. In such an event, DEL or the Tribe will make its best effort to provide as much notice as possible to the Tribes or DEL as well as making information about the issues available to the Tribes or DEL as soon as practicable. However, at no time would DEL or the Tribes make a decision on behalf of the other party.

DEL will maintain a current distribution list of Tribal Chairs, relying upon the contact information on file with the Governor's Office of Indian Affairs. To ensure DEL can provide appropriate notice to persons in addition to the Tribal Chair, each tribe participating in a consultation will provide DEL with the contact information for the Tribal representatives participating in the consultation. DEL will include the Governor's Chief of Staff throughout consultation regarding the process and actions to be taken.

The Tribes and DEL recognize that there may be a need to have persons with specialized expertise involved in the consultation process. The parties agree that following a formal request for consultation, the Tribes and DEL will participate in a roundtable meeting prior to the formal consultation meeting. The purpose of the roundtable meeting will be for specialized staff from the Tribes and DEL to meet and review technical information and report back to their respective entities in advance of the consultation meeting.

Should the roundtable meeting resolve some or all of the issues subject to the written consultation, a written report of the resolution will be distributed by DEL staff within 14 days to the Tribal Chair or Designee and to the DEL director or designee. Any remaining issues will be addressed in the formal consultation meeting.

The Formal Consultation Process:

- Either the Tribe or DEL will initiate the consultation
- A roundtable meeting will be held and the report issued within 14 days
- The Tribes and DEL will continue to share data
- Within 14 days of the issuance of the roundtable report, the consultation meeting will be held
- Both the Tribes and DEL will prepare and share a written report from the consultation meeting within 14 days of the consultation meeting
- The Tribes and DEL will have 30 days in which to comment on each other's reports and share additional information
- Within 45 days from the date of consultation meeting, DEL will disseminate a final report to the Tribal Chair outlining the results of the consultation, including issues mutually resolved and any issues where consensus was not achieved
- The parties may memorialize agreements reached as a result of the consultation through a written MOU/MOA

Both the Tribes and DEL affirm that in order to meet these time frames, communication can be effectuated through email at the request of the Tribal Chair. Any email would be addressed to the Tribal Chair and copied to any Tribal Designee. DEL may also designate a person in addition to the Director to receive Tribal emails concerning a pending consultation.

We, the undersigned have read and agree with the Consultation Protocol on this 22nd day of September, 2011.

By _____
Department of Early Learning

By _____
Chehalis Tribal Delegate

By _____
Colville Tribal Delegate

By _____
Coeur D'Alene Tribal Delegate

By _____
Cowlitz Tribal Delegate

By _____
Hoh Tribal Delegate

By _____
Jamestown S'Klallam Tribal Delegate

By _____
Kalispel Tribal Delegate

By _____
Lower Elwha Klallam Tribal Delegate

By _____
Lummi Tribal Delegate

By _____
Makah Tribal Delegate

September 17, 2010

By _____
Muckelshoot Tribal Delegate

By _____
Nez Perce Tribal Delegate

By _____
Nisqually Tribal Delegate

By _____
Nooksack Tribal Delegate

By _____
Port Gamble S'Klallam Tribal Delegate

By _____
Puyallup Tribal Delegate

By _____
Quileute Tribal Delegate

By _____
Quinault Tribal Delegate

By _____
Samish Tribal Delegate

By _____
Sauk-Suiattle Tribal Delegate

By _____
Shoalwater Bay Tribal Delegate

By _____
Skokomish Tribal Delegate

By _____
Snoqualimie Tribal Delegate

By _____
Spokane Tribal Delegate

By _____
Squaxin Island Tribal Delegate

By _____
Stillaguamish Tribal Delegate

By _____
Suquamish Tribal Delegate

By _____
Tulalip Tribal Delegate

By _____
Umatilla Tribal Delegate

By _____
Upper Skagit Tribal Delegate

By _____
Warm Springs Tribal Delegate

By _____
Yakama Tribal Delegate