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INCLUSIVE ACCESS IN RESPONSIBLE EDUCATION TECHNOLOGY POLICY

Guidance for state education agency and local education agency leaders, special education leaders, IT professionals, and EdTech leaders

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The information provided in this appendix is for general informational and educational purposes only and does not constitute legal, regulatory, or professional advice. While we strive to provide accurate and up-to-date guidance, users should consult with their own legal counsel or district administration regarding specific compliance requirements, privacy laws, and local policies applicable to their jurisdiction and institution.

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PURPOSE AND SCOPE

This appendix guides state education agency (SEA) and local education agency (LEA) leaders in implementing inclusive access under the PreK–5 Responsible EdTech Task Force's draft Model State Policy (Model Policy), including assigned home use and staff uses affecting instruction, grouping, or student records. LEA leaders shall coordinate local implementation with educators and relevant specialists; state responsibilities are identified separately. "Must" and "shall" identify a Model Policy requirement or a separately cited legal duty; "should" identifies implementation guidance. Similarly to the Playbook, this Appendix capitalizes defined terms throughout. The SEA is the "Department" in the Playbook. The Model Policy is a proposal, not enacted law. Existing disability, civil rights, and privacy protections continue; the Model Policy may help develop more protective law (Model Policy, §§1, 7, 12).

Judge access by participation in the activity.

- LEAs must:
  - Consider whether children can communicate, follow instructions, practice, and demonstrate learning when authorizing, restricting, replacing, or discontinuing technology.
  - Check participation in the actual learning activities and environment, including required home assignments; a device or login alone does not establish access.
  - Preserve daily non-digital learning, conversation, movement, and play.
  - Required communication or health support remains available, without authorizing unrelated functions or unrestricted use (Model Policy, §§3, 7).

DESIGN ACCESSIBLE LEARNING

Define the learning goal and access barrier before selecting a tool.

- LEA leaders, working with educators and relevant specialists, should:
  - Identify the activity and access barrier, then specify the proposed Configured Use: the named tool, student group, purpose, configuration, and supervision.
  - Consider Displacement and how it interacts with the student, learning activities, and learning environment. Tool use outside the authorized scope needs new authorization; Material Changes require review (Model Policy, §§6, 9(7); Appendix A).

Build usable choices into shared lessons.

- LEA leaders should:
  - Support educators in using Universal Design for Learning (UDL) to offer varied ways to engage, understand, and respond, with accessible digital and non-digital materials compatible with required assistive technology.
  - Educators should teach children to choose authorized supports and report barriers; adults remain responsible for correction.



CAST (CITES Framework 2024), the National Center on Accessible Digital Educational Materials & Instruction (NCADEMI, 2025), and Digital Promise's Learner Variability Navigator (n.d.) offer planning and support resources. These resources do not diagnose disability, establish product efficacy, or replace individual services.

Connect shared instruction with required individual support.

UDL does not replace specially designed instruction, an individualized education program (IEP), Section 504 services, or other required support. The Individuals with Disabilities Education Act (IDEA) requires individual goals, services, and supports addressing participation and progress in the general curriculum or appropriate preschool activities. The Supreme Court's Endrew F. ruling requires an IEP reasonably calculated to enable progress appropriate to the child's circumstances, with appropriately ambitious objectives. LEAs should correct shared-resource barriers without making an individual plan a prerequisite, while arranging necessary individual support (34 C.F.R. §§300.39, 300.320; Endrew F., 2017, pp. 399–403; Model Policy, §7(2)–(3)).

Apply accessibility standards without narrowing disability rights.

Student-facing tools and contracted content must meet SEA standards at least as protective as Web Content Accessibility Guidelines (WCAG) 2.1 Level AA. Educator-created digital material must meet WCAG 2.1 Guidelines when it is the sole instructional, assessment, or support pathway; all such material remains subject to applicable disability requirements (Model Policy, §7(5)). SEAs and LEAs shall apply the separate scope, exceptions, and compliance dates of Title II of the Americans with Disabilities Act (ADA). Password protection does not create a course-content exception, and providing another pathway does not by itself excuse applicable accessibility requirements. Equal-access and effective-communication duties must continue at SEA and LEA levels (28 C.F.R. §§35.130, 35.160, 35.104, 35.200–35.205).

