

Attachment – Detailed Review of Concerns

For each of your concerns, we have reviewed King County records, interviewed King County staff who are knowledgeable about the program and reached out to the school district for further clarification.

I. King County and King County's partners do not have access to any identified student data.

You have expressed concern that student information collected through the SBIRT questionnaire is not anonymous and not aggregated.

King County and King County's partners do not see identified student data and only have access to de-identified data. In limited circumstances, *only providers* (e.g. a counselor, interventionist, school nurse) working directly with the student to provide help and prevent harm will see any identifiable responses.

The aim of this initiative is to prevent substance use and promote social-emotional health. While we have determined that identifiable, non-anonymous records that include student names, and the answers to the survey questions exist, maintaining these records is appropriate given the use of the data for direct interventions with students.

The data is used in several ways. First, it is designed to directly respond to young people who might need support. The screen also helps schools better identify services, supports, and resources that may be of help to all students in their schools, especially those that struggle with being able to voice concerns and issues that affect them. Finally, the data from the screen will allow us to evaluate how well this program is identifying and supporting youth and their families in middle schools throughout King County.

Only those working directly with the student to provide help and prevent harm will see any identifiable responses. Schools have partner organizations listed in their Implementation plans to whom they will refer on a case by case basis. These partners do not receive the data only a referral from the counselor/interventionist. The referral will be based upon the conversation with the student if they were identified as needing a follow-up based on the screen.

II. Only King County Program Evaluators have access to de-identified data.

You have expressed concern that the research team and King County have access to student data.

We have determined that King County staff has access to only de-identified data for the purpose of data evaluation and that this access is appropriate. Only program evaluators can access this de-identified data, and this access is strictly limited to the purpose of program audit and monitoring. This access is necessary to allow King County, as a funding agency, to audit and evaluate the program. As a guardian of public funds, it is the county's role and duty to ensure that all county funded programs are executed as specified in the contract and to the benefit to the residents of the county.

III. Parents are provided notice and parental consent is required before entry into SBIRT.

You have expressed concern that parents were not asked to give consent.

Based on interviews and documentation provided by the school district, we have determined that parents were asked to give consent and allowed an opportunity to opt-in or opt-out of the program. Students are also allowed to opt-out at any time if they wish. The school district's notification and consent process has been reviewed and approved by the school district general counsel.

The responsibility to implement a consent process lies with the schools. As a program funder, King County monitors schools to ensure that they meet this obligation. Beyond this regular monitoring, after we received your concern, we contacted the school district to obtain the most current information on their consent process.

The school district responded that each school developed and implemented their own parent engagement plan in line with SPS School Board policies and applicable laws. This includes that all schools administering the SBIRT screening tool sent parents/guardians direct written notification regarding the program in the beginning of the school year as part of the Back to School packet for all students, which parents are required to sign and return. Schools also posted information about the program on their school website and hosted SBIRT information tables at their curriculum nights. The district further reported that many of its schools led additional SBIRT engagement activities such as parent education events, presentations at PTSA meetings, and direct emails from school staff.

You also raised the question about when consent is required during the creation and disclosure of educational records. For educational records questions, please contact the school district or individual school. King County does not have jurisdiction over educational records.

IV. SBIRT utilizes an Evidence Supported Questionnaire.

You have expressed concern that the SBIRT screening tool is not validated and asked why it was used instead of other tools available.

Evaluating the validity and appropriateness of the tool is a clinical task and is beyond the scope of what we can do as a privacy program. However, because we value the opportunity to examine the quality of our programs, we have reached out to the King County clinical staff on this topic. During the program design phase, King County clinical staff evaluated available questionnaires and determined that the Check Yourself questionnaire, which is evidence supported, was the best questionnaire available. Check Yourself was therefore adopted as the tool for the SBIRT program. Note that no privacy regulations determine the types of tools most appropriate to use—it is instead standard practice for clinical experts to make that determination.