

AMENDED IN ASSEMBLY APRIL 18, 2024

AMENDED IN ASSEMBLY APRIL 8, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

## ASSEMBLY BILL

**No. 2652**

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**Introduced by Assembly Member Muratsuchi**

February 14, 2024

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An act to add Section 33328.5 to the Education Code, relating to the State Department of Education.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2652, as amended, Muratsuchi. State Department of Education: artificial intelligence working group.

Existing law requires the Superintendent of Public Instruction to establish procedures within the State Department of Education to, among other things, annually identify the critical needs for which effective educational programs and practices are to be identified, developed, and disseminated to public schools.

This bill would require the Superintendent, in consultation with the State Board of Education, to convene a working group, composed as provided, for specific purposes related to artificial intelligence in public schools, as specified. The bill would require, among other things, the working group to develop, on or before January 1, 2026, guidance for local educational agencies and charter schools on the safe use of artificial intelligence in education, and to, on or before July 1, 2026, develop a model policy for local educational agencies and charter schools regarding the safe and effective use of artificial intelligence in ways that benefit, and do not harm, pupils and educators, as provided. The bill would require the working group to, on or before September 1,

2026, report its findings and recommendations to the appropriate policy and fiscal committees of the Legislature, the Legislative Analyst's Office, the state board, and the Department of Finance, as provided. The bill would make implementation of these provisions contingent upon an appropriation by the Legislature, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares that there is  
2     an urgent need for state guidance and locally adopted policies  
3     regarding the safe and effective use of artificial intelligence in  
4     education to benefit and protect pupils and educators.

5     SEC. 2. Section 33328.5 is added to the Education Code,  
6     immediately following 33328, to read:

7     33328.5. (a) For purposes of this section, the following  
8     definitions apply:

9     (1) “Artificial intelligence” means an engineered or  
10    machine-based system that varies in its level of autonomy and that  
11    can, for explicit or implicit objectives, infer, from the input it  
12    receives, how to generate outputs that can influence physical or  
13    virtual environments.

14    ~~(1)~~

15    (2) “Educator” means a certificated or classified employee of  
16    a local educational agency or charter school.

17    ~~(2)~~

18    (3) “Local educational agency” means a school district or county  
19    office of education.

20    (b) The Superintendent, in consultation with the state board,  
21    shall convene a working group for all of the following purposes:

22    (1) Identifying safe and effective uses of artificial intelligence  
23    in education settings.

24    (2) Developing guidance on the safe use of artificial intelligence  
25    in education.

26    (3) Developing a model policy for local educational agencies  
27    and charter schools regarding the safe and effective use of artificial  
28    intelligence in ways that benefit, and do not harm, pupils and  
29    educators.

(4) Identifying other ways in which the state can support educators in developing and sharing effective practices involving artificial intelligence that minimize risk and maximize benefits to pupils and educators.

(c) The working group shall include all of the following:

(1) Current, credentialed teachers serving in elementary and secondary teaching positions.

(2) Classified public school staff.

(3) Schoolsite administrators.

(4) School district or county office of education administrators.

(5) University and community college faculty.

(6) Representatives of private sector business or industry.

(7) Pupils enrolled in public school.

(d) The working group shall do all of the following:

(1) (A) Assess the current and future state of artificial intelligence use in education, including both of the following:

(i) ~~The current state of~~ *How artificial intelligence use is currently being used* by local educational agencies and charter schools, including all of the following:

(I) ~~Technologies~~ *Which technologies are most commonly in use.*

(II) The typical cost of those technologies.

(III) The ownership structure of those technologies.

(IV) *The ownership structure of student- and educator-created materials resulting from the use of those technologies.*

~~(IV)~~

(V) The licensing agreements for those technologies.

~~(V)~~

(VI) The ability to access source code for those technologies.

~~(VI)~~

(VII) The degree to which educators ~~were~~ *have been* involved in the decision to use artificial intelligence.

(ii) Anticipated and potential developments in artificial intelligence technology in education.

(B) Conduct at least six public meetings to incorporate feedback from pupils, families, and relevant stakeholders into the assessment required by subparagraph (A).

(2) (A) ~~Identify safe and effective uses~~ *benefits and risks associated with the use* of artificial intelligence in education settings, including all of the following:

1 (i) The ethical, legal, and data privacy implications of artificial  
2 intelligence use in education.