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Web Content Accessibility Guidelines (WCAG) 2.1 Level AA are essential guidelines for SEAs and LEAs to adopt to support students with disabilities.

Verify access with the children who will use the resource.

- Before authorization and after relevant Material Changes, LEAs should:
  - Verify accessibility in actual use and provide accessible alternatives pending remediation.
    - The LEA should test required tasks, assistive technology, and school or required home conditions, with voluntary child and family input. This testing may include content and web filters that could block required support.
  - A product's technical conformance alone does not establish usability.
  - For dictation, verify that the product supports expression and usable error correction without requiring independent editing or clearer speech.
  - Product functions supplying or rewriting ideas require separate review of learning goals, authorship, and authorized use (Model Policy, §7(6)).

PRESERVE INDIVIDUAL SUPPORT

Implement each child's required support across settings.

- The LEA should:
  - Fully implement IEPs, Section 504 plans, and health plans, including necessary technology, augmentative and alternative communication (AAC) services, and access at home, out of school, or in other settings. Provide IDEA assistive-technology services including evaluation, customization, maintenance, and training.
  - Home use is required when the IEP Team determines it is needed for free appropriate public education (FAPE).
  - Section 504 evaluation and procedural protections and ADA effective-communication duties apply independently; an IEP is not the only route to assistance (Model Policy, §7(1)–(4); 34 C.F.R. §§300.6, 300.105, 104.33–104.36; 28 C.F.R. §35.160).
  - The U.S. Department of Education's assistive-technology guidance from 2024 explains these duties.

Provide interim help as soon as an access barrier appears.

- The LEA must:
  - Arrange a permitted way to participate while qualified personnel evaluate need. Interim support must be prompt and uninterrupted, without duplicate proof or waiting for diagnosis, an individual plan, or a completed trial.
  - Interim help does not determine eligibility or replace lawful evaluation (Model Policy, §7(3)).

Prepare transitions and communication partners before access is lost.

- Before transitions, the LEA must:
  - Coordinate required devices, settings, services, and staff preparation with receiving staff and the family.
  - Resolve transfer or replacement without delaying access or charging families.
  - Prepare adults and peers to support the child's communication.
  - Device collection must preserve required AAC and documented health or safety functions, including at recess.



The Early Childhood Technical Assistance Center's resources offer support on early-childhood assistive technology (Model Policy, §3(1)).

Use individual trials to improve fit while maintaining support.

- Qualified LEA staff should:
  - Compare permitted supports against the access need, with instruction and communication-partner support in place.
  - Consider the child's preferences and participation across required settings.
  - Review promptly when access fails.
  - Investigate declining use rather than automatically withdrawing support; a child's choice of another communication mode does not forfeit required AAC.
  - Maintain support and applicable evaluation, notice, consent, and individual-plan procedures throughout trials (Model Policy, §§7–8).

Provide disability and language services together.

Relevant and qualified LEA professionals should verify that disability and language functions work independently; one service does not substitute for the other. IDEA evaluations must use the child's native language or other communication mode and the form most likely to yield accurate information unless clearly not feasible.

- IEP Teams must consider language, communication, and assistive-technology needs.
- Limited English proficiency cannot be the determinant factor in identifying a child as having a disability.
- Translation or vocabulary features do not, by themselves, establish comprehension or replace language instruction (34 C.F.R. §§300.304, 300.306, 300.324).

Arrange language access that supports informed participation.

Federal law requires appropriate action to overcome language barriers impeding equal participation. IDEA requires agencies to ensure parents understand IEP meetings and specifies language requirements for prior written notice (20 U.S.C. §1703(f); 34 C.F.R. §§300.322(e), 300.503(c)). Qualified LEA staff should apply the accessible-notice requirements below. LEA staff should use qualified human review for machine translations that affect rights, services, health, or safety.



Washington's language-access law offers a state model for responsibility, qualified services, and feedback (Wash. Rev. Code ch. 28A.183).

Use family knowledge without transferring delivery responsibility.

