

AI Guidance for Local Education Agencies

This brief guidance helps LEA administrators, IT staff, and educational leaders make informed decisions about artificial intelligence systems. MSDE recognizes that LEAs have varying resources and staffing levels—this guidance is designed to be practical and scalable for LEAs of all sizes.

PURPOSE

This document provides Maryland LEAs with essential information about AI governance, student data protection requirements, and practical recommendations for responsible AI implementation. This guidance is informational and does not create binding requirements for LEAs.

Key Considerations Before Using AI

CRITICAL QUESTIONS TO ASK

What problem are you solving? Focus on clear operational or educational benefits rather than implementing AI for its own sake.

Does it process student data? Any AI system handling student information requires additional privacy protections and compliance considerations.

What are the age restrictions? Many AI tools marketed for education still prohibit use by children under 13 or 18 in their terms of service—always read the actual terms, not just marketing materials.

What type of protected data is involved? Special education records, health information, disciplinary data, and family financial information all require enhanced safeguards when processed by AI.

STUDENT DATA PROTECTION REQUIREMENTS

Federal Requirements: FERPA protects student education records, COPPA protects children under 13 online, and ADA requirements ensure AI systems remain accessible to students with disabilities.

Maryland Requirements: The Maryland Student Data Privacy Act provides additional protections. Data sharing agreements must specifically address AI use, and parental notification may be required.

CRITICAL IMPLEMENTATION WARNINGS

Terms of Service vs. Marketing Claims: Many AI tools marketed for education actually prohibit use by minors in their legal terms of service. Always read the actual terms, not just marketing materials. Age restrictions of 13 or 18 are common even for "educational" tools.

Vendor Lock-in Risks: Consider long-term sustainability before committing to proprietary AI systems. Can you export your data? What happens if the vendor changes pricing or discontinues service? Avoid becoming dependent on systems you cannot control.

Staff Training Requirements: Deploy staff training before implementing AI systems. Staff need to understand both capabilities and limitations, including accuracy issues and bias potential, before using AI tools with students or families.

BIAS AND ACCURACY CONCERNS

AI systems can produce inaccurate information and misleading generated content and may exhibit bias in outputs. This is particularly concerning in educational settings where equity and accuracy are essential. Require human oversight for all AI outputs that affect students or families.

PROHIBITED USES TO CONSIDER

LEAs should consider prohibiting AI use for:

- Automated decisions affecting individual students (disciplinary actions, special education placement, etc.)
- Social scoring or behavioral analysis of students
- Mental health counseling or crisis intervention

Any use that could violate student privacy or civil rights

Maryland's AI Governance Framework

Maryland follows a risk-based approach to AI governance with four categories:

Unacceptable Risk: Systems that violate fundamental rights (banned entirely)

High-Risk: Systems affecting critical decisions (require comprehensive safeguards)

Limited Risk: Systems with moderate impact (require basic transparency measures)

Minimal Risk: Low-impact systems (minimal requirements beyond standard IT security)

LEAs can adapt this framework for local policy development.

Practical Recommendations

START SMALL AND SCALE THOUGHTFULLY

Begin with low-risk applications like administrative task automation rather than student-facing systems. Build expertise and governance capacity before expanding to higher-risk uses.

DEVELOP LOCAL POLICIES

Create AI governance policies appropriate to your LEA's size, resources, and student population. Consider involving your school board, legal counsel, and community stakeholders.

VENDOR MANAGEMENT

- Review terms of service carefully, not just marketing materials
- Ensure data processing agreements specifically address AI use
- Verify compliance with student privacy laws
- Assess long-term sustainability and data portability

COMMUNITY ENGAGEMENT

Consider transparent communication with families about AI use, especially for student-facing applications. Some communities may have concerns about AI in education.

Resources and Support

Maryland Resources:

- MSDE IT Branch: Available for consultation on AI implementation
- [Maryland AI Policy Framework](#)

Federal Resources:

- [Department of Education AI Guidance](#)
- [Student Privacy Policy Office: Technical assistance for FERPA compliance](#)

Professional Organizations:

- [Consortium for School Networking \(CoSN\): AI guidance for K-12 leaders](#)
- [International Society for Technology in Education \(ISTE\): AI standards and resources](#)

Legal and Privacy Resources:

- [Student Data Privacy Consortium: Contract language and vendor evaluation tools](#)
- [Future of Privacy Forum: Student privacy guidance](#)

Questions or need assistance? Contact the MSDE IT Branch for consultation on AI implementation planning.

Important Note: This guidance is informational and does not create binding requirements for LEAs. Local education agencies should consult their own legal counsel and develop AI policies appropriate to their specific context, needs, and applicable legal requirements.