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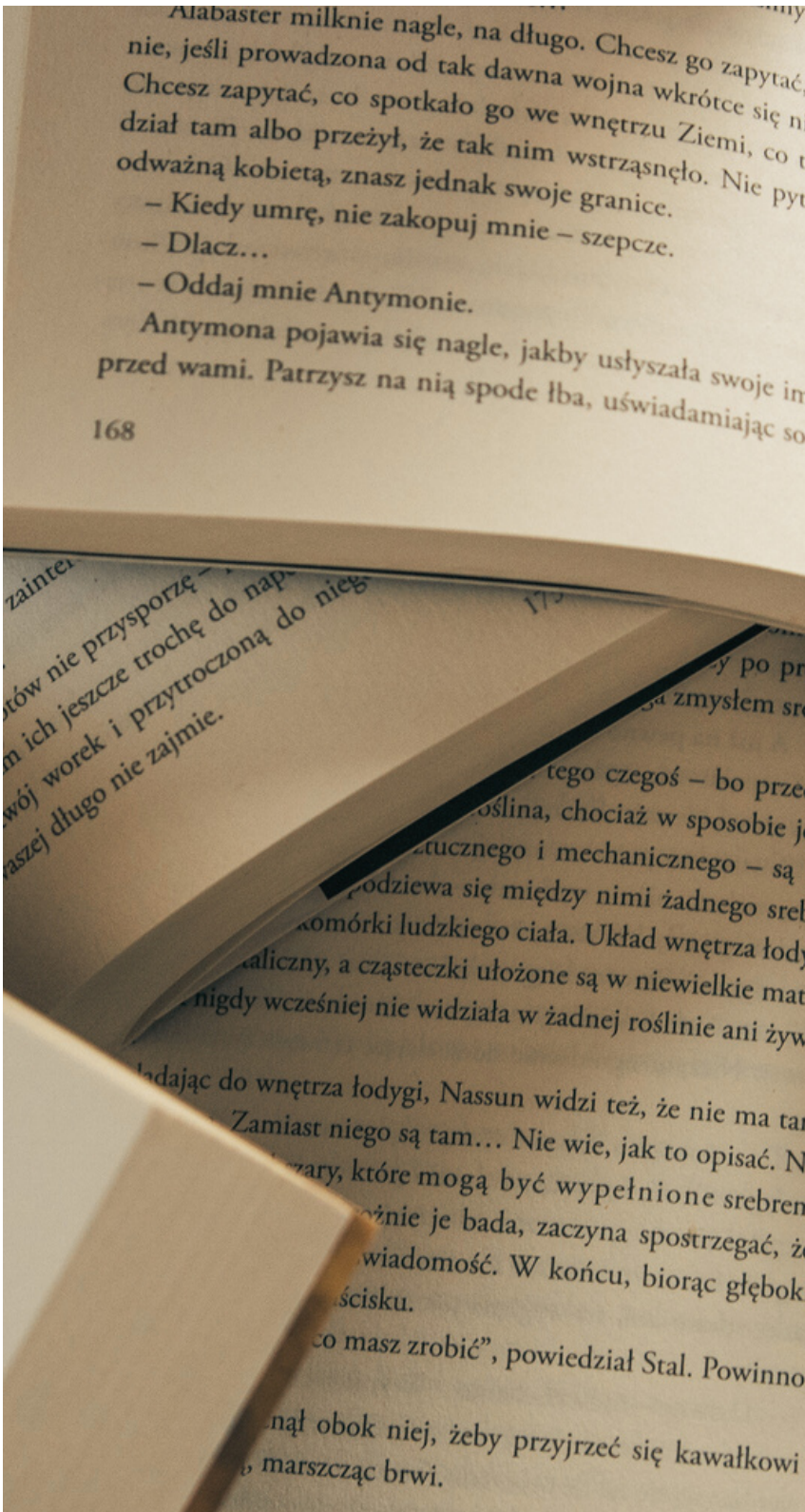
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WHAT'S THE PROBLEM?

As the landscape of Artificial Intelligence (AI) continues to expand at a rapid pace, it becomes imperative to not only understand how this technology works, but what role it plays within our existing systems and institutions. AI, with its capacity to write code, generate images, and create content, has the ability to transform the state of K-12 education as we know it. While this technology can be a valuable tool for students and teachers alike, there are nevertheless some serious ethical and learning implications that must be addressed to maximize the utility of AI. As more industries are beginning to adopt AI within their systems, it is critical that students familiarize themselves with this technology to be able to act competitively within the workforce and function in a post-AI society. Given the advancement and prominence of AI, it is more of a risk to ignore this technology than it is to implement it safely. However, considering the risks associated with AI, policymakers and lawmakers must provide adequate guardrails to protect students, educators and administrators from threats of bias, autonomy, privacy and surveillance within K-12 learning.