3 (ii) Uses of artificial intelligence ~~to that~~ support teaching and  
4 learning, including ~~which~~ *how* pupils may benefit from, and avoid  
5 harm from, artificial intelligence technology. *from these*  
6 *technologies while avoiding harm.*

7 (iii) Uses of artificial intelligence ~~to that~~ support the work of  
8 educators, including ~~ways in which~~ *how* educators may benefit  
9 from, and avoid harm from, artificial intelligence technology. *from*  
10 *these technologies while avoiding harms such as deskilling.*

11 (iv) Strategies to ensure *pupils receive* equitable ~~pupil~~ access  
12 to the benefits of artificial intelligence technology.

13 (v) Strategies to provide effective professional development ~~for~~  
14 *to* educators ~~on the use of~~ *with respect to* artificial intelligence  
15 technology.

16 (vi) *The role that pupil and educator consent should play in the*  
17 *use of artificial intelligence technologies.*

18 (vii) *Strategies to ensure that pupil and educator feedback is*  
19 *continuously collected and considered as artificial intelligence*  
20 *technologies become more widely adopted.*

21 (viii) *The impact of artificial intelligence technologies on*  
22 *employment and labor dynamics within the education sector,*  
23 *including the relationship between job enhancement and*  
24 *replacement.*

25 (ix) *Strategies to ensure that the adoption of artificial*  
26 *intelligence does not exacerbate existing inequities throughout the*  
27 *education system.*

28 (B) In performing the work required by this subdivision, the  
29 working group shall solicit input from educators and pupils on  
30 their experience using the technologies identified in subparagraph  
31 (A).

32 (3) On or before January 1, 2026, develop guidance for local  
33 educational agencies and charter schools on the safe use of artificial  
34 intelligence in education that addresses all of the following:

35 (A) Academic integrity and plagiarism.

36 (B) Acceptable and unacceptable uses of artificial intelligence  
37 for pupils and educators.

38 (C) Pupil and teacher data privacy and data security.

39 (D) Parent and guardian access to information that pupils enter  
40 into artificial intelligence systems.

1 (E) Procurement of software that ensures the safety and privacy  
2 of pupils and educators, and the protection of their data.

3 (F) *Adoption of artificial intelligence technologies that augment*  
4 *educators' ability to teach pupils.*

5 (G) *Strategies to ensure that the adoption of artificial*  
6 *intelligence technology does not exacerbate existing inequities*  
7 *throughout the education system.*

8 (H) *Strategies to ensure that educators receive adequate*  
9 *training, fair compensation, and opportunities to offer feedback*  
10 *and guidance both individually and as a collective.*

11 (4) On or before July 1, 2026, develop a model policy for local  
12 educational agencies and charter schools regarding the safe and  
13 effective use of artificial intelligence in ways that benefit, and do  
14 not harm, pupils and educators. This policy shall include all of the  
15 following topics:

16 (A) Academic integrity and plagiarism.

17 (B) Acceptable and unacceptable uses of artificial intelligence  
18 for pupils and educators.

19 (C) Pupil and teacher data privacy and data security.

20 (D) Parent and guardian access to pupil information.

21 (E) Procurement of software that ensures the safety and privacy  
22 of pupils and educators and their data.

23 (F) Effective use of artificial intelligence to support, and avoid  
24 risk to, teaching and learning.

25 (G) Effective practices to support, and avoid risk to, educators.

26 (H) Strategies to ensure equitable access to the benefits of  
27 artificial intelligence technology.

28 (I) Professional development strategies for educators on the use  
29 of artificial intelligence.

30 (5) Identify other ways in which the state can support educators  
31 in developing and sharing effective practices that minimize risk  
32 and maximize benefits to pupils and educators, including, but not  
33 limited to, establishing communities of practice on the use of  
34 artificial intelligence in education.

35 (6) On or before September 1, 2026, submit a report to the  
36 appropriate policy and fiscal committees of the Legislature, the  
37 Legislative Analyst's Office, the state board, and the Department  
38 of Finance, in compliance with Section 9795 of the Government  
39 Code, on the process and products of the working group in meeting

1 the requirements of this section, and any related findings or  
2 recommendations.

3 (e) The department shall post on its internet website the guidance  
4 developed pursuant to paragraph (3) of subdivision (d) and the  
5 model policy for local educational agencies and charter schools  
6 developed pursuant to paragraph (4) of subdivision (d).

7 (f) Implementation of this act is contingent upon an  
8 appropriation by the Legislature for these purposes in the annual  
9 Budget Act or another statute.

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