LEAs should invite families to identify priorities and barriers before support changes and should explain how their input informed decisions. Participation must remain voluntary and manageable. LEAs bear required access costs, including assigned home use; support must not depend on unpaid caregiver troubleshooting, translation, logs, or recordings (Model Policy, §7(2), (4), (7)).

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USE ASSESSMENT FOR THE RIGHT DECISION

Match assessment evidence to the decision being made.

- Assessment and measurement are foundations of special education services and accountability. Qualified SEA or LEA evaluators must:
  - Use multiple sources, including parent information; no single measure determines eligibility.
  - The LEA must ensure that each child's IEP is developed, reviewed, and revised through an IEP Team with the membership and participation required by IDEA, including parents and, whenever appropriate, the child.
  - IEPs must specify present levels, measurable academic and functional annual goals, services, progress measures, and reporting.
  - Educators must review progress and verify delivery of planned services, using classroom evidence and repeated goal-aligned checks to inform the child's team.
  - The IEP Team must review the IEP at least annually and revise it as needed, including for lack of expected progress. Families must receive the reports specified in the IEP (34 C.F.R. §§300.304–300.306, 300.320–300.324).

Match assessment support to the knowledge or skill being measured.

- The LEA should:
  - Remove irrelevant access barriers while preserving valid score interpretations.
  - Text-to-speech may preserve a science-knowledge task while changing a decoding task.
  - Testing standards require evidence for intended interpretations (American Educational Research Association et al., 2014).
  - IDEA requires valid, reliable, appropriately administered measures that do not inadvertently measure unrelated sensory, manual, or speaking impairments. Qualified school staff must resolve conflicts between required support and proposed interpretations through applicable assessment and individual-plan procedures while maintaining support (34 C.F.R. §§300.304–300.306).

Confirm each test's rules and required configuration before administration.

- The LEA or school-level assessment coordinator and the child's team should:
- Verify current test rules, required accommodations, and functionality, with family participation in understanding supports and results.
- Classroom permission does not establish permission on state or LEA-wide tests.
- Follow the relevant state assessment manual and IDEA's participation and accommodation requirements while preserving explicit instruction (34 C.F.R. §§300.160, 300.320(a)(6)).

Planning resource

The Center on Inclusive Technology & Education Systems (CITES, 2024) framework supports coordination and family participation.

Preserve protected assessment and instructional access.

Assessment, screeners, diagnostics, related instruction, multi-tiered systems of support, intervention, necessary test preparation, and required supports remain protected, with necessary devices and connectivity. Applicable authorization, evidence, privacy, and safety duties continue. Course-Essential Computing also remains protected under the two routes in Appendix A; convenience alone does not establish that a task cannot be delivered non-digitally (Model Policy, §7(1), (4); Appendix A(6)).

AUTHORIZE THE CONFIGURED USE

Separate access, instructional, and assessment claims.

- LEA staff should:
  - Ask separately whether the support enables participation, the instructional component meets its evidence standard, and the assessment supports its intended interpretation.
  - Section 7 support receives function-based review without waiting for ordinary instructional learning-gain evidence; an instructional component bundled with it still needs its applicable evidence route.
  - Apply authorization, safety, privacy, and accessibility requirements throughout.
  - Classify actual functions, including embedded AI and staff outputs affecting students, under Appendix A (Model Policy, §§3(2), 7(4), 11(1)).

Match instructional evidence and outcome measures to the use.

Ordinary student-facing instructional AI requires ESSA Tier I or II evidence, or Tier IV within a Sandbox setting. Ordinary student-facing instructional non-AI use requires Tier IV or stronger; a use that does not meet its required evidence standard requires an eligible SEA-authorized, administered, or supported Sandbox. Require providers to disclose the evidence or its absence and the conditions, amount, and frequency behind claimed outcomes. LEAs should compare populations, settings, methods, limitations, and funding with the proposed use and Displacement; marketing or provider-funded research alone is insufficient. Outcome contracts must specify population, goals, measures, conditions, duties, and ongoing evaluation using necessary data. Federally funded uses also need program-specific evidence. At renewal, LEAs should apply the ordinary route and maintain required support (20 U.S.C. §7801(21); Model Policy, §§9(6), 11; Appendix A).

Authorize locally and verify the live configuration.

