



Community District Education Council 26

New York City Department of Education

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Resolution on Improving the Governance Framework in the NYCPS Guidance on Artificial Intelligence

WHEREAS, the National Institute of Standards and Technology (NIST) describes generative Artificial Intelligence (AI) as a technology with significant potential to transform society while also creating unique risks, supporting the conclusion that generative AI is best understood as a general-purpose, high-impact technology that affects multiple domains simultaneously—including education, communications, and public servicesⁱ; and

WHEREAS, Executive Order 14277, *Advancing Artificial Intelligence Education for American Youth*, established the White House Task Force on AI Education, directing the U.S. Secretary of Education to prioritize AI in discretionary grant programs for teacher training, mandating development of K-12 AI educational resources and a Presidential AI Challenge, and declaring a national policy to promote AI literacy and proficiency among students and educators — reflecting a deregulatory federal posture explicitly oriented toward integration and innovationⁱⁱ; and

WHEREAS, the U.S. Secretary of Education issued a “Dear Colleague Letter” to federal grantees affirming that AI use is allowable under existing federal education programs and proposing a supplemental grantmaking priority to expand AI in K-12, with stated goals that include using AI to personalize learning, support differentiated instruction, expand computer science education, and enhance educator training — federal guidance that strongly encourages and prioritizes affirmative steps toward AI integrationⁱⁱⁱ; and

WHEREAS, the White House Task Force on AI Education has been tasked with promoting AI literacy and proficiency among America’s youth and educators by advancing the appropriate integration of artificial intelligence into educational settings, providing comprehensive training for educators on the effective and responsible use of AI, and fostering early exposure to AI concepts and technologies in order to develop an AI-ready workforce and cultivate the next generation of American innovators^{iv}; and

WHEREAS, New York State has not enacted a state-level K-12 framework governing the use of AI, but has enacted relevant law not directly related to education: the Responsible AI Safety and Education (RAISE) Act and maintains an Office of Information Technology Services Acceptable Use Policy to ensure that AI adoption by state entities is safe, secure, and respectful of privacy^v; and

WHEREAS, the global release of ChatGPT in November 2022, prompted a reactive and short-lived ban by NYCPS in January 2023, citing concerns about academic integrity and content safety and accuracy^{vi}, that was reversed in May 2023^{vii} to “embrace” artificial intelligence, rationalizing that the technology is an inevitable presence in students’ lives and must be introduced in a controlled fashion to ensure future readiness; and

WHEREAS, NYCPS officially released its foundational “Guidance on Artificial Intelligence” in March 2026, establishing a centralized vision for the safe and ethical use of the technology across the city, and that a comprehensive Playbook is planned for June 2026^{viii}; and

WHEREAS, the NYCPS Guidance establishes a “Traffic Light Framework” categorizing AI use into three tiers — prohibited (red), conditional (yellow), and approved (green) — and imposes absolute prohibitions on the use of AI in decisions concerning student placement, discipline, promotion, graduation, and program access, as well as in the development of special education documents, behavioral surveillance, and student grade determination^{ix}; and

WHEREAS, the NYCPS Guidance requires that all AI tools processing personally identifiable student information (PII) complete a mandatory compliance review through the Enterprise Request Management Application (ERMA), consisting

of up to four components including a vendor privacy and security assessment, a data processing agreement, an IT security review, and a cloud architecture review^x, with AI-specific standards added in December 2024 requiring vendor disclosure of AI capabilities, prohibition of student data use for AI model training, and transparency requirements — standards consistent with NYCPS's obligations under FERPA, COPPA, and New York State Education Law 2-d^{xi}; and

WHEREAS, the NYCPS Guidance explicitly acknowledges that the ERMA compliance process “does not yet evaluate algorithmic bias, equity impact, or instructional effectiveness,” thereby permitting the use of ERMA-approved AI tools in schools without any required or standardized evaluation of whether such tools produce equitable outcomes, reinforce or mitigate existing disparities, or demonstrably improve student learning; and

WHEREAS, recent federal actions on artificial intelligence in education emphasize expanding AI literacy, supporting educator training, and enabling innovation through flexible, locally determined implementation, while encouraging local educational agencies to incorporate factors such as transparency, reliability, and student outcomes into AI adoption and evaluation processes, thereby reinforcing the responsibility of local educational agencies to establish their own governance structures that ensure such technologies are used effectively and responsibly; and

