

# SENATE BILL 979

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By: **Senator Hester**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Artificial Intelligence – Guidelines and Pilot Program**

3 FOR the purpose of requiring the State Department of Education, in consultation with the  
4 AI Subcabinet of the Governor’s Executive Council, to develop and update certain  
5 guidelines, standards, and best practices on artificial intelligence for county boards  
6 of education and to develop a pilot program to support the AI Subcabinet of the  
7 Governor’s Executive Council; requiring the State Department of Education to  
8 develop certain strategies to coordinate and assist county boards to implement  
9 certain artificial intelligence best practices, provide certain recommendations for  
10 integrating artificial intelligence into certain college and career readiness standards,  
11 and adopt certain policies and procedures regarding certain systems that employ  
12 artificial intelligence; and generally relating to artificial intelligence in primary and  
13 secondary education.

14 BY adding to

15 Article – Education

16 Section 7–2201 through 7–2203 to be under the new subtitle “Subtitle 22. Artificial  
17 Intelligence in Education”

18 Annotated Code of Maryland

19 (2022 Replacement Volume and 2023 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

22 **Article – Education**

23 **SUBTITLE 22. ARTIFICIAL INTELLIGENCE IN EDUCATION.**

24 **7–2201.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
2 **INDICATED.**

3           **(B) “ARTIFICIAL INTELLIGENCE” MEANS A MACHINE–BASED SYSTEM THAT:**

4                   **(1) CAN, FOR A GIVEN SET OF HUMAN–DEFINED OBJECTIVES, MAKE**  
5 **PREDICTIONS, RECOMMENDATIONS, OR DECISIONS INFLUENCING REAL OR VIRTUAL**  
6 **ENVIRONMENTS;**

7                   **(2) USES MACHINE AND HUMAN–BASED INPUTS TO PERCEIVE REAL**  
8 **AND VIRTUAL ENVIRONMENTS AND THAT ABSTRACTS THESE PERCEPTIONS INTO**  
9 **MODELS THROUGH ANALYSIS IN AN AUTOMATED MANNER; AND**

10                   **(3) USES MODEL INFERENCE TO FORMULATE OPTIONS FOR**  
11 **INFORMATION OR ACTION.**

12           **(C) “COUNTY BOARD” MEANS THE BOARD OF EDUCATION OF A COUNTY AND**  
13 **INCLUDES THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.**

14           **(D) “COUNTY SUPERINTENDENT” MEANS THE COUNTY SUPERINTENDENT**  
15 **OF SCHOOLS OF A COUNTY AND INCLUDES THE CHIEF EXECUTIVE OFFICER OF THE**  
16 **BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.**

17           **(E) “CTE COMMITTEE” MEANS THE CAREER AND TECHNICAL EDUCATION**  
18 **COMMITTEE ESTABLISHED UNDER § 21–209 OF THIS ARTICLE.**

19           **(F) “ELEMENTARY AND SECONDARY EDUCATION” MEANS EDUCATION AND**  
20 **PROGRAMS OF EDUCATION FROM AND INCLUDING PRESCHOOL THROUGH THE END**  
21 **OF HIGH SCHOOL AND THEIR EQUIVALENT.**

22           **(G) “IMPACT ASSESSMENT” MEANS A DOCUMENTED RISK–BASED**  
23 **EVALUATION OF A SYSTEM THAT EMPLOYS ARTIFICIAL INTELLIGENCE.**

24           **(H) (1) “PERSONAL INFORMATION” MEANS INFORMATION THAT**  
25 **IDENTIFIES, RELATES TO, DESCRIBES, IS REASONABLY CAPABLE OF BEING**  
26 **ASSOCIATED WITH, OR COULD REASONABLY BE LINKED, DIRECTLY OR INDIRECTLY,**  
27 **WITH A PARTICULAR CONSUMER OR DEVICE USED BY THE CONSUMER.**

28                   **(2) “PERSONAL INFORMATION” INCLUDES:**

29                           **(I) UNIQUE IDENTIFIERS;**

1                   **(II) CHARACTERISTICS OF PROTECTED CLASSIFICATIONS**  
2 **UNDER STATE OR FEDERAL LAW;**

3                   **(III) COMMERCIAL INFORMATION, INCLUDING:**

4                   1.     **RECORDS OF PERSONAL PROPERTY;**

5                   2.     **PRODUCTS OR SERVICES PURCHASED, OBTAINED, OR**  
6 **CONSIDERED BY A CONSUMER; AND**

7                   3.     **OTHER PURCHASING OR CONSUMING HISTORIES OR**  
8 **TENDENCIES OF A CONSUMER;**

9                   **(IV) BIOMETRIC DATA;**

10                  **(V) INTERNET OR OTHER ELECTRONIC NETWORK ACTIVITY**  
11 **INFORMATION, INCLUDING BROWSING HISTORY, SEARCH HISTORY, AND**  
12 **INFORMATION REGARDING A CONSUMER'S INTERACTION WITH A WEBSITE, AN**  
13 **APPLICATION, OR AN ADVERTISEMENT;**

14                  **(VI) GEOLOCATION DATA; AND**

15                  **(VII) INFERENCES DRAWN FROM ANY OF THE INFORMATION**  
16 **IDENTIFIED IN THIS SUBSECTION TO CREATE A PROFILE ABOUT A CONSUMER**  
17 **REFLECTING THE CONSUMER'S PREFERENCES, CHARACTERISTICS,**  
18 **PSYCHOLOGICAL TRENDS, PREDISPOSITIONS, OR BEHAVIOR.**