- Before implementation, the LEA must:
  - Authorize the covered use in writing after reviewing purpose, applicable evidence, safety, privacy, and accessibility.
  - State registry listing and provider attestations do not establish compliance or replace the LEA's review and written authorization.
  - An LEA-maintained registry may document that authorization if its entry records the LEA's decision for the specific Configured Use and identifies the supporting review; registry ownership or a tool listing alone is not sufficient.
  - Include free, donated, consumer-account, and embedded uses.
  - The LEA shall oversee actual use, promptly stop and resolve unauthorized uses, notify affected parents, and provide necessary actual-use information to the SEA (Model Policy, §§8(1), 9(1)–(2), (5); Appendix A(5)). Verify that Section 9(12)'s instructional and safety safeguards work in actual use. Apply Safety Review and grade-band limits to the Configured Use.
    - PreK–2 screen use must be educator-led, brief, purposeful, and infrequent; grades 3–5 use must be narrow, educator-mediated, brief, and purposeful.
    - PreK–2 Student-Facing Generative AI is confined to Section 5's specified exceptions.
    - Grades 3–5 Student-Facing Generative AI requires a narrow school-overseen curricular task, effective safeguards, Safety Review, and initially conditional authorization.
  - Test controls before use and after changes. Continue required support through permitted means.
  - Student-facing AI features that cannot be controlled must not be used or charged for. An all-grades platform purchase does not create an exception, but an AI feature that effective LEA controls keep disabled is not an uncontrollable feature.
  - Keep embedded AI features disabled wherever their use is prohibited or not authorized and verify that remaining covered uses comply with the Model Policy (Model Policy, §§3, 5, 6(4), 7(7), 9(2), 10(5)).

Block prohibited functions while preserving required access.

AI Companions are prohibited regardless of parent permission, trial status, or support need. The LEA shall verify before use and after Material Changes that students cannot access any companion function. Instructional feedback alone and assistive technology simulating no relationship are excluded. LEAs shall block Manipulative Design Patterns prohibited by Section 6(3) and apply Section 6's default-off and disabling requirements; no setting or authorization permits a prohibited function (Model Policy, §§4, 6, 7(7), 10(5)).

Keep Sandbox trials narrow, voluntary, and independently evaluated.

An individual assistive-technology fit trial is not automatically a Sandbox; an instructional component lacking its evidence route still requires one if eligible. Short or free trials create no exemption. LEA leaders shall obtain required authorization, Safety Review, and contract protections. All conditional authorizations need fixed end dates and pre-established safety, access, and termination criteria; learning gains cannot offset safety or access failures (Model Policy, §§9(2), 11(1)–(3)).

For Sandbox trials:

- Before recruitment, qualified reviewers must verify applicable research protections and approvals.
- Before participation, confirm that every participating PreK–5 child has prior, informed, affirmative written parent consent specific to the Sandbox trial, regardless of research exemption or waiver.
- Ensure that notice precedes consent and participation.
- Ensure that withdrawal is penalty-free, with appropriate alternatives and required support, and that grades and placement do not depend on participation (Model Policy, §11(3)–(4)).

For each Sandbox, the SEA must select evaluators independent of providers, or delegate selection to the LEA, and publish evaluations, gaps, unfavorable findings, recommendations, and reasoned actions while protecting student data and exploitable security details. Expansion beyond Sandbox use requires publication and the ordinary evidence route (Model Policy, §11(4)).

MAINTAIN CONTINUITY AND FAMILY RIGHTS

Restore the access function in the same instructional period.

- When required access is interrupted, or a tool, feature, or use cannot comply with the Model Policy, the LEA must:
  - Promptly provide an Equivalent Pathway, defined in Model Policy Appendix A(11) as "the same access function in the same instructional period with comparable independence, without avoidable exclusion, stigma, excessive delay or unreasonable caregiver burden."
  - Maintain support through interruptions and appeals until the pathway works in fact; the LEA bears all required-access costs.
  - LEAs should plan replacements before foreseeable changes and verify participation, including required home access.
  - A delivery receipt and/or a separate worksheet does not establish restoration (Model Policy, §7(7); Appendix A(11)).

Review Material Changes before continued use.

