

**ADMINISTRATIVE POLICY NO. 7.01**

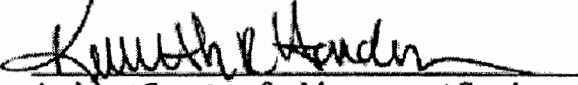
**SUBJECT:** American Indian Policy

**INFORMATION CONTACT:** Office of Indian Policy and Support Services (IPSS)  
MS 45105 (360) 902-7818

**AUTHORIZING SOURCE:** Office of the Secretary

**EFFECTIVE DATE:** November 1, 1987

**REVISED:** March 1, 2000

**APPROVED BY:**   
Assistant Secretary for Management Services

**SUNSET REVIEW DATE:** March 1, 2002

---

**PURPOSE:**

This policy is to state the Department of Social and Health Service's (DSHS) commitment to planning and service delivery to American Indian governments and communities.

**SCOPE:**

- A. The Office of Indian Policy and Support Services (IPSS) is charged with the overall coordination, monitoring, and assessment of department relationships with American Indian governments, communities and participants.
- B. All department staff are charged with implementation of the American Indian Policy in consultation with the Office of IPSS.
- C. The department's American Indian Policy follows a government to government approach to establishing policies and procedures for working with American Indian tribes. This is in compliance with the Washington State 1989 Centennial Accord and current federal Indian policy as outlined by Executive Directive signed by the president in 1995 which promotes Government to Government relationships with American Indian tribes.

**POLICY:**

- A. The department shall provide necessary and appropriate social and health services to people of American Indian governments, landless tribes, off-reservation American Indian communities and participants in a manner which is in harmony with agency philosophy and compliments and complies with: treaties, executive orders, state/federal laws, court cases, and state/federal policies related to American Indian people.
- B. To ensure implementation of this policy, continued exchange of information, and resolution of issues with Indian tribes and organizations, the department shall maintain the standing, Indian Policy Advisory Committee (IPAC). IPAC shall be composed of various American Indian leaders designated by their respective American Indian tribe or organization and appointed by the Secretary. The Director of IPSS, IPSS staff, and various American Indian Liaisons of DSHS, designated by Administrators or Division Directors, will serve as staff support to the committee. The Secretary of DSHS will communicate with the committee and review their comments and recommendations.
- C. In making policy on Indian issues, the department shall consider:
1. The sovereignty of American Indian tribes.
  2. The unique social/legal status of American Indian tribes under the Supremacy Clause and Indian Commerce Clause of the United States Constitution, federal treaties, executive orders, Indian Citizen's Act of 1924, Indian Child Welfare Act of 1978, The Centennial Accord and other relevant statutes, and federal/state court decisions.
  3. Recognition of the unique American Indian property ownership and income rights related to the trust status of land and communal ownership of tribal assets consistent with WAC 388-470-0015.
  4. American Indian self-determination and self-governance without the termination of the unique status of American Indian tribes.
  5. Recognition of elected tribal governments as the political governing bodies of sovereign American Indian tribes.
  6. The department's support and cooperation in the areas of planning, program development, administration, and service delivery with the governments of American Indian tribes, landless tribes, Canadian Indian tribes, representatives of off-reservation American Indian organizations, and Alaska Native organizations.
  7. Cooperation and coordination with the Governor's Office of Indian Affairs.
- D. Each Administrator is responsible for the following objectives:

