



PSSAM
Public School Superintendents' Association
OF MARYLAND

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BILL: SB 979
TITLE: Education - Artificial Intelligence - Guidelines and Pilot Program
DATE: March 6, 2024
POSITION: Favorable with Amendments
COMMITTEE: Senate Education, Energy, and the Environment Committee
CONTACT: Mary Pat Fannon, Executive Director, PSSAM

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four public school superintendents, **supports SB 979 with amendments.**

The proposed legislation seeks to mandate the Maryland State Department of Education (MSDE), in collaboration with the Department of Information Technology (DOIT), to establish and periodically update comprehensive guidelines, standards, and best practices pertaining to AI (AI) for county boards of education. Additionally, it creates a pilot program in support of the AI Subcabinet within the Governor's Executive Council. The bill requires MSDE to develop strategies to facilitate coordination and assistance to county boards in implementing AI best practices. This includes offering recommendations for the integration of AI into college and career readiness standards, alongside the adoption of policies and procedures concerning systems leveraging AI.

The legislation also mandates that any entity utilizing AI in their products and engaging with Maryland Boards of Education must certify the confidentiality and privacy of any information obtained from such engagements. These entities are required to submit annual reports to the Department of Information Technology detailing the measures implemented to safeguard staff and student data.

PSSAM is strongly supportive of the primary focus of the bill aimed at fostering collaboration between the Maryland State Department of Education (MSDE) and the Department of Information Technology (DoIT), to devise strategies for the integration of Generative AI within the education sector.

However, we believe the bill is too prescriptive at this time and provide the following suggestions and amendments. Specifically, we believe the scope and rigid requirements for data collection and reporting are onerous and overly burdensome for an undefined purpose or intent. Instead, we believe the bill should focus on retaining the core proposal to have MSDE and DoIT develop technical assistance and guidance for school systems on procuring and implementing AI in local school systems.

One of the most concerning aspects of the bill is that its definition of “artificial intelligence” could potentially encompass a broad spectrum of interfaces with computer systems. As defined, AI would make every piece of software from 1994 to now “reportable”. For example, we use Adaptive Technology to present testing questions to students, which adjusts the questions based on prior answers. Also, Microsoft Word and Google have predictive text completion. The current definition is too broad and would generate a list that includes 95% of our educational resources. As a start, there should be a differentiation between AI as a whole, and Generative AI and GPT models.

The provision below is also extremely important to clarify because it applies to every software purchase we will make and getting DoIT’s approval before making these purchases is unrealistic and likely, not the intent of the legislation.

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

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

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

(I - III)

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

This legislation adds to the growing list of inventory collections in technology that LEAs must submit to the state. The bill says that each LEA will identify a staff member responsible for facilitating the use of AI as well as districts submitting not only the names of tools that use AI (which, according to the bill’s definition, would be almost everything), but also the following:

- A description of the capabilities of the system
- A statement of purpose and the intended use of the system.

This is a tremendous amount to require of school systems on top of what has already been mandated over the past few years coming out of the pandemic's digital transformation. Additionally, since almost all LEAs use almost ALL of the same tools for students and staff, if there is a desire (and stated purpose/outcome) for this inventory - it should be done at the State level in some manner, rather than have each LEA, with their limited staff, doing the same work 24 different times.

In addition to the prescriptive nature of the reporting requirements, the requirements appear to diverge from the White House's 2023 directive, which emphasizes the imperative of shifting accountability back to companies involved in the manufacturing of products/services, thereby alleviating the burdens imposed on end-users.

As the Fiscal Note accurately describes, the reporting and inventory requirements will result in increased costs for school systems. As many systems are facing educator layoffs this year, it is hard to contemplate creating a new, unfunded mandate that may add to already difficult budget and staffing decisions.

To quote the Fiscal Note:

- “Anne Arundel County Public Schools anticipates needing to hire a dedicated teacher specialist with experience in AI;
- Montgomery County Public Schools anticipates needing to hire two staff: one dedicated to the technical aspects of AI; and one with focused on AI use by teachers and students;
 - Further details not provided in the Fiscal Note: An IT staff to manage and audit AI systems, an additional technology instructional specialist for professional development and training for staff and students on AI and its responsible use, and money to either purchase and integrate or build an inventory catalog solution.
- Prince George's County Public Schools did not specify a need for staff, but anticipates a significant burden on existing staff to survey hundreds of entities that provide digital tools to the school system to determine whether they use some form of AI;
- St. Mary's County Public Schools anticipates needing to hire one coordinator of IT security to implement the bill's requirements.

Again, we applaud the sponsors for their foresight with this legislation. We pledge our support to work with the affected and appropriate stakeholders to craft a meaningful and implementable policy as we continue with the ever increasing use of artificial intelligence in public education.

For these reasons, PSSAM requests a **favorable with amendments** report for SB 979.