

MODEL POLICY

The K-12 Artificial Intelligence in Education Transparency Act

Section 1. Purpose and Findings

The Legislature finds that:

1. Parents have a fundamental right to direct the education and upbringing of their children.
2. Artificial intelligence technologies are increasingly used in K-12 classrooms and school operations.
3. While artificial intelligence may offer instructional benefits, its use also presents risks, including data privacy violations, diminished academic integrity, ideological bias, and inappropriate replacement of human educators.
4. Transparency, parental consent, and clear limitations are necessary to ensure that artificial intelligence is used responsibly and consistent with constitutional principles and local control.
5. The strict scrutiny test used by courts to evaluate cases concerning fundamental rights is the correct standard of review. It requires the government to prove that the law is narrowly tailored to achieve a compelling government interest while using the least restrictive means.

Therefore, the purpose of this Act is to establish a framework that protects parental rights, student data privacy, and instructional integrity while allowing limited, responsible use of artificial intelligence in K-12 education.

Section 2. Definitions

As used in this Act:

1. **“Artificial intelligence” (AI)** means any software system that performs tasks normally requiring human intelligence, including machine learning, natural language processing, predictive analytics, or automated decision-making.
2. **“Generative artificial intelligence”** means artificial intelligence capable of producing new text, images, audio, video, or other content.
3. **“School entity”** means a public school, public charter school, school district, or other public education authority.
4. **“Student data”** means any information directly related to an identifiable student, including academic records, behavioral data, biometric identifiers, or online activity.
5. **“Parent”** means a parent or legal guardian of a student enrolled in a school entity.

Section 3. Parental Notice and Consent

1. A school entity shall not require or permit a student to use artificial intelligence or generative artificial intelligence as part of instruction or school-sponsored activities without first obtaining written, opt-in parental consent.
2. Each school entity shall provide parents, not less than annually, with a written disclosure identifying:
 - a. All artificial intelligence tools in use;
 - b. The vendors providing such tools;
 - c. The categories of student data collected;
 - d. The extent to which student data is shared; and,
 - e. The educational purpose for which each tool is used.
3. A parent may revoke consent of any AI-based tool, assignment, or assessment at any time.
4. A student who opts out shall not be academically penalized or denied access to core instructional content.

Section 4. Limitations on Classroom Use

1. Artificial intelligence shall not replace a licensed teacher in providing core academic instruction or assigning final grades.
2. A school entity shall not deploy artificial intelligence systems that:
 - a. Profile or categorize students based on political beliefs, religious beliefs, or personal values;
 - b. Conduct psychological, emotional, or behavioral assessments without explicit parental consent; or
 - c. Make automated disciplinary or student placement decisions without meaningful human review.
3. Any instructional content generated by artificial intelligence must be reviewed and approved by a licensed teacher before being provided to students.

Section 5. Student Data and Privacy Protections

1. Artificial intelligence systems used by school entities shall collect only the minimum student data necessary to achieve an approved educational purpose.
2. Student data collected through artificial intelligence:
 - a. Remains the property of the student and parent;
 - b. May not be sold, shared, licensed, or used for commercial advertising or profiling; and
 - c. Shall be deleted within a defined period unless retention is required by law.

3. A school entity or vendor shall not collect, store, or analyze biometric data, including facial recognition data, voiceprints, or emotional analysis, without case-specific written parental consent.

Section 6. Academic Integrity

1. School entities shall adopt policies governing student use of generative artificial intelligence for coursework.
2. Students may not use generative artificial intelligence to complete graded assignments unless expressly authorized by a teacher for a defined instructional purpose.

Section 7. Transparency and Accountability

1. Each school entity shall maintain publicly accessible information identifying approved artificial intelligence tools and their intended uses.
2. Parents shall be notified promptly of any unauthorized disclosure or breach of student data involving artificial intelligence systems.

Section 8. Enforcement

1. Compliance with this Act is a condition of participation in state-funded education programs.
2. A school entity or vendor that violates this Act may be subject to contractual remedies, administrative penalties, or other remedies provided by law.
3. A parent whose rights under this Act are violated may seek injunctive relief or damages in a court of competent jurisdiction.

Section 9. Construction

Nothing in this Act shall be construed to:

1. Require the use of artificial intelligence in K-12 education;
2. Limit parental authority over a child's education; or
3. Expand state control over curriculum or local school governance beyond existing law.

Section 10. Effective Date

This Act shall take effect on a date determined by the enacting state.

