

Guidance on Artificial Intelligence (AI) Tool Usage in WELS Elementary and High Schools

Navigating the Digital Frontier: AI Tools in Education

The rapid advancement of Artificial Intelligence (AI) tools, such as Google Gemini, ChatGPT, and Perplexity, presents both exciting opportunities and significant challenges for educational institutions. As Lutheran elementary and high schools seek to leverage these technologies to enhance learning and administrative efficiency, it is crucial to do so responsibly, ethically, and in full compliance with legal requirements.

This document serves as a practical guide for school principals, administrators, and technology directors within the Wisconsin Evangelical Lutheran Synod (WELS) to understand the legal landscape, implement appropriate policies, and secure necessary permissions for the judicious use of AI in classrooms and operations.

1. Understanding AI Tools in Educational Settings

AI tools are increasingly capable of assisting with tasks like content generation, research, language translation, and personalized learning. When considering their use, it is important to differentiate between public access tools and potential educational-specific or enterprise versions that may offer enhanced privacy features.

2. Legal Considerations: COPPA and FERPA

Two primary federal laws govern student data privacy and online safety in the U.S. and are highly relevant to the use of AI tools in schools:

2.1. Children's Online Privacy Protection Act (COPPA)

- **Purpose:** COPPA applies to online services directed at children under 13 or general audience services that knowingly collect personal information from children under 13. It requires verifiable parental consent before collecting, using, or disclosing personal information from children in this age group.
- **Relevance to AI:** Most general-purpose AI chat tools (e.g., ChatGPT, Perplexity AI) have a minimum age requirement, often 13 years old, for direct user access.
 - **For students under 13:** Direct use of these public AI tools is generally prohibited without explicit, verifiable parental consent and a clear understanding of the AI service's data collection practices. Schools should consider if the AI tool can function as a "school-authorized educational purpose" under COPPA's school consent exception, which requires the

school to act as the parent's agent, ensuring the service uses the data only for educational purposes and not for commercial profiling.

- **For students 13 and older:** While COPPA's primary age restriction is passed, responsible use and data privacy remain paramount. School policies should still guide their use.
- **Key Action:** Schools must assess if students interacting with AI tools are under 13. If so, stringent parental consent is required, or alternative AI tools designed for educational use with COPPA compliance should be prioritized.

2.2. Family Educational Rights and Privacy Act (FERPA)

- **Purpose:** FERPA protects the privacy of student education records and gives parents (and eligible students) certain rights with respect to these records. It generally requires schools to obtain written permission from the parent or eligible student before releasing personally identifiable information (PII) from student education records.
- **Relevance to AI:** When students interact with AI tools, especially if they input information that could be considered part of their "education record" or PII, FERPA becomes relevant.
 - **Protecting PII:** Schools must ensure that students are not inputting any personally identifiable information (e.g., full names, student IDs, birthdates, addresses, detailed academic performance data) into public AI models, as these models may use such input to train their algorithms or may not have adequate security measures to protect the data.
 - **Vendor Agreements:** If a school uses an AI tool where student PII *must* be shared (e.g., a specialized AI tutor that tracks individual progress), the school must have a robust contract with the vendor ensuring the data is protected under FERPA's "school official" exception. This contract must stipulate that the vendor only uses the data for the intended educational purpose and maintains appropriate security.
- **Key Action:** Emphasize to students and staff that no PII should ever be entered into general AI tools. For any AI tool that processes student data, ensure a FERPA-compliant vendor agreement is in place.

3. Practical Steps for Legal and Responsible AI Use

3.1. Assess Age Restrictions and Platform Policies

- **Review AI Service Terms:** Before allowing access, thoroughly review the Terms of Service and Privacy Policies of any AI tool, noting any age restrictions and data collection practices.

- **Consider Educational Versions:** Investigate if AI providers offer educational or enterprise versions (e.g., OpenAI for Education, Google Workspace for Education AI features). These versions often come with stronger privacy protections and data governance tailored for school environments.

3.2. Secure Parental Consent (Crucial for Younger Students)

- **For Students Under 13:** Explicit, verifiable parental consent is mandatory for direct use of AI tools that fall under COPPA, or for any AI tool where student data might be collected. This consent should clearly outline:
 - The possible use of AI tools.
 - The purpose of their use in instruction.
 - The type of information students might input (emphasizing *no PII*).
 - The school's commitment to protecting student privacy.
- **For All Students (Good Practice):** Even for students over 13, obtaining parental acknowledgment and permission for AI tool usage is a best practice. This ensures transparency and aligns with WELS's educational commitment to parental involvement.