- Providers must give affected LEAs advance notice of Material Changes regardless of source. Before the changed use begins, LEAs must:
  - Review affected safeguards and evidence, authorize continued use, and notify affected parents.
  - Reverify accessibility after relevant changes.
  - Only urgent security patches altering no other function or data practice are exempt from these advance LEA duties; provider advance notice remains required (Model Policy, §§7(6), 9(7)).

Give families direct and accessible notice.

- Before use or Material Change, the LEA must:
  - Directly notify affected parents of purpose, supervision, provider, material features, evidence or its absence, data practices, supports, alternatives, and LEA contact.
  - Explain applicable rights to decline or seek review.
  - Notice must be free, accessible, in plain language, available by request on paper, and in the parent's language, with a meaningful opportunity to respond that does not delay access.
  - Meet additional biometric and language-access notice duties (Model Policy, §8(2)–(3)).

Route concerns to the applicable remedy without delaying support.

- Access decisions require written reasons and the SEA's accessible appeal route, with published deadlines, interim relief, and a binding, reasoned decision from a reviewer independent of the LEA and provider. General complaints require prompt acknowledgment, reasoned decisions by published deadlines, and urgent protection. Consequential technology-informed decisions require qualified human review. The LEA shall:
  - Explain the applicable remedy without adding local prerequisites.
  - Make clear that IDEA and Section 504 procedures remain available and enforceable.
  - Establish that sandbox withdrawal and required-access continuity are distinct student and parent rights.
  - Make clear that there is no universal non-digital-alternative right, but no student may be sanctioned or denied required education, services, or access (Model Policy, §§7(8), 8(4), 10(1), 12(1)).

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PROTECT DATA AND HUMAN DECISIONS

Keep consequential decisions with qualified people.

- Qualified LEA staff must:
  - Examine evidence and retain final authority over grades, placement, discipline, eligibility, and IEP or Section 504 plans and services.
  - Affirm automated outputs cannot be the primary or sole basis.
  - Explain the technology's role and evidence to parents in plain language and provide accessible review by qualified people authorized to reconsider and correct decisions.
  - Confirm technology alone may not provide counseling, crisis response, or therapy (Model Policy, §10(1)).
  - Apply Section 10(2)'s harmful-media reporting, protection, and response requirements.

Bind providers and subprocessors to required data protections.

Apply Section 9(4)'s contract protections for data, security, reporting, deletion, and portability, including provider responsibility for required subprocessor agreements. These cover derived and de-identified Student Data as well as identifiable information. Contracts must prohibit advertising, sale, monetization, and unauthorized redisclosure of Student Data; model or feature training, improvement, or development requires the contracted, LEA-authorized educational purpose. Staff must not enter Student Data, including derived data, into unauthorized services. The LEA must ensure that required provider agreements are in place, and authorized technology uses must comply with applicable privacy laws (Model Policy, §§9(4), 10(8)).

Verify authorization and data protections before AI-assisted documentation.

- Sensitive Personal Data may enter Generative AI only as necessary for required assistive technology or under Section 10(4)'s IEP or Section 504 documentation conditions; removing identifiers does not lift this restriction. For documentation, authorized staff must use LEA-authorized AI under a binding written provider agreement permitting that use. Use of personally identifiable Student Data requires a written enterprise agreement covering the tool and use. LEAs must:
  - Apply Section 9(4), FERPA, applicable IDEA, and state privacy law, including minimum-necessary processing, direct LEA control, and lawful deletion.
  - Establish a separate lawful disclosure basis; authorization and a contract alone neither provide one nor replace any required parental notice or consent.
  - Public general-purpose tools receive no exception.
  - Qualified LEA staff should verify accuracy and individualization; the responsible team and parents retain their authority and procedural rights (34 C.F.R. §§99.31, 99.33; Model Policy, §10(1), (4)).



Sallay (2024) offers practical AI-privacy vetting questions.

Preserve records and support through contract exit.