1. To ensure the opportunity for, involvement, and consultation of tribal governments, landless tribes, off-reservation American Indian organizations, and American Indian participants to provide meaningful input in department relations, plans, budgets, policies, manuals, and operational procedures which affect American Indian people.
2. To ensure programs and services provided recognized tribes, landless tribes, off-reservation American Indian communities and individuals are culturally relevant and in compliance with this policy.
3. To ensure that programs and services provided to reservation and off-reservation American Indian communities are in harmony with department philosophy and are based on goals and objectives designed to address American Indian social and health needs as defined by cooperative agreements with the respective communities.
4. To ensure the agency and contractor/licensee is in compliance with all American Indian-related sections of the Washington Administrative Code and manual material pertaining to the specific area of authority of the administration.
5. To make measurable efforts to utilize American Indian organizations and social and health providers when providing services to American Indian tribes, communities and participants.
6. To conduct periodic evaluations of the above responsibilities to identify progress and outstanding issues.
7. To initiate contact with the Office of IPSS for consultation and recommendations to the planning of policy and procedures, which will have a unique or special effect on American Indian governments, communities and participants prior to decisions being made.
8. To develop a relevant data collection process in conjunction with ISSD, ORDA and other stakeholders. This data should show statewide and tribal specific patterns.
9. To appoint and provide culturally-specific training to tribal liaisons if and when the administration, division or program has significant contact with American Indian tribes or communities.
10. To develop policies outlining sanctions for failing to comply with any or all of the DSHS American Indian Policy.
11. To develop specific, written protocols establishing how each individual program or administration is going to work cooperatively with other administrations to:

- a. Coordinate services and contracts with American Indian tribes and other communities, and
  - b. Further the purposes and goals of the DSHS American Indian Policy.
- E. By April 2 of each even-numbered year, prior to the development of the biennial budget request, each administration shall develop a biennial service plan for American Indian tribes, communities and participants, and shall submit the plan to the Director of IPSS. The biennial service plan is to be regional and headquarters specific. The purpose of the plan is to establish fiscal needs and/or possible administrative or legislative changes, and shall include, but not be limited to:
1. Pertinent statistics on American Indian community and participant populations, numbers of American Indian participants served, and all other relevant data.
  2. Descriptions of American Indian employment patterns as they relate to: affirmative action, participant populations, at risk populations and other service delivery considerations.
  3. Description of any local tribal-state agreements, protocols, or other similar documents in effect.
  4. Method and frequency of communication with tribal governments, landless tribes and off-reservation American Indian organizations for purposes of information sharing, joint planning, and problem solving, including a current listing of all department and American Indian contact people.
  5. Descriptions of how American Indian participants and community needs, relevant to specific program and Indian policy objectives, have been met, or not met, and how is the administration working toward developing a positive working relationship, by implementation of the plan.
  6. Descriptions of outstanding issues and gaps in services. Suggest recommendations for meeting needs and resolving outstanding issues, and translate those needs into specific performance expectations which can be implemented, monitored, and evaluated.
  7. Description of how the administration will facilitate training of DSHS staff on major principles of federal American Indian law.
- F. By April 2 of each odd-numbered year, each administration shall submit to the Director of IPSS a biennial updated report on the status of the division plans.
- G. All DSHS local and statewide contractors are subject to this policy. Division Administrators and their regional program representatives for contracted services are responsible for ensuring implementation of the DSHS Indian Policy.

H. The Office of IPSS shall:

1. Advocate for the relevant delivery of departmental services to American Indian communities and participants.
2. Provide consultation to management, regional program representatives and DSHS contractors in achieving the agency's American Indian Policy commitments, and assist in achieving policy objectives.
3. Monitor departmental services related to American Indian issues on an agency-wide basis, bring issues to the attention of the appropriate administrator for efficient resolution, and recommend specific actions to resolve issues in compliance with this policy.
4. Provide consultation, technical assistance, and monitoring services to administrative staff and programs, regional administrators and directors, regional coordinating councils, contractors and field staff.
5. Provide consultation and information on an ongoing basis with American Indian tribal governments, landless tribes, off-reservation American Indians, and Alaska Native communities in order to keep them advised of departmental matters, secure their input, and ensure thorough consideration of all suggestions and recommendations (*includes former H.3.*).
6. Provide staff support to the standing IPAC Committee for meetings, implementing plans/reports and developing departmental recommendations.
7. Provide consultation to each administration and regional field services staff in the development of biennial plans for services to American Indian communities and participants.
8. The director of IPSS shall schedule reviews of the biennial American Indian policy plan or update with each administration. On the basis of these reviews, the director shall work with administrators to resolve issues of concern.
9. Ensure timely access to all DSHS services for American Indian communities described in this policy.