3.3. Licensing and Subscriptions

- **Educational Licenses:** Use AI tools that offer specific educational licenses or integrate AI features into existing educational platforms (e.g., Google Workspace). These are typically designed with educational privacy laws in mind and offer better data control.
- **Free vs. Paid Tiers:** Many AI tools offer free tiers. While convenient, these often have less robust privacy guarantees compared to paid, enterprise, or educational subscriptions.
- **PII in Free Tiers:** If relying on free tiers, establish a strict policy that no personally identifiable student information or sensitive school data should ever be inputted.

3.4. Data Privacy and Security Protocol

- **"Garbage In, Garbage Out" (and "Sensitive In, Exposed Out"):** Educate students and staff that any information inputted into public AI models, particularly those that use input for model training, is no longer private.
- **Anonymized Data:** If using AI for analysis (e.g., essay feedback), ensure all student work is fully anonymized before submission to the AI.
- **Data Minimization:** Only input the minimum necessary information required for the AI to perform its task.

What follows are sample AI Usage policies that can be used as templates or starting points for your own policy. They can rarely be used “as is” since each school has unique circumstances and existing policies that may overlap.

4. Sample Parental Permission Form Statement

This statement can be included in annual technology permission forms or as a standalone form.

Sample Parental Permission Statement for AI Tool Usage

Dear Parents/Guardians,

As part of our commitment to providing a relevant and enriching educational experience, [School Name] may integrate the use of Artificial Intelligence (AI) tools (e.g., Google Gemini, Perplexity AI, ChatGPT) into our curriculum and operations. These tools can enhance learning, foster critical thinking, and support administrative tasks.

We understand the importance of student privacy and safety, and we are committed to using these tools responsibly and in compliance with federal laws, including the Children's Online Privacy Protection Act (COPPA) and the Family Educational Rights and Privacy Act (FERPA).

Please be aware of the following regarding AI tool usage:

1. **Educational Purpose:** AI tools will be used solely for educational purposes, such as assisting with research, brainstorming, language practice, and content generation for school projects.
2. **No Personally Identifiable Information (PII):** Students are **strictly prohibited** from inputting any personally identifiable information (e.g., full name, address, student ID, date of birth) into these AI tools.
3. **Data Privacy:** We will instruct students on the risks of sharing sensitive or private information with AI models. We will prioritize AI tools with robust privacy policies or use specific educational versions when available.
4. **Age Restrictions:** For AI tools that have age restrictions (e.g., many public AI chat services require users to be 13 years or older), we will ensure compliance. For students under the age of 13, direct access to such tools will occur under teacher supervision and/or using school-licensed versions that provide appropriate privacy controls, acting as agents on behalf of parents as permitted by COPPA.
5. **Academic Integrity:** Use of AI tools will be integrated with clear guidelines for academic honesty and originality. Students will be taught how to appropriately cite AI-generated content and how to use AI as a learning aid, not a substitute for their own work.

By signing below, you acknowledge that you have read and understand [School Name]'s approach to AI tool usage and grant permission for your child, [Student's Full Name], to utilize school-approved AI tools under the specified guidelines for educational purposes during the [School Year] school year.

Parent/Guardian Signature: _____

Printed Name: _____

Date: _____

5. Sample AI Usage Policy

This policy provides a framework. Schools should adapt it to their specific context and values.

5.1. Organizational AI Usage Policy (For the School as a Whole)

Purpose: To establish clear guidelines for the responsible, ethical, and legally compliant use of Artificial Intelligence (AI) tools within [School Name] for all faculty, staff, and students. This policy aims to leverage AI's potential while safeguarding student privacy, promoting academic integrity, and upholding the school's Christian mission and values.

Scope: This policy applies to all AI tools, applications, and platforms used for educational, administrative, or operational purposes by any member of the [School Name] community, on or off school premises, using school-provided or personal devices.

Principles:

- **Ethical Use:** AI tools shall be used in a manner consistent with Christian ethics, promoting truthfulness, intellectual honesty, and respect for all individuals.
- **Privacy & Security:** Prioritize the protection of personally identifiable information (PII) and confidential school data. AI tools will be selected and utilized with due diligence regarding their data privacy policies and security measures.
- **Academic Integrity:** AI tools are to be used as aids to learning and innovation, not as substitutes for original thought, effort, and integrity.
- **Transparency:** Communicate clearly about the use of AI tools to students, parents, and staff.
- **Professional Development:** Provide ongoing training and support for staff and students on the effective, ethical, and safe use of AI tools.
- **Compliance:** Ensure all AI usage complies with federal laws (COPPA, FERPA), state regulations, and WELS guidelines.

