

Complaint submission

July 21, 2023

Ombuds Office King County

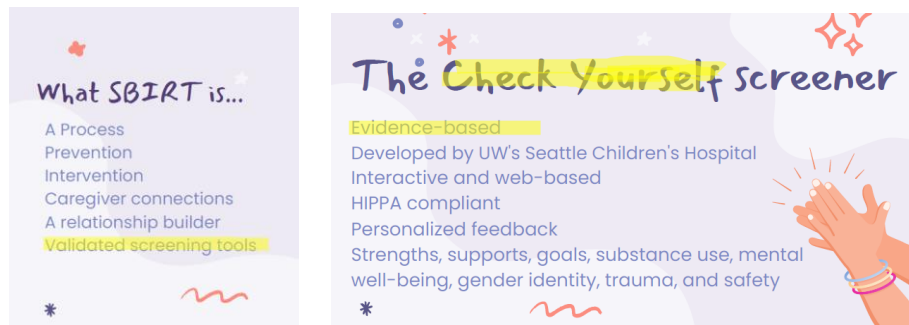
Re: School SBIRT program and Check Yourself

We are issuing this complaint to the Ombuds Office to append a prior complaint sent 3/6/2023 regarding King County's school SBIRT program that administers Check Yourself in classrooms. We support screening students in schools and we understand the importance of mental health supports.

Our complaint regards parents being told that the Check Yourself tool being administered

- is validated
- is evidence-based
- and was previously used in emergency rooms and doctor offices

Here are screenshots making some of these claims to families:



slides from school district slideshow in board meeting about King County program - June 2023

Questions within the screener looked peculiar, unprofessional, and odd. In several batches of public records requests we found that what we have been told is not true, and that the screener being used:

- is not evidence-based
- is not a validated screening tool
- was never used in an emergency room nor doctor's office
- was never tested on children prior
- is constantly changing and is being tested (i.e. "Research and Development") on our children without our knowledge
- is generating profit for researchers based on future sales of the tool they are developing
- is sharing highly sensitive health records "containing student PII" to King County and others without parental consent required by FERPA

For example, we were shown many emails within FOIA requests saying the opposite of what parents have been told, such as private emails by King County that say:

1. "The Check Yourself tool is a new adaptation and is addressing a different set of outcomes than any existing screener"
2. "King County could not find an appropriate, trauma informed, culturally responsive validated screener to use"
3. "The King County SBIRT workgroup looked at many existing evidence-based screeners but none were found to meet all the needs of this initiative"

4. “You are correct in saying that there is no research to date on this specific version of the tool”

We learned that screenings within schools should and normally have safety measures in place, as identified by the U.S. Department of Education, OSPI, the federal agency SAMHSA, and Washington State law that say:

- RCW 43.20C.005 Prevention and intervention services delivered to children and juveniles in the areas of mental health, child welfare, and juvenile justice be primarily evidence-based and research-based
- “Screening tool(s) selection should be evidence-based tools”
- “Select an appropriate screening tool it must be reliable, valid, and evidence-based”
- “Important considerations for screening tool use is whether the tool is reliable, valid, and evidence based (i.e., it has been studied and found effective for their specific population and areas of interest)”
- “When selecting a universal SEB screening tool leadership teams should consider the extent to which a universal screener is technically adequate. Technically adequate screeners are supported by multiple forms of psychometric evidence”

We viewed hundreds of reports and emails from public records requests where school districts reported multiple safety concerns to King County about this screening program and the tool the county selected which we discovered is undergoing significant research and development. Some of the safety concerns raised by school officials were cited in the 3/6/2023 complaint, and more are attached below:

Surprising discoveries within King County’s internal/private communications:

Within large batches of emails and reports obtained through public records requests we found these discussions and reports by King County employees and school district employees to the King County SBIRT management staff:

- Within King County leadership - *“I think there is a fundamental challenge in calling this Best Starts for Kids project SBIRT. It is reasonable to expect that the ‘this is not SBIRT’ argument will persist. It’s hard to walk the line of “experimenting” on kids”*
- Within King County leadership - *“My experience in school settings is that parents are fairly well versed in what to expect for their children, and typically that comes in the form of validated tools, evidence-based curricula”*
- Within King County leadership – *“there will inevitably be a question asked around where the tool comes from and who was is it validated to because that is the expectation in schools”*
- Within King County leadership – *“I received very similar questions around whether or not the strategy involved validated tools, an evidence base, why or why not”*
- Within King County leadership – *“The screener is pretty new and being tested with middle schools and I don’t think we are ready to answer all the questions that will ensue”* by making it publicly available through the media
- Within King County leadership - *“I agree 100% - not really ready for mass media consumption” “it may open up pandoras box of questions and concerns”*
- Within King County leadership to the research team members - *“How do we address the validated tool question from school officials?”*
- Within King County leadership – *“The screener tool has been undergoing constant evolution”. There has been “a lot of modifications and adaptations”*

- Within King County leadership – Researchers will “receive direct compensation; related to the future sales of the tool” and writes “I have a financial conflict of interest in a program that will be evaluated” with middle schoolers during their regular school day
- From School District leadership – “I have received questions, asking why we aren’t just using the validated screen below (I do not believe the county is funding this screen): Validated SBIRT for Teens S2BI?”
- From school district director & superintendent to King County leadership – “Check Yourself reliability and validity studies? I was unable to find any studies on the validity and reliability of Check Yourself as a universal screener for middle school students; concerns have arisen about the survey” [this school district pulled out of the program calling it ‘inappropriate’]
- From school district director & superintendent to King County leadership – “The school determined that some of the questions are intrusive; we have many vulnerable families and from traditionally marginalized and oppressed communities; there is a lack of clarity around the validity and reliability and vetting of the screening tool; We are unsure if we are being asked to field test a research or diagnostic tool; We have concerns about ensuring clear and consistent informed consent communications and procedures for the community we serve”
- From school district director & superintendent to King County leadership – “We would like a really crystal clear understanding of how to approach the question of reliability and validity of the Check Yourself tool. For what purpose is the Check Yourself tool intended? Is there designs to make it psychometric product? What can we tell families to assure them that sensitive information will be used respectfully and in compliance with applicable laws and ethical standards? It really is causing considerable angst for practitioners (and families)”
- Within a school district on the private School Counselors alias: “it is too personal, what would we do with the information, not confidential; we are NOT going to give it to students”
- School Principal to School Board: “The sexual identity questions were the ones that we – for the kids too – they wondered why is that important? What to make of that? Why are you asking me that? There were concerns from some of my staff”
- From school officials to King County leadership: “We found it was hard to maintain student privacy and discourage them from looking over each other’s shoulders”
- From school officials to King County leadership: “Been difficult to ease confusion and distress from parents about the goals of this program”
- From school officials to King County leadership: “We have faced concerns from our school board about the confidentiality and validity of the screener”
- From school officials to King County leadership: “Students were reluctant to share personal information due to the lack of anonymity in the survey”
- From school officials to King County leadership: “We felt some students took it out of reluctance and didn’t feel like they could actually say no”
- From school officials to King County leadership: “Interventionists struggled with navigating and confidentiality and buy in from school counseling staff and school psychologists”

PARENTS ARE TOLD NONE OF THAT.

We have those same questions and concerns and are seeking answers from King County. We have 5 requests in this complaint:

- 1) The above **safety measures** be put in place in future roll outs of the program
- 2) That only a **validated**, and “**evidence-based**” screening tool(s) are used in the future administration of this program to students attending Washington state K-12 schools

- 3) That individual student health records generated by this program are not disclosed to any third parties outside of the school without first obtaining signed parent consent to release any records containing (what the data sharing contracts refer to as student) “PII” Personally Identifiable Information and “PHI” Protected Health Information that are supposed to be protected from disclosures by FERPA and HIPAA
- 4) A report from King County on the vetting process applied to the authorization of the selection of this non-validated tool, and names of who is accountable to these authorizations
- 5) An explanation in writing why the public is falsely provided communications it is a “validated” and “evidence-based” screening tool and evidence-based SBIRT program when your internal documents and emails among each other that clarify it is not

Signed:

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