As AI systems continue to evolve, the demand for regulation grows stronger. Students, teachers and administrators have expressed concerns regarding the use of AI within K-12 education, calling for a stronger governmental voice to facilitate the application of this technology (Richards, 2023). In August of 2023, The Center on Reinventing Public Education (CRPE) used focus groups to survey school and district administrators, finding that the majority of participants would like more state-guidance on using generative AI ethically and responsibly (Richards, 2023). Further, The American Federation of Teachers (AFT), one of the largest teacher's associations in the U.S., has acknowledged that AI systems, such as ChatGPT, can be a useful tool to compliment educators, but this technology must include guardrails to protect student's privacy and security (Cerullo, 2023). Thus, it becomes imperative that policymakers and lawmakers define these guardrails, issuing a clear and regulatory framework to be able to use AI accordingly.



EXISTING LEGISLATION

FEDERAL

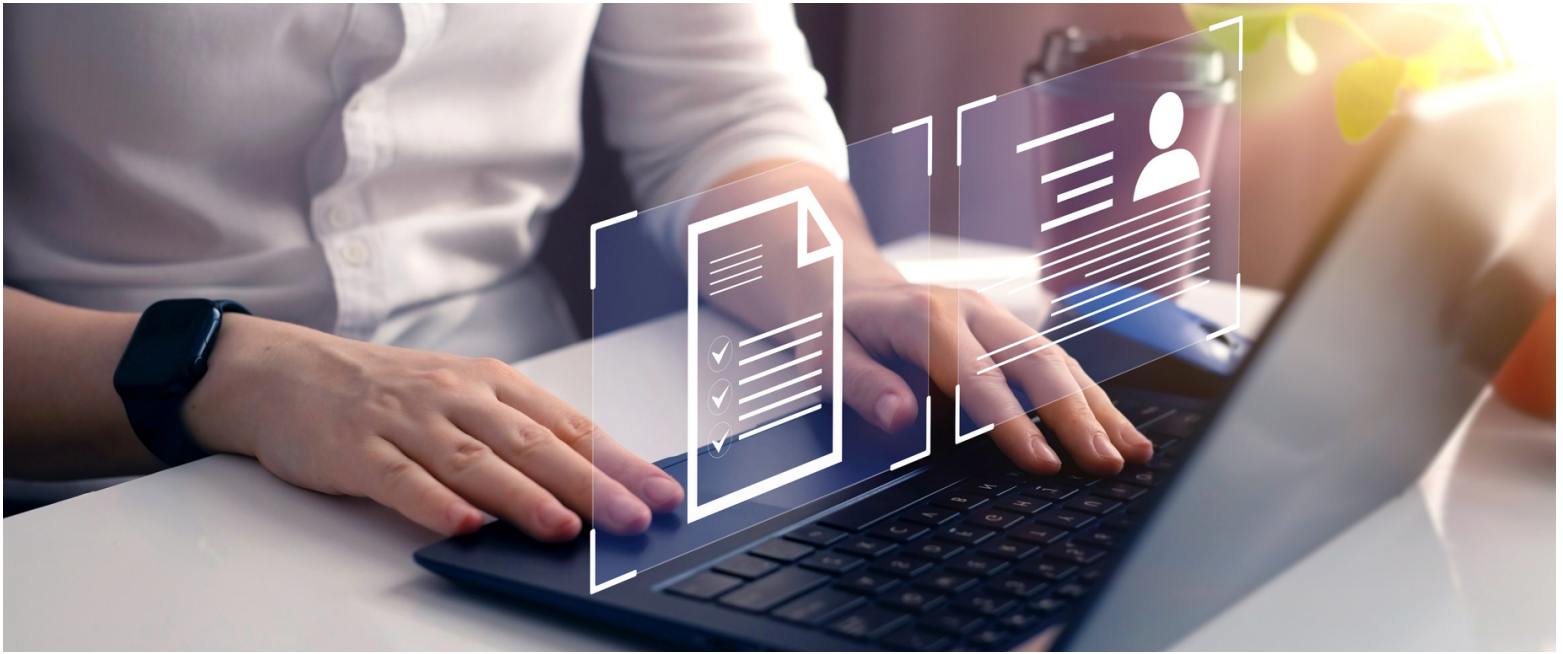
At the federal level, guidance regarding the use of AI is lagging. While President Biden issued an executive order in October of 2023 that aimed to foster equity and innovation as the use of AI progresses (Biden, 2023), this memo left American with unanswered questions regarding the role of key stakeholders such as educators, researchers, and academics.