Guidelines:

1. **Approved Tools:** The [Technology Director], in consultation with the Principal, will approve specific AI tools for school use, prioritizing those with educational licenses or robust privacy features.
2. **Data Input Restrictions:** No personally identifiable student information (PII) or sensitive school data shall be entered into AI tools that lack specific educational

data privacy agreements.

3. **Parental Consent:** Verifiable parental consent will be obtained for the use of AI tools by students, especially those under 13, in accordance with COPPA.
4. **Continuous Review:** This policy will be reviewed annually and updated as AI technology and legal requirements evolve.
5. **Consequences of Misuse:** Violations of this policy may result in disciplinary action, up to and including suspension or expulsion for students, and disciplinary action for staff, in accordance with the school's existing codes of conduct.

5.2. Student AI Usage Policy

Purpose: To guide students in the responsible, ethical, and academically honest use of Artificial Intelligence (AI) tools as learning aids.

Guidelines:

1. **Learning Aid, Not Cheating Tool:** AI tools are powerful resources for research, brainstorming, idea generation, and content refinement. They are **not** to be used to complete assignments in lieu of your own effort or to plagiarize.
2. **Academic Integrity:**
 - **Original Work:** All submitted work must primarily reflect your own understanding, critical thinking, and effort.
 - **Attribution:** If you use AI-generated content (e.g., text, ideas, images) as part of an assignment, you **must cite it properly** as instructed by your teacher. Failure to cite AI use where required will be considered plagiarism.
 - **Verification:** Always critically evaluate AI-generated content for accuracy, bias, and appropriateness. AI can make mistakes or generate misleading information.
3. **Privacy and Safety:**
 - **No PII:** **Never** input your full name, student ID, home address, phone number, or any other personal identifying information (PII) into AI chat tools.
 - **No Confidential Information:** Do not input private school information, or any personal details about others.
 - **Age Restrictions:** Adhere to the age restrictions of AI platforms. Do not create accounts or use tools that require you to be older than your current age.
4. **Teacher Instructions:** Always follow your teachers' specific instructions regarding AI tool usage for each assignment. Some assignments may permit or even require AI use; others may prohibit it. When in doubt, ask your teacher.
5. **Responsible Use:** Use AI tools respectfully and constructively. Do not use them to generate harmful, inappropriate, or offensive content.
6. **Consequences:** Misuse of AI tools, including violations of academic integrity or privacy, will result in disciplinary action in accordance with the [School Name] Code of Conduct.

5.3. Teacher AI Usage Policy

Purpose: To guide faculty in their calling as workers who seek to handle the tools of their trade correctly and for God's glory. This policy provides guidance for integrating Artificial Intelligence (AI) tools effectively and ethically, ensuring every application supports our primary mission: providing a Christ-centered education where students are taught to seek and understand truth of God's Word.

Guidelines:

1. **Pedagogical Purpose:** Use AI tools with clear intention to enhance learning outcomes, foster critical thinking, differentiate instruction, and streamline administrative tasks. Every use of AI must be purposefully aligned with Christian pedagogical goals and specific learning objectives.
2. **Academic Integrity & Policy Enforcement:**
 - **Clear Expectations:** Clearly communicate to students the acceptable and unacceptable uses of AI for each assignment. Provide specific guidelines on citation requirements for AI-generated content.
 - **Educate Students:** Teach students about AI's capabilities and limitations, ethical considerations, and the importance of academic honesty when using AI.
 - **Vigilance:** Be aware of AI's potential for misuse (e.g., plagiarism) and adapt assessment strategies as needed.
3. **Data Privacy & FERPA Compliance:**
 - **No PII Input:** Do not input student personally identifiable information (PII) into AI tools which lack specific educational data privacy agreements.
 - **Anonymization:** If using AI for feedback or analysis of student work, ensure all data is fully anonymized before input.
 - **FERPA Compliance:** If considering an AI tool that requires sharing of student data, consult with the [Technology Director] to ensure a FERPA-compliant vendor agreement is in place.
4. **COPPA Compliance (for K-8 Teachers):**
 - **Under 13 Students:** For students under 13, direct individual use of public AI tools with age restrictions (e.g., ChatGPT) is prohibited without verifiable parental consent and careful adherence to COPPA guidelines. Consider school-licensed educational AI platforms that are COPPA compliant.
 - **Supervision:** When students under 13 use any AI tool, ensure teacher supervision and strict adherence to privacy protocols.

5. **Professional Development:** In the spirit of being workers who need not be ashamed and who correctly handle the truth (2 Timothy 2:15), engage in ongoing professional development to skillfully understand evolving AI technologies, best pedagogical practices for their integration, and relevant legal and ethical considerations that advance their God-given skill sets.
6. **Curriculum Integration:** Consider innovative ways