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AI in the Classroom – New Guidance From the Department of Education

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June 12, 2023

The U.S. Department of Education, Office of Educational Technology has published new guidance for educational institutions and policymakers as they consider the role of AI-based tools in education. This guidance is an important starting point for schools as they refine their data and AI strategies.

With the current focus on generative Artificial Intelligence (AI) and large language models, educational institutions must consider not only how to educate students about these technologies but also how to effectively integrate them into the classroom and business operations. In its new guidance, [Artificial Intelligence and the Future of Teaching and Learning](#), the Department of Education (DOE or Department) offers both practical and policy-based recommendations that should guide educators in these decisions.

Opportunities and Risks

The Department's guidance acknowledges that AI-based tools present immense opportunities for educators, including enabling new forms of interaction for students with disabilities or learning differences, offering adaptive learning opportunities, and providing more tailored feedback to students. This includes opportunities like using speech recognition to better serve students with disabilities and multilingual learners.

However, the Office of Educational Technology also highlighted the risks inherent in AI-based tools, which schools and educators must address. The Department specifically identified risks with respect to data privacy and security, discrimination, unfair automated decision-making, and plagiarism.

DOE Recommendations

In light of the opportunities and various considerations, the Department outlined several recommendations for schools and policymakers:

- *Emphasize Humans-in-the-Loop.* Educational institutions should not view AI as replacing teachers; but, instead, as a supplement and tool available to educators.
- *Align AI Models to a Shared Vision for Education.* The Department is encouraging all stakeholders to review educational technologies based on outcomes and the extent to which the AI-based tools fit in context with a broader vision of teaching and learning.
- *Design AI Using Modern Learning Principles.* The Department also believes that AI-based education tools must be based on well-founded pedagogical practices and learning principles.
- *Prioritize Strengthening Trust.* The Department is encouraging open dialogue between educators and industry participants to improve transparency and understanding around AI-based educational tools.
- *Inform and Involve Educators.* Training of staff will be a critical component of adopting and implementing any AI-based tool.
- *Focus R&D on Addressing Context and Enhancing Trust and Safety.* The Department has outlined specific goals for researchers in enhancing trust in AI-based systems and determining whether AI-based tools can provide relevant answers and support in context.
- *Develop Education-specific Guidelines and Guardrails.* The Department believes that additional regulatory efforts will be needed to address the use of AI in education and that existing laws and regulations related to student data privacy (such as the Family Educational Rights and Privacy Act

(FERPA), the Children's Internet Privacy Act (CIPA), the Children's Online Privacy Protection Act (COPPA), and state student privacy laws) will warrant review to consider emerging technologies in schools. Additionally, other laws, including the Individuals with Disabilities Education Act (IDEA), will be interpreted as new situations arise from the use of AI in the classroom.

Next Steps for Educational Institutions

As educational institutions develop overarching AI and data strategies, the recommendations from the Department of Education should be considered and form the foundation of an internal AI governance program. In addition, schools must also consider the issues presented by AI-based technologies when reviewing contracts, addressing intellectual property considerations, and training staff. The adoption of a data and AI governance program will help operationalize the Department's guidance and provide meaningful guardrails for schools and educators as they implement these technologies.

For assistance with the development of AI and data governance programs and strategy, or if you have any questions, please contact [Andrew Droke](#), [Melissa Grand](#), or a member of Baker Donelson's [Artificial Intelligence](#) or [Education](#) teams.