Before data deletion, providers and subprocessors must provide a free, secure, interoperable export without requiring additional renewal. Under the Model Policy, LEA request, purpose completion, or contract end triggers permanent deletion and written certification, while preserving required support. Only protected records required by applicable law, including binding state retention schedules, or subject to legal holds may remain, with restricted use and deletion when the requirement ends. SEA standards must preserve the records and lawful access specified in Section 9(8), without unnecessary collection or retention. The LEA should identify which records and copies must be retained, by whom and for how long, and confirm lawful custody before provider deletion. Unlawfully trained models may not serve students. Verify usable export and replacement support before exit (Model Policy, §9(8)).

ASSIGN RESPONSIBILITY AND VERIFY DELIVERY

Assign access delivery to existing responsible staff.

- The LEA superintendent or designee should:
  - Assign responsibility for support delivery and backup coverage and give designated staff authority to secure additional resources when local capacity fails.
  - Families and staff should know whom to contact for school and assigned home activities.
  - Coordinate curriculum, disability, technology, and language-access expertise without replacing lawful individual decision-makers.
  - Ensure that responsible teachers and service providers have secure access to the IEP and know their implementation duties (34 C.F.R. §300.323(d)).
  - The CITES framework supports coordinated delivery.

Fund complete access and practical staff preparation.

SEA and LEA boards should fund accessible shared materials, complete individual support and staff preparation, including when another organization delivers services. LEAs must ensure ongoing, role-appropriate professional development that prepares staff to operate authorized supports, restore access, and route concerns, using free SEA resources where useful (Model Policy, §§7(7), 9(10), 10(8); Appendix A(16)). The LEA shall provide accessible, age-appropriate AI literacy in every grade under Section 10(3), (6)–(7).

Planning resource

TIES Center's Lessons for All (2020) offers the 5-15-45 tool, with brief co-planning protocols for inclusive lessons.

Verify procurement claims against the actual activity.

SEA and LEA procurement staff should make applicable accessibility requirements explicit in purchasing criteria and contracts. The SEA or LEA may request a current Accessibility Conformance Report (ACR) for the proposed version and standards, with testing methods and limitations; a completed Voluntary Product Accessibility Template (VPAT) is an ACR, not a certification. Use the ACR to target actual-use tests with required supports. Record remedies and arrange maintenance and replacement through existing purchasing processes. Documentation cannot replace accessibility verification or establish instructional efficacy (Information Technology Industry Council, n.d.; NCADEMI & National Instructional Materials Access Center, 2025; Model Policy, §§7(5)–(7), 9(2)).

Provide state standards and assistance that simplify local delivery.

- The SEA must:
  - Set required accessibility, authorization, contract, security, disclosure, and complaint standards and establish independent access review.
  - Provide procurement guidance, model notices and contracts, ongoing training, and technical assistance, prioritizing limited-capacity LEAs.
  - Allow LEAs to seek assistance without interrupting support.
  - Use existing processes without new family forms or local vetoes over required services (Model Policy, §§7–9).

Review participation and progress using only necessary evidence.

- LEAs should:
  - Check participation alongside peers and look for recurring barriers in materials, settings, staff preparation, or repairs.
  - Use existing observations and service records, with voluntary family feedback; avoid new surveillance or reporting burdens.
  - Use the Quality Indicators for Assistive Technology (QIAT) to identify delivery gaps and corrective action; QIAT ratings do not establish compliance, efficacy, or eligibility.
  - Review learning and functional progress as described above; usage or engagement alone does not establish instructional value (QIAT Consortium, n.d.; Model Policy, §6(2)).

Report Incidents and verify remedies before restart.

- LEAs must:
  - Promptly report Incidents to the SEA and directly notify affected Parents, prioritizing threatened safety or access. (Routine instructional errors are excluded.)
  - Restart requires a documented cause, verified remedy, and support continuity, not provider assurance alone.
  - Verify the affected task and configuration.
  - SEA enforcement must preserve required access and applicable notice, response, and independent-review rights (Model Policy, §§9(11), 11(5); Appendix A).

