



AI Resources Guide for IT Teams

SUMMER 2024

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Introduction and Purpose

Artificial Intelligence (AI) offers big opportunities and challenges for schools. Many agencies have released guidelines, checklists and policies to address multiple areas in which schools should address.

This document has been created by gathering several resources from CITE members, partners, and others and is focused on addressing the needs of the IT Professionals working in California schools.

The AI space continues to rapidly evolve so consider that these resources were gathered in early 2024. CITE will continue to provide resources and information as the landscape changes.

CITE staff is working with our legal team to add a new exhibit to the California Data Privacy Agreement to ensure any special circumstances around AI are addressed. This will be available by June 2024.

Guiding Principles

It is recommended that the organization develop some guiding principles to guide staff on how to approach the AI policy and decision making process. AI can change the way humans work but should not replace humans when staff and students are involved.

It is also important to avoid fully banning the use of AI. AI tools can help improve workflow, simplify tasks, and assist teachers. Leveraging the use of AI and understanding that the technology is evolving makes the guiding principles important. There are some AI tools that are already widely used such as spelling and grammar checking. This is traditional AI, which is rule-based and relies on programming code to make decisions. Generative AI uses the data entered to learn how to make better decisions. Chat GPT, for example. This means that the data entered into Chat GPT, for example, could show up in the answers to the questions entered. This presents a privacy risk.

Although this is not strictly an IT issue, IT leadership and staff should be part of this discussion. This will ensure that the principles align with IT standards and practices.

Policies Review

There are current policies in place in every LEA. Reviewing and updating policies relevant to the use of AI can help create guiding principles for staff and shows the public that the LEA is addressing AI.

A general use guideline can also be developed regarding the use of AI.

Areas to review include but may not be limited to:

- **Administrative Regulations**
- **Standard Contract Language**
- **Acceptable Use Policies (AUP)**
- **Student code of conduct**

Samples of these policies can be found later in this document.

Contract Reviews

When new capabilities are released in applications already in use, the current contracts should be reviewed, including the Terms of Service. Some items to consider include, but are not limited to, identifying if the intended users are students and if the use is limited to students above a certain age.

The contract should clearly state how LEA provided data will be used, stored, and retained. It should also state if the data is used for AI training or tuning purposes. This verbiage should be in place regardless of whether or not the data is used for AI. If student data is entered, the contract should clearly state whether or not that data is used to train the AI models. Students may be entering sensitive personal information.

The newest version of the California Student Data Privacy Agreement will include an exhibit specifically addressing AI. The new version will be available this summer and will be available from CITE. Contact privacyservices@cite.org.

Vetting Current Applications for Use in the Organization

In California, since the enactment of education code 49073.6, schools have been tasked with ensuring that any applications used for instruction follow the student data privacy laws at both the federal and state levels. While many aspects of AI are already covered under existing law, it is important to remember to apply the guidelines for compliance with existing applications as they are updated to include AI capability.

Does the application align with the organization's instructional and overall goals? If guiding principles around AI are in place, how does the application compare? LEA leadership has a responsibility to evaluate any new application or updates to existing applications to ensure compliance is met.

Bias

There are documented concerns of bias and fairness in current AI Technologies. AI models have inherent biases based on the data used to train it. Is the company aware/taking any actions to combat bias? Also, hallucinations are a concern where generative AI models generate fictitious, fabricated results.

Privacy

Safeguarding the privacy of stakeholders is not new. It is an essential task to complete anytime a new application is introduced or when new features are added. The user should maintain control of how AI features are implemented. When implemented, user protection should be a priority. To ensure the vendor is aware of the state and federal laws regarding student data privacy, check to see if they have signed a data privacy agreement. California has adopted a statewide data privacy agreement (CA-DPA) that is piggy-backable.

Privacy (Continued)

Has the vendor confirmed that any user-provided data (user prompts, supplied data, generated output, etc.) will remain the property of the LEA and that no LEA data will be retained past the timeline specified in the privacy agreement and/or terms of service (TOS)? Has the vendor confirmed that any user-provided data (user prompts, supplied data, generated output, etc.) will remain the property of the LEA and that no LEA data will be retained past the timeline specified in the privacy agreement and/or terms of service (TOS)?

Does the vendor's privacy policy address FERPA, SOPIPA, COPPA, CCPA, and any AI specific laws?

User Training

AI doesn't work without user interaction. Generative AI works in the background and the user won't know it. As it develops, it is important to continually train users to help them understand the importance of data safety and privacy. Teachers and students should be trained as end users to not input any sensitive or identifying data to minimize risk in the event of a leak. Remember to continue training as new staff and students enter the environment.

Technical Checklist for AI

Special thanks to the San Bernardino Superintendent of Schools for their work on this checklist.

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- Has the application been vetted by LEA leadership for alignment with instructional and organizations goals?
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- Has the LEA reviewed the vendor's Terms of Service (TOS) to ensure compliance (i.e., if intended users are students, does the vendor prohibit children under the age of X from using the applications)?
-
- Does the LEA have board policy, administrative regulations, and general guidelines regarding the use of AI.
-
- Does the staff AUP include guidance about appropriate use of AI, including language about secure and safe data sharing practices?
-
- Is the product hosted or on-premises?
-
- If hosted, has the vendor signed LEA's data privacy agreement? If not and unwilling to do so, consider parent waiver.
- Has the vendor detailed how LEA provided data (user prompts, supplied data, generated output etc.) will be used for training and tuning?
 - Has the vendor confirmed that any user-provided data (user prompts, supplied data, generated output, etc.) will remain the property of the LEA and that no LEA data will be retained past the timeline specified in the privacy agreement and/or terms of service (TOS)?
 - Has the vendor confirmed that any user-provided data (user prompts, supplied data, generated output, etc.) will remain the property of the LEA and that no LEA data will be retained past the timeline specified in the privacy agreement and/or terms of service (TOS)?
 - Does the vendors privacy policy address FERPA, SOPIPA, COPPA, CCPA, and any AI specific laws?
-
- If hosted, what firewall and filtering changes will be necessary?
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- If hosted, do you need to make changes to your PAT or NAT pools to ensure on your firewall to ensure uninterrupted access?
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- If hosted, does the application support SSO or federated loggings for easy account management? If not, how will the LEA manage accounts?
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- Are existing user devices compatible with and capable of supporting the application?
-
- If hosted, does the application require a cell phone to register an account (ChatGPT)? If so, how will the LEA manage registration? Consider involving HR early to address any bargaining unit issues that may come up from the use of personal devices.
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- If hosted, how is billing handled? PO? Credit card, on an account-by-account basis? If a credit card is the only option, consider involving Purchasing and Business Services to discuss challenges with billing management.
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Technical Checklist for AI (Continued)

- If hosted, will users be expected or allowed to provide LEA data when using the application? If yes, how will users access the data?
- If users are expected or allowed to provide student or staff data when using AI agent, have clear guidelines been established detailing what data is allowed to be shared?
 - SIS/Assessment reports available from user accessible reporting options?
 - Automated regular extracts uploaded at district-level?
 - If yes, did the vendor provide a data map detailing the fields and formats for the data?
 - API-based integrations with specific applications?
 - If yes, are targeted applications compatible?
 - Has the AI vendor detailed what fields will be called and the frequency of the API requests?
 - How will performance of applications be affected by API calls?
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- If on-premises, what are the storage and processing requirements?
-
- If on-premises, are there any 3rd party integrations with hosted applications?
- If so, how will data be exchanged with 3rd party applications?
 - Are 3rd party applications accessing LEA's student or staff data? If so, have they signed LEA's privacy agreement?
 - If not, consider parent waiver.
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- How will users be trained on appropriate and effective use of application?
-
- If an existing approved and used application adds AI capability, have you checked with the vendor to confirm that current data privacy agreement covers AI features?
- What data elements of existing approved applications are used by new AI features?
 - Has the vendor confirmed that any user-provided data (user prompts, supplied data, generated output, etc.) will remain the property of the LEA and that no LEA data will be retained past the timeline specified in the privacy agreement and/or terms of service (TOS)?
-
- If students are expected to use the application, how will they access it?
-
- If on-premises, what are the storage and processing requirements?
-
- How will it be rostered?
- Google Workspace or M365 integration?
 - Classlink, Clever or other SSO?
 - Nightly extracts/uploads and individualized accounts?
-
- Is the use of AI tools covered by student RUP/AUP?
-
- How will the system be monitored for appropriate use and/or abuse?
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- Will parents/guardians have access to the student tool?

Sample Policies

These sample policies & resources were developed by the Fagen, Friedman, & Fullfrost (F3 Law) law firm in mid 2024 for the San Bernardino Superintendent of Schools. As AI capabilities develop, policies may need to be updated. Use these policies only as examples. Special thanks to F3 Law and San Bernardino Superintendent of Schools for their contribution.

- [Legal Considerations for AI](#)
- [AI Contract Review Flowchart for Student Data Resharing & Parental Consent](#)
- [Sample Parent Consent Form](#)
- [Sample Student AUP](#)
- [Sample Employee AUP](#)
- [Sample Use of AI Policy](#)

Other Resources

- [WestEd](#)
- [California Department of Education](#)
- [ISTE Mini eBook Final](#)
- [Council of Great City Schools/CoSN](#)