

HOUSE BILL 1297

F1, F5

4lr2139
CF SB 979

By: **Delegate Young**

Introduced and read first time: February 9, 2024

Assigned to: Ways and Means

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 Department of Information Technology, to develop and update certain guidelines,
5 standards, and best practices on artificial intelligence for county boards of education
6 and to develop a pilot program to support the Artificial Intelligence Subcabinet of
7 the 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; requiring each county board to conduct an inventory of certain
13 systems that employ artificial intelligence on or before a certain date each year and
14 to designate an employee to facilitate certain uses of artificial intelligence; and
15 generally relating to artificial intelligence in primary and secondary education.

16 BY adding to

17 Article – Education

18 Section 7–2201 through 7–2204 to be under the new subtitle “Subtitle 22. Artificial
19 Intelligence in Education”

20 Annotated Code of Maryland

21 (2022 Replacement Volume and 2023 Supplement)

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

24 **Article – Education**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **7-2201.**

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

4 (B) “ARTIFICIAL INTELLIGENCE” MEANS A MACHINE-BASED SYSTEM THAT:

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

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

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

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

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

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

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

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

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

29 (2) “PERSONAL INFORMATION” INCLUDES:

30 (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

1 CONSUMER.

2 7-2202.

3 (A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
4 INFORMATION TECHNOLOGY, SHALL DEVELOP AND UPDATE GUIDELINES,
5 STANDARDS, AND BEST PRACTICES FOR COUNTY BOARDS, IN ACCORDANCE WITH
6 THE FUTURE OF TEACHING AND LEARNING REPORT OF THE U.S. DEPARTMENT OF
7 EDUCATION, TO:

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

10 (I) EMPHASIZES STUDENTS AND TEACHERS AT THE CENTER OF
11 EDUCATIONAL TECHNOLOGY; AND

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

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

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

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

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

27 7-2203.

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

(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) RESULT IN ANY UNLAWFUL DISCRIMINATION;

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

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

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

(C) ON OR BEFORE DECEMBER 1, 2024, AND EACH DECEMBER 1 THEREAFTER, EACH COUNTY BOARD, IN CONSULTATION WITH THE COUNTY SUPERINTENDENT, SHALL CONDUCT AN INVENTORY OF SYSTEMS THAT EMPLOY ARTIFICIAL INTELLIGENCE.

(D) FOR EACH SYSTEM, THE INVENTORY REQUIRED BY SUBSECTION (C) OF THIS SECTION SHALL INCLUDE:

(1) THE NAME OF THE SYSTEM;

(2) THE VENDOR THAT PROVIDED THE SYSTEM, IF APPLICABLE;

(3) A DESCRIPTION OF THE CAPABILITIES OF THE SYSTEM;

(4) A STATEMENT OF THE PURPOSE AND THE INTENDED USES OF THE SYSTEM; AND

(5) WHETHER THE SYSTEM UNDERWENT AN IMPACT ASSESSMENT BEFORE BEING IMPLEMENTED.

(E) EACH COUNTY BOARD, IN CONSULTATION WITH THE COUNTY SUPERINTENDENT, SHALL:

(1) REPORT EACH INVENTORY REQUIRED BY THIS SECTION TO THE DEPARTMENT AND THE DEPARTMENT OF INFORMATION TECHNOLOGY; AND

(2) MAKE EACH INVENTORY REQUIRED BY THIS SECTION PUBLICLY AVAILABLE ON THE COUNTY BOARD'S WEBSITE.

7-2204.

(A) IN CONSULTATION WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY, THE DEPARTMENT SHALL DEVELOP A PILOT PROGRAM TO SUPPORT THE ARTIFICIAL INTELLIGENCE SUBCABINET OF THE GOVERNOR'S EXECUTIVE COUNCIL.

(B) THE PILOT PROGRAM DEVELOPED BY THE DEPARTMENT SHALL:

(1) IDENTIFY AND PRIORITIZE BEST USES OF ARTIFICIAL INTELLIGENCE IN EACH UNIT OF STATE GOVERNMENT AND IN EACH PRIVATE SECTOR ENTERPRISE;

(2) REDUCE BARRIERS TO THE RESPONSIBLE USE OF ARTIFICIAL INTELLIGENCE AND STATE DATA; AND

(3) PROMOTE TRAINING AND WORKFORCE DEVELOPMENT IN ARTIFICIAL INTELLIGENCE.

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