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APPENDIX A DEFINITIONS AND KEY TERMS

1. **"Artificial Intelligence (AI)"** means a computational system or function that performs inference using machine learning or logic- or knowledge-based methods to generate predictions, classifications, recommendations, decisions, content or other outputs. The term applies to standalone and embedded systems, whether or not they adapt after deployment. It excludes functions limited to predetermined rules without such inference, including basic presentation, automated speech recognition, scoring, or sequencing.
2. "**AI Companion"** means an AI function or feature, whether standalone or embedded in a product, that is designed or configured to:
   (a) simulate reciprocal emotional, romantic, intimate, or familial attachments;
   (b) simulate parasocial relationships, including forming an ongoing pseudo-interpersonal or psychological bond with a user; and/or
   (c) encourage persistent anthropomorphization through synthetic declarations of affection, emotional dependency, consciousness, or exclusive relational loyalty.
   - The definition applies wherever the function or feature appears. A function or feature is not an AI Companion solely because it responds to a Student, provides instructional feedback tied to a defined curricular task, or provides Assistive Technology. An instructional purpose, designation as Assistive Technology, or a model's type or size does not create an exception for a function or feature that meets any of paragraphs (a), (b), or (c). The Department shall issue identification standards consistent with this definition.
3. **"Assigned Home Use"** means Student-Facing use of Education Technology that an educator, school, or LEA requires or directs for coursework assigned for completion outside scheduled instructional time. It includes homework, assigned practice, projects, classwork assigned for later completion, and digital steps required to access or submit assignments. The term applies whether the work is graded or ungraded, wherever it is completed, and whether the device is school-issued or privately owned. It excludes technology use independently chosen by a Student or Parent that the educator, school, or LEA neither requires nor directs.

4. **“Assistive Technology”** means disability-related devices, software, or services required under IDEA or Section 504 or identified by qualified staff for emerging needs.
5. "**Configured Use"** means a named tool used within an authorization’s defined Student group, purpose, configuration, and supervision. A use outside that scope requires new authorization; a Material Change requires review under Section 9(7).
6. **"Course-Essential Computing"** means either:
   (a) computing a Student must use to receive required instruction in courses that require computing, cybersecurity, digital design, digital literacy or computer science, or for required virtual-school participation; or
   (b) computing required for a task the LEA finds in writing cannot be delivered non-digitally.
7. “**Department”** means the [State Department of Education].
8. **"Displacement"** means what a Configured Use replaces in a child's day, including time, activities, relationships or skill practice.
9. **“Education Technology”** means electronic or digital devices, software, platforms, content, services or features used for instruction, assessment or Student support, or by school staff to affect instruction, grouping or Student records. It includes AI and non-AI tools, general-purpose tools and embedded features, including fixed-content, scoring, adaptive and sequencing systems. Coverage depends on actual use, not product labels or marketing.
10. **"Educator-Facing AI"** means staff Generative AI for planning, feedback, or analysis. This Act applies when output reaches Students or changes instruction, grouping or Student records.
11. **“Equivalent Pathway”** means a pathway providing the same needed access functions and meaningful participation in the same instructional period, with comparable independence, without avoidable exclusion, stigma, excessive delay or unreasonable caregiver burden.
12. **“ESSA Tiers of Evidence”** means the federal standards under 20 U.S.C. § 7801(21)(A) for classifying evidence as strong (Tier I), moderate (Tier II), promising (Tier III), or demonstrating a rationale with ongoing examination of effects (Tier IV). Tiers describe evidence supporting a use, not product approval.

13. **"Generative AI"** means AI that composes or synthesizes text, images, audio, video, code, or other content from prompts, other inputs, retrieved sources, or automated triggers. Generated summaries and paraphrases are included. Functions limited to retrieval, scoring, sorting, checking, conventional transcription, mechanical formatting, or fixed templates without content synthesis are excluded. Functions limited to faithfully transcribing existing speech or rendering existing text as speech, without composing, summarizing, paraphrasing, translating, or otherwise generating new content, are not Generative AI solely because they use AI. Other applicable privacy, biometric, safety, and harmful-impersonation requirements remain in force.
14. **“Incident”** means a tool-related safety, privacy, or required-access risk, prohibited-function exposure, or data-protection violation, excluding routine instructional errors.
15. **“Independent Evidence”** means a study of effects neither conducted nor paid for by the Provider. Researchers shall control the study’s design, analysis, and reporting and remain free to publish unfavorable findings.
16. **“Local Educational Agency (LEA)”** means a school district; a public charter school or charter governing body that State law establishes as an LEA; or another public educational authority responsible under State law for providing or arranging publicly funded instruction in pre-kindergarten or any of grades kindergarten through 5. An LEA remains responsible for its duties under this Act when instruction or services are delivered on its behalf.
17. **“Manipulative Design Pattern”** (also called a “Dark Pattern”) means a design choice, interface, feature, or interaction practice in Education Technology that has, or is reasonably likely to have, the substantial effect of subverting or impairing a Student’s, Parent’s, or educator’s informed choice or control through deception, coercion, obstruction, or exploitation of a Student’s developmental or emotional vulnerability. The term applies to choices about participation, continued use, stopping use, disclosure of Student Data, and privacy or safety protections. Developmentally appropriate instructional directions, feedback, and progress indicators do not constitute a Manipulative Design Pattern solely because they encourage learning or completion of assigned work.

