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December 10, 2024 (VIA E-MAIL)

RE: DRAFT POLICY ON ARTIFICIAL INTELLIGENCE (AI) USE

Dear Warwick School Committee Members:

I am writing in response to the draft of an “Artificial Intelligence Use” policy that you are scheduled to consider in a first reading at your meeting tonight. The ACLU of RI commends the school committee for seeking to proactively address this fairly novel development and the impact of AI in the school setting. At the same time, we have some concerns about specific aspects of the draft policy which we would like to bring to your attention for your review and consideration. They specifically relate to provisions in Sections IV, V and VI of the proposal.

Section IV, which establishes “Guiding Principles,” highlights some of the basic values that we agree should serve as standards for the use of AI in schools and elsewhere. For that reason, we are concerned about the proposed deletion of Principle #5 – assurances of transparency in AI use. While there may be some purely ministerial tasks performed by AI that should not formally require the bureaucratic necessity of informing students, staff or parents of its use, there are many other instances where such transparency will be critical. Section V of the policy, in setting out some of AI’s acceptable uses, notes that it may be used to “help identify student learning needs,” “provide automated feedback on assignments,” and “support formative assessments.” These are important decision-making uses of the technology that we believe should certainly warrant disclosure to the affected individuals. The fact that educators may be required to review the assessments provided by AI in those situations is no substitute for informing the impacted individuals that AI has had a part in the process of making those assessments.

In that regard, we also believe that Section V, addressing “acceptable uses” of AI, should set out a protocol for students, parents and staff to be able to contest an assessment made by AI when it is used for one of these “acceptable” purposes. Further, individuals should also have a specified right to see the original findings generated by AI in order to compare it to any revisions made by educators in reviewing the AI’s output.

Section VI of the proposed policy addresses prohibited uses of AI. First, we appreciate the ban on the use of AI systems in a way that promotes discrimination based on race, gender, and other “protected characteristics.” At the same time, we believe it is critical for the school district to ensure in the first instance that the AI system *itself* is not biased in any way in its functioning and output. That is, the concern should be not just with educators using AI

systems discriminatorily, but making sure that the AI system itself is free of bias in its functioning. Technologists have recognized that algorithmic bias and discrimination are very serious problems in the use of AI in a variety of contexts.

Subsection 2 of this section restricts the use of AI in making “autonomous decisions in critical areas such as student disciplinary actions, placement in special education, or grade determination *without human oversight*.” The policy does not offer any insight on the nature or extent of the required “human oversight,” and we are extremely concerned about the potentially vast authority this gives AI systems to make decisions in these acknowledged critical areas. The concern is only heightened by our earlier points about the removal of the “transparency” principle from this policy, the lack of a formal process for contesting AI-generated decisions or evaluating the extent of human oversight involved.

Subsection 3, dealing with surveillance and monitoring, is extremely problematic in our view. The policy allows AI to be used for “invasive surveillance” of students and others without consent under certain circumstances. It does not define what constitutes “invasive surveillance,” but we find it somewhat chilling to see a policy like this acknowledging the use of AI for clearly privacy-intrusive purposes, and without any specified guardrails. While its use for “invasive surveillance” is purportedly limited to “security purposes,” that term too is nowhere defined. We believe this section gives way too much authority to use AI in ways that severely undermine legitimate privacy concerns.

Finally, we question the deletion of proposed Subsection 4, which sought to prohibit the use of unvetted and “unverified” AI tools. By allowing the use of unapproved or experimental AI applications by staff, even the limited safeguards contained in this policy could easily be ignored or undercut.

Because we only just learned of this proposed policy yesterday, please consider these comments preliminary in nature, but we hope that they will still be helpful in guiding the School Committee’s discussion in its first reading.

Thank you in advance for your consideration of our views.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is written in a cursive, flowing style.

Steven Brown
Executive Director

cc: Supt. Lynn Dambruch
Andrew Henneous