19                  **(I) "UNIQUE IDENTIFIER" MEANS A PERSISTENT IDENTIFIER THAT CAN BE**  
20 **USED TO RECOGNIZE A CONSUMER OR A DEVICE THAT IS LINKED TO A CONSUMER**  
21 **OR HOUSEHOLD, OVER TIME AND ACROSS DIFFERENT TECHNOLOGIES, INCLUDING:**

22                  **(1) A DEVICE IDENTIFIER;**

23                  **(2) AN INTERNET PROTOCOL ADDRESS;**

24                  **(3) A COOKIE, BEACON, PIXEL, TAG, MOBILE AD IDENTIFIER, OR**  
25 **SIMILAR TECHNOLOGY;**

26                  **(4) A CONSUMER NUMBER, UNIQUE PSEUDONYM, OR USER ALIAS; OR**

27                  **(5) A TELEPHONE NUMBER OR ANY OTHER FORM OF PERSISTENT**  
28 **IDENTIFIER THAT CAN BE USED TO IDENTIFY A PARTICULAR DEVICE USED BY THE**  
29 **CONSUMER.**

1 **7-2202.**

2 (A) THE DEPARTMENT, IN CONSULTATION WITH THE AI SUBCABINET OF  
3 THE GOVERNOR'S EXECUTIVE COUNCIL, SHALL DEVELOP AND UPDATE  
4 GUIDELINES, STANDARDS, AND BEST PRACTICES FOR COUNTY BOARDS, IN  
5 ACCORDANCE WITH THE FUTURE OF TEACHING AND LEARNING REPORT OF THE  
6 U.S. DEPARTMENT OF EDUCATION, TO:

7 (1) IMPLEMENT AND PROMOTE THE SAFE, RESPONSIBLE, AND  
8 ETHICAL USE OF ARTIFICIAL INTELLIGENCE THAT:

9 (i) EMPHASIZES STUDENTS AND TEACHERS AT THE CENTER OF  
10 EDUCATIONAL TECHNOLOGY; AND

11 (ii) PRIORITIZES THE EDUCATIONAL NEEDS OF STUDENTS  
12 USING EVIDENCE-BASED APPROACHES AND METHODOLOGIES; AND

13 (2) IMPLEMENT THE BEST PRACTICES FOR PROFESSIONAL  
14 DEVELOPMENT ON ARTIFICIAL INTELLIGENCE POLICIES AND PROCEDURES.

15 (B) THE DEPARTMENT SHALL DEVELOP STRATEGIES TO COORDINATE AND  
16 ASSIST COUNTY BOARDS AND COUNTY SUPERINTENDENTS TO IMPLEMENT BEST  
17 PRACTICES DEVELOPED UNDER THIS SECTION.

18 (C) EACH COUNTY BOARD SHALL DESIGNATE AN EMPLOYEE TO FACILITATE  
19 THE PRODUCTIVE AND ETHICAL USE OF SYSTEMS OF ARTIFICIAL INTELLIGENCE IN  
20 ELEMENTARY AND SECONDARY EDUCATION.

21 (D) THE DEPARTMENT SHALL COORDINATE WITH THE CTE COMMITTEE  
22 AND THE CTE SKILLS STANDARDS ADVISORY COMMITTEE TO PROVIDE  
23 RECOMMENDATIONS FOR INTEGRATING ARTIFICIAL INTELLIGENCE INTO THE  
24 COLLEGE AND CAREER READINESS STANDARDS ESTABLISHED BY THE STATE  
25 BOARD UNDER § 7-205.1 OF THIS TITLE.

26 **7-2203.**

27 (A) THE DEPARTMENT SHALL ADOPT POLICIES AND PROCEDURES  
28 REGARDING THE DEVELOPMENT, PROCUREMENT, IMPLEMENTATION, UTILIZATION,  
29 AND ONGOING ASSESSMENT OF SYSTEMS THAT EMPLOY ARTIFICIAL INTELLIGENCE  
30 BY A COUNTY BOARD.

31 (B) THE POLICIES AND PROCEDURES REQUIRED BY THIS SECTION SHALL:

1           **(1) SUBJECT TO ANY OTHER APPLICABLE LAW, GOVERN THE**  
2 **DEVELOPMENT, PROCUREMENT, IMPLEMENTATION, UTILIZATION, AND ONGOING**  
3 **ASSESSMENT OF SYSTEMS THAT EMPLOY ARTIFICIAL INTELLIGENCE BY A COUNTY**  
4 **BOARD; AND**

5           **(2) BE SUFFICIENT TO ENSURE THAT THE USE OF ANY SYSTEM THAT**  
6 **EMPLOYS ARTIFICIAL INTELLIGENCE BY A COUNTY BOARD DOES NOT:**

7                   **(I) RESULT IN ANY UNLAWFUL DISCRIMINATION;**

8                   **(II) HAVE AN UNLAWFUL DISPARATE IMPACT ON ANY**  
9 **STUDENTS, GROUP OF STUDENTS, PRINCIPAL, TEACHER, OR STAFF, ON THE BASIS**  
10 **OF ANY ACTUAL OR PERCEIVED CHARACTERISTIC;**

11                   **(III) HAVE A NEGATIVE IMPACT ON THE HEALTH, SAFETY, OR**  
12 **WELL-BEING OF A STUDENT, GROUP OF STUDENTS, PRINCIPAL, TEACHER, OR**  
13 **STAFF; OR**

14                   **(IV) COLLECT PERSONAL INFORMATION FROM A STUDENT,**  
15 **GROUP OF STUDENTS, PRINCIPAL, TEACHER, OR STAFF, WITHOUT THE WRITTEN**  
16 **APPROVAL OF THE DEPARTMENT OF INFORMATION TECHNOLOGY.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
18 1, 2024.