



DRAFT MEETING NOTES

TRIBAL-STATE ESA WAC DEVELOPMENT WORKGROUP

**Capital View 1 Building, Olympia, WA
March 2, 2009**

The Tribal-State ESA WAC Development Workgroup convened on March 2, 2009, as part of the IPAC ESA-DVR Subcommittee meeting. The meeting was held at the Capital View 1 Building in Olympia.

► **In Attendance**

The following tribes/organizations were in attendance:

Port Gamble S'Klallam Tribe, Lower Elwha Klallam Tribe, Tulalip Tribes, Lummi Nation, Nooksack Tribe, Skokomish Tribe, Squaxin Island Tribe, South Puget Intertribal Planning Agency (SPIPA), Tulalip Tribes, Port Gamble S'Klallam Tribe, Quileute Tribe

Representatives from the Division of Vocational Rehabilitation (DVR) and the Economic Services Administration (ESA) were in attendance. ESA representatives included staff from:

State Tribal Relations Office (STRO), Division of Child Support (DCS), Community Services Division (CSD), Operations Support (OS), Office of the Assistant Secretary (OAS).

Representatives from the DSHS Indian Policy Support Services (IPSS) were also in attendance.

► **Welcome, Introductions & Agenda Review**

Sarah Colleen Sotomish, STRO, welcomed everyone and asked for introductions. She reviewed the draft agenda. There were no requested revisions to the agenda.

► **Review of Draft WACs:** Sandy Jsames, CSD, and Mike Mowrey, STRO, reviewed the revisions to the proposed draft WACs for "Use of MOE" and "Reporting" requirements for Tribal TANF programs.

- Reporting draft WACs:

- ◆ Reporting WAC #6: agreement to revise to include language that the MOE expenditure form used by a Tribal TANF program should be mutually agreed upon by the Tribe & the Department.
- ◆ Reporting WAC #7: revise to replace "inception" references with clearer language.

- Use of MOE draft WACs:

- ◆ Use of MOE WAC #9: agreement to revise the #9 MOE rule to make sure we are using the exact same terminology used in the federal regulations and to remove the state's interpretation of these federal regulations. Per our discussion, the state will honor any Tribe's definition of the specific term "adult caretaker relative" that is part of their federally approved Tribal Family Assistance Plan.

Post-Meeting Note re: Use of MOE WAC #9: After further review ESA believes it is necessary to request clarification from the federal Administration for Children and Families (ACF) to determine whether the State may use a Tribe's TFAP definition of "adult caretaker relative". ESA will be submitting a request to ACF for this clarification.

◆ Use of MOE #10: agreement to revise the #10 MOE rule to give more context about why the federal government established this rule.

▶ **DSHS WAC Rulemaking Process:** Nancy Koptur, DCS, provided an overview of the DSHS formal Rulemaking process.

▶ **Next Steps:** Sarah Colleen Sotomish reviewed next steps in the WAC development process including the need to discuss planning for consultation and initiating formal rulemaking.

- A discussion of dual eligibility will be included as an agenda topic at the next meeting

▶ **IPAC ESA-DVR Matrix Update:** Rosi Francis, IPSS Regional Manager, reviewed and updated the WAC development related items in the Matrix.

- Sarah Colleen agreed to provide response papers on the following WAC Workgroup related items on the Matrix within approximately two (2) weeks:

- ◆ "Can we define fair and equitable and develop methods for calculating the amount?" ("Regulations" Section of Matrix)
- ◆ "No fix formula for counting AI numbers for new Tribes coming on" ("Regulations" Section of Matrix)
- ◆ "Where is current report information being provided (i.e., to leg.gov sub)? Should there be a defined process to communicate the report to (leg/gov)?" ("Reporting" Section of the Matrix)
- ◆ Reconciliation ("Reconciliation" Section of the Matrix)

- Rosi will update the meeting matrix and distribute it to the group.

▶ **Assignments:**

- STRO will incorporate revisions to the draft WACs based on the comments received at the meeting. The revised WACs will be e-mailed to the Workgroup by March 11, 2009.

Please provide your suggestions and comments to these revised WACs by 4/13/09 to:

Sarah Colleen Sotomish
Administrator, State Tribal Relations Office
PO Box 45857
Olympia, WA 98504-5857
(360) #725-4661
Fax (360) #413-3123
SOTOMSC@dshs.wa.gov.

- Sarah Colleen will send out response papers on the Matrix topics she agreed to provide within approximately two (2) weeks
- As requested at the meeting, STRO will review the reciprocity language in the Data Share Agreements concerning the Department's obligation to maintain the confidentiality of Tribal TANF program records.

- IPSS will complete and distribute the updated matrix.

▶ **Next Meeting:**

- The next WAC Development Workgroup meeting will be held as part of the IPAC ESA-DVR Subcommittee meeting on June 1, 2009. The meeting will be held at the same location as the March 2nd meeting: Capital View 1 Building, 712 Pear St SE, Olympia, WA.
 - As requested, future IPAC ESA-DVR Subcommittee meetings will begin at 10:00 a.m. to make it easier for those with a long drive to attend the meetings.