WHEREAS, other major ethical and societal concerns with AI in schools include threats to student data privacy, the proliferation of non-consensual deepfake imagery, and the risk of cognitive decline due to over-reliance; and

WHEREAS, the NYCPS Guidance defers several foundational components of a comprehensive AI governance framework to a June 2026 Playbook, including grade-differentiated guidance for K-5, 6-8, and 9-12 instructional contexts, a public inventory of all ERMA-approved AI tools, and specific guidance on academic integrity and assessment design in an AI-enabled environment — leaving these areas unresolved during the current 2025-2026 school year^{xii}; and

WHEREAS, while the NYCPS Guidance reflects commitments to human oversight, educator professional judgment, family rights, and the protection of vulnerable student populations, it does not define AI literacy as a required student learning outcome within any existing curriculum or instructional standard — a dimension established as a national priority in EO 14277 — nor does it establish measurable criteria or timelines for evaluating the instructional effectiveness of approved AI tools, creating a gap between the guidance's protective orientation and the innovation and outcome-accountability expectations embedded in current federal education policy; and

THEREFORE, BE IT RESOLVED, that Community Education Council 26 (CEC 26) formally calls upon the New York City Department of Education (NYCPS) to transition its "Guidance on Artificial Intelligence" from a preliminary advisory document into a binding Comprehensive AI Governance Framework, and to take the following specific actions:

1. **ERMA Review Scope** - Expand the ERMA compliance review to include mandatory evaluation of algorithmic bias, equity impact, and instructional effectiveness for all AI tools used in schools — not merely data privacy and security — by requiring vendors to submit third-party bias audits conducted by independent entities using publicly documented and methodologically transparent evaluation criteria as a condition of ERMA approval, and by establishing clear, publicly available criteria against which such evaluations will be conducted, as described in NIST Special Publication 1270 *Towards a Standard for Identifying and Managing Bias in Artificial Intelligence*, prior to the deployment of any new AI tools in the 2026–2027 school year.
2. **Public Tool Inventory** - Publish a comprehensive and publicly accessible inventory of all AI tools that have received ERMA approval, no later than the release of the June 2026 Playbook, including the name of each tool, its approved use cases, the grade levels for which it is authorized, any known limitations or conditions of use, and the date of approval — so that families, educators, and the public may exercise meaningful oversight of the AI products their children encounter.
3. **Grade-Differentiated Guidance** - Issue binding, grade-differentiated guidance in the June 2026 Playbook governing the appropriate use of AI across the K–5, 6–8, and 9–12 instructional bands, specifying permissible uses, required levels of educator supervision, screen time considerations consistent with American Academy of Pediatrics research, and the minimum instructional, developmental, and data privacy conditions that must be satisfied before AI tools may be used with students at each developmental stage — and ensure that no AI tool is deployed for direct student instruction in any grade band until such differentiated guidance is in effect.
4. **Academic Integrity Policy** - Adopt and publish an Academic Integrity and AI Use Policy, no later than the start of the 2026–2027 school year, that defines the permissible uses of AI by students in completing coursework, homework, and assessments; establishes consistent consequences for misuse, including specific provisions addressing the creation,

distribution, or use of AI-generated deepfakes and non-consensual synthetic imagery involving students or staff, consistent with applicable provisions of the New York State Dignity for All Students Act (DASA) and any applicable city or state cyberbullying regulations; provides guidance to teachers on AI-assisted assignment design; and ensures that students, families, and educators across all schools receive equitable notice of and education about these expectations.