STATE

At the state level, guidance has become a game of Hot Potato, directing AI regulation into the hands of district administrators. The inability of federal and state governments to act collectively has resulted in an educational environment that is disorganized and unethical. Students in districts that have not adopted guidance are subject to dissimilar, inequitable impacts.

In 2023, the Center for Reinventing Public Instruction (CRPE) reached out to all 51 State Departments of Education, requesting updates on their approach to AI guidance. From this, only two states, Oregon and California, reported having formal guidelines on the use of AI, while duly recognizing the potential unintended consequences of this technology. A focus of Oregon's guide are the potential equity issues AI poses for marginalized students, stating, "While digital learning and education technology has the potential to address inequities when implemented with an equity focus and mindset, in the absence of this intention, digital learning and education technology can also exacerbate existing inequities" (Oregon Department of Education, 2023). Oregon's guide claims that while digital learning has the power to transform education, this technology raises concerns of bias, inaccuracy, plagiarism, copyright, and access. To mitigate these challenges, Oregon's guide includes some training ideas for schools and educators to employ. California's guidelines follow similar suggestions, offering a proposal for how educators can combat issues such as inaccuracies and biases. However, there has been limited communication of this guidance to the respective school districts and administration. Apart from Oregon and California, 11 states have reported that they are currently in the process of developing guidelines. These states have either confirmed a commitment to introduce official guidance at a later point, or have made informal recommendations. Nevertheless, one-third of U.S states did not respond to the CRPE's request and have not introduced any public-facing guidance.



ROLE FOR GOVERNMENT

According to the Oregon Department of Education, digital learning and technology has the power to address inequities when implemented with a population-specific focus, however, without proper regulation, this technology can amplify, rather than improve, inequity within K-12 education (Admin, 2023) As mentioned in previous sections, existing state-level guidance is broad and avoids regulatory-language. Thus, it becomes necessary for governments to issue clear and concise guidelines regarding the use of AI with K-12 education to ensure that this technology is being used ethically and effectively.

While it is natural to question if issuing federal or state guidance is wise considering the changing nature of AI, the more widespread this technology becomes, the more likely it is that this technology will be misused.

As AI becomes increasingly advanced and integral within our existing institutions, it is critical that students, educators and administrators are adequately prepared on how to use this technology to maximize its benefits and minimize the risks that it poses. So, policymakers and lawmakers must adopt guidance, whether this is at the state, federal or district level, to keep up with the ever-changing digital landscape and sufficiently prepare students to enter a post-AI society. Given the shifting nature of AI, contemporary regulation would not be a be-all, end-all solution. However, it would lay the foundation for AI policy, allowing policymakers and lawmakers to make amendments as this technology progresses.

POTENTIAL PATHWAYS:

Given the prior information and findings, the memo offers three potential pathways to addressing the use of AI within K-12 education; (1) a federally funded mandate, (2) an unfunded mandate that requires state-level guidance with active communication to school districts, and (3) a temporary federal ban.

01

Federally-Funded Mandate

To avoid conflicting state guidelines and uneven implementation, the first policy alternative suggests that the federal government adopts official guidance through grants.

02

Federally-Unfunded Mandate

The second alternative suggests that the federal government would issue an unfunded mandate, leaving states to issue their own guidance. State-level guidance would ensure that regulations are clearly defined and even across state-wide districts.

03

Temporary Federal Ban

The final alternative is for the federal government to issue a temporary ban until policymakers and lawmakers can generate sufficient research regarding the utility and limitations of this technology. Generative AI is still relatively new and the tool ChatGPT was only launched in November 2022.



POLICY RECOMMENDATION

Due to the varying nature of district administrations and guidelines across state lines, we recommend that the federal government release an **unfunded mandate** that requires states to generate their own guidelines regarding the use of AI. Within the U.S, education is generally a state and local responsibility. So, while the federal government may issue a recommendation based upon its current understanding of AI, official guidance should be directed into the hands of state governments to better align their respective AI policy with other legislation around K-12 education. However, contrary to Biden's Executive Order in October, we recommend that this mandate includes **specific recommendations** states may adopt while acknowledging **potential risks** that digital learning poses within K-12.



IMPLICATIONS FOR GEN Z

Based on our policy recommendation, AI in education needs more guidance through state governance. Even though AI in education can help with new tools for learning, it also can lead to inequity, plagiarism, and lack of privacy. Due to these issues, clear guidelines will be needed to help mitigate these effects on a state level. Students who are beginning their education starting off with using AI, won't have had the experience of school without these tools, making it more important for regulation to occur. **Through an unfunded mandate, educators can implement specific recommendations and have consistent practices across all K-12 classrooms.** Older members of Generation Z who are becoming educators will also benefit from this guidance as those members of Gen Z did not go through school with generative AI. Therefore, it is necessary to have a federal unfunded mandate and to act on this issue quickly.



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