18. **“Material Change”** means any change that could materially affect Students, including functionality, safeguards, data practices, or control, regardless of source.
19. **“Parent”** includes parents, foster parents, guardians authorized to make educational decisions, IDEA surrogate parents, persons acting as parents in a parent’s absence and other educational decision-makers, consistent with their authority under applicable law. This definition does not expand or restrict a person’s rights to records, notice, participation, or consent under applicable law or a binding court order.
20. **“Provider”** means an entity making, supplying, or hosting Education Technology for a use covered by this Act, including free, donated, and consumer tools. The term includes LEAs supplying another LEA.
21. **“Safety Review”** means a documented evaluation, conducted by qualified reviewers under minimum standards established by the Department, of reasonably foreseeable risks and the effectiveness of safeguards for a Configured Use. The review shall address developmental appropriateness; harmful content, interactions, and Manipulative Design Patterns; privacy and security; accessibility and required support; and human oversight and incident response. It shall document the evidence examined, testing performed, identified risks, required safeguards, and conditions for use, reassessment, and immediate suspension.
22. **“Sandbox”** means a narrow, time-limited trial lacking Section 11(1)’s ordinary evidence route, authorized, administered or supported by the Department under Section 11(3).
23. “**Sensitive Personal Data”** means health, including mental-health information, disability, biometric identity, precise location, immigration data, and identifiers linked to any of those data; biometric identity includes identifiable physical, biological or behavioral traits and measurements, including face, voice, and emotion templates.

24. **“Serious Harm”** means substantial injury or detriment to a Student or other person arising from the use or restriction of Education Technology covered by this Act. It includes death or significant physical injury; severe psychological or emotional injury; sexual abuse or exploitation; an offensive intrusion of legally protected privacy; material financial loss from fraud or misuse of Student Data; identity theft; or loss of required education or support that substantially impairs a Student’s ability to communicate, learn, or participate. Seriousness shall be assessed in light of the Student’s age, developmental capacities, access needs, and the severity, duration, and cumulative effects of the harm.
25. **“Student” i**ncludes eligible children receiving LEA instruction in any setting.
26. **"Student AI Account"** means an account or feature that lets a Student send prompts to, or receive content from, Generative AI. A staff-held account is not a Student AI Account when an adult types each prompt and reviews each output before the Student receives it. When a Student's own words reach Generative AI, the use is Student-Facing Generative AI.
27. **“Student Data”** means all collected, generated, received or inferred Student information, including content, interaction logs and metadata, outputs, identifiers linked or reasonably linkable to a Student or a Student’s device, and derived or de-identified data.
28. **“Student-Facing”** means use of Education Technology a Student operates, watches, hears or directly receives, including demonstrations and Generative AI prompts or outputs. Educator-prepared material made without Generative AI and reviewed before presentation is excluded from this term; technology used to prepare or deliver that material remains subject to this Act’s applicable requirements.
29. **"Student-Facing Generative AI"** means Generative AI output reaching Students, including after adult preparation or review, or a Student’s own prompts reaching Generative AI.
30. **"Tier IV Evidence"** means a documented rationale under 20 U.S.C. § 7801(21)(A)(ii) that:
    (a) is grounded in high-quality research findings or positive evaluation;
    (b) explains why a use is likely to improve outcomes relevant to the authorized educational purpose for the Students concerned, including academic or other learning gains; and
    (c) is accompanied by ongoing efforts to examine the use's effects.

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