5. **AI Literacy Standards** - Establish AI literacy as a defined student learning outcome — consistent with Executive Order 14277 and the U.S. Department of Education's Dear Colleague Letter — by requiring the integration of age-appropriate AI literacy instruction into the existing K–12 Computer Science and Digital Fluency Learning Standards curriculum, specifying the competencies students are expected to develop at each grade band, including the ability to evaluate AI-generated content, understand AI's societal implications, and use AI tools responsibly and critically.
6. **Teacher Professional Development** - Develop and implement a structured, system-wide professional development program to ensure that all teachers and school leaders receive meaningful training in the responsible use of AI tools — including how to evaluate AI-generated outputs, apply grade-appropriate AI use policies, address academic integrity issues, and support students in developing AI literacy — with training requirements, timelines, and accountability measures specified in the June 2026 Playbook and updated annually thereafter.
7. **Meaningful Family Engagement** - Establish a formal and ongoing mechanism for meaningful family engagement, including high school students, in AI governance decisions — beyond reactive inquiry channels — including advance notice and opportunity to comment before any new AI tool is approved for use with students, accessible plain-language explanations of how approved tools function, and annual public reporting on AI tool use, including the identity of approved tools, their frequency of use, and their distribution across schools and student populations across the city disaggregated by school, grade level, and student population.
8. **Conflict-of-Interest Protocols** - Institute transparent conflict-of-interest protocols governing the composition and operations of the AI Advisory Council and any other bodies that inform AI procurement and policy decisions, including public disclosure of all members and their organizational affiliations, recusal requirements for members with financial relationships with AI vendors seeking NYCPS contracts. These protocols shall be adjudicated by the NYCPS Ethics Officer in coordination with the NYC Conflicts of Interest Board (COIB); non-compliance, including failure to disclose a material relationship including but not limited to financial compensation, advisory roles, equity interests, or contractual relationships, shall result in immediate removal from the advisory body and a stay of any related procurement decisions until an independent ethics audit is completed.
9. **Effectiveness Evaluations** - Establish predefined, publicly disclosed measurable criteria and timelines for evaluating the instructional effectiveness of all AI tools approved for use with students, requiring evidence-based review of whether deployed tools demonstrably improve student learning outcomes and reduce — rather than widen — existing achievement gaps, and require the publication of an annual Equity-of-Access Report documenting the distribution, frequency of use, and intensity of use of approved AI tools across all schools, disaggregated by Title I status, funding resource level, and student demographic populations, to ensure that advanced AI resources are not disproportionately concentrated in high-resource schools. Findings shall be reported publicly and used to inform continuation, modification, or discontinuation of approved tools, conducted or verified by an independent evaluator.
10. **Technical Controls** – Adopt a continuous monitoring and automated enforcement process for AI-enabled tools per guidance in the NIST Artificial Intelligence Risk Management Framework (AI RMF), procure licenses for enterprise versions of AI tools since privacy controls are stricter, configure Cloud Access Security Broker (CASB) tools to prohibit and block non-approved and non-enterprise versions of AI tools “Shadow AI”, and configure AI-aware Data Loss Prevention (DLP) tools to protect sensitive data from being input into AI models.
11. **Framework Review** - Establish an annual review cycle to update the AI Governance Framework to account for the continually changing landscape of AI tools and apps embedded with AI functionality.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Chancellor of New York City Public Schools, the Panel for Educational Policy, the New York City Council's Committee on Education, the New York State Assembly Committee on Education, the New York State Senate Committee on Education, New York State Board of Regents, and the New York State Education Department, urging each body to take such actions within their respective authority as are necessary to ensure that the deployment of artificial intelligence in New York City public schools is governed by binding standards that are equitable, transparent, accountable, and oriented toward the educational well-being of every student.

During the CEC 26 meeting held on April 16, 2026, the resolution was reviewed and unanimously approved by all members in attendance.

ⁱ <https://doi.org/10.6028/NIST.ITL.110-1>

ⁱⁱ <https://www.whitehouse.gov/presidential-actions/2025/04/advancing-artificial-intelligence-education-for-american-youth/>

ⁱⁱⁱ <https://www.ed.gov/media/document/oepd-ai-dear-colleague-letter-7222025-110427.pdf>

^{iv} <https://www.ai.gov/initiatives/education>

^v <https://www.governor.ny.gov/news/governor-hochul-signs-nation-leading-legislation-require-ai-frameworks-ai-frontier-models>

^{vi} <https://www.chalkbeat.org/newyork/2023/1/3/23537987/nyc-schools-ban-chatgpt-writing-artificial-intelligence/>

^{vii} <https://www.edweek.org/technology/180-degree-turn-nyc-schools-goes-from-banning-chatgpt-to-exploring-ais-potential/2023/10>

^{viii} <https://www.schools.nyc.gov/about-us/vision-and-mission/guidance-on-artificial-intelligence-full>

^{ix} <https://www.schools.nyc.gov/about-us/vision-and-mission/guidance-on-artificial-intelligence-full>

^x <https://www.schools.nyc.gov/about-us/vision-and-mission/guidance-on-artificial-intelligence>

^{xi} <https://infohub.nyced.org/in-our-schools/policies/data-privacy-and-security-compliance-process>

^{xii} <https://www.schools.nyc.gov/about-us/vision-and-mission/guidance-on-artificial-intelligence>