Adoption of Board Policy 0441, Artificial Intelligence

ATTACHMENT B: INDIVIDUAL BOARD MEMBER SUBMISSION (FOR DISCUSSION ONLY)

The following document was submitted independently by Trustee Dr. Erin Evans. This document has not been vetted or recommended by the SDCOE Policy Committee, the County Superintendent, or Legal Counsel. It is included in the agenda packet at the direction of the Board President for discussion purposes only during the First Reading of Board Policy 0441, Artificial Intelligence. In accordance with Board Bylaw 9310 - Board Policies, the official recommendation before the Board remains the draft submitted by the Board-appointed Policy Committee.

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0441 BP ARTIFICIAL INTELLIGENCE - NEW

The San Diego County Board of Education ("County Board") recognizes the transformative potential of Artificial Intelligence ("AI") to increase student and staff access to useful information; support educator effectiveness; expand educational access for students, including students with disabilities and multilingual learners; and improve the efficiency of educational and operational services. The Board equally recognizes the potential for AI to threaten equity, socioeconomic status, and belonging, as well as undermine student achievement, academic integrity, data privacy, and well-being of students and staff.

Definitions

AI is defined as an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer, from the input it receives, how to generate outputs that can influence physical or virtual environments. (Education Code 33328.5.) Given the evolving nature of AI, including but not limited to large language models, known as "generative artificial intelligence," more specific definitions and parameters of AI use shall be set forth in Administrative Regulation 0441, Artificial Intelligence.

Principles

The County Board is committed to supporting the responsible, ethical, and human-centered approach to AI by students and staff in accordance with the following principles:

1. Student-Centered: When used for student instruction, efficacy of AI tools shall be verified by empirical research to ensure the enhancement of learning experiences for each student and in support of digital citizenship and AI literacy.

2. Staff-Empowered: When used, AI shall serve as a tool to support existing staff in the performance of their duties and responsibilities. Decisions affecting San Diego County Office of Education ("SDCOE") students, employees, families, and/or operations shall rest with the professional expertise and human judgment of SDCOE staff and our union partners.

3. Ethical Use and Transparency: AI tools shall be approved and used ethically and transparently by all staff and students, with careful consideration of potential biases, and in compliance with all applicable intellectual property, privacy, and copyright laws.

4. Accountability and Responsibility: AI shall be procured, adopted, and used in a manner that ensures accountability by those who use it; those who use AI are responsible for that use in accordance with SDCOE administrative regulations, including when and how it is used and for verifying the accuracy and appropriateness of AI-generated content.

5. Equity and Access: Across all SDCOE schools and programs, when AI is used, it shall be implemented in a manner that ensures students' digital and data rights, including equitable access and learning opportunities for all students, regardless of background, ability, or socioeconomic status.

6. Secure and Private: SDCOE shall prioritize security of all student and employee data in existing practices, changes to existing practices, or in adopting new practices and tools that use AI, consistent with the Family Educational Rights and Privacy Act (FERPA), the Children's Online Privacy Protection Act (COPPA), the Student Online Personal Information Protection Act (SOPIPA) and SDCOE's cybersecurity and data privacy framework.

7. Environmental and Economic Stewardship: SDCOE recognizes that AI systems require significant natural, technological, and financial resources. When evaluating and adopting AI tools and infrastructure, SDCOE shall support environmental sustainability and responsible use of public funding that is aligned with our North Star goal of ending poverty.

8. Professional Development: SDCOE shall provide ongoing professional development and other learning opportunities for staff in all aspects of AI, with a particular focus on the ethical and responsible use of AI.

9. Community Engagement: SDCOE shall engage with students, families, employees and their union representatives to build our policy framework to enhance AI literacy training and explore the permitted and responsible uses of AI.

10. Continuous Improvement: SDCOE shall regularly evaluate the use of AI by students and staff and adapt its policies, procedures, and professional development to align with best practices, evolving technologies, and, when appropriate, state recommendations, including forthcoming guidance from student-led initiatives and model policies issued pursuant to Senate Bill 1288.

Implementation

SDCOE's use of AI shall be guided by the organization's North Star goal of reducing poverty and increasing belonging through in-person educational opportunities.

The county superintendent or designee shall ensure that the use of AI is consistent with this policy and with related Board Policies and shall establish Administrative Regulations and procedures to implement it, including a process for vetting and approving AI tools prior to use. Related policies include, but are not limited to:

1. BP/AR 4040, Acceptable Use of Technology

2. BP 0442, Cybersecurity

3. AR 6163, Student Use of Technological Resources

SDCOE Support to Local Educational Agencies

This policy governs SDCOE's internal use of AI by its students and staff. As a county office of education serving school districts, charter schools, and other local educational agencies, SDCOE anticipates a future addendum addressing the model frameworks, tool-vetting resources, professional learning, and shared services it may offer to support the responsible implementation of AI by the agencies it serves, while respecting the local governance authority of each agency's own governing board.

Board Policy: 4040

Administrative Regulation: 0441, 0442, 4040

Legal Reference:

Education Code

98, 33328.5, 49060-49085, 51006, 51007, 60010

Business & Professions Code

22584-22585 – Student Online Personal Information Protection Act (SOPIPA)

Penal Code

502

United States Code

20 U.S.C. 1232(g), 20 U.S.C. 1232(h), 20 U.S.C. 7101-7122, 47 U.S.C. 254, 16 C.F.R. 312, 34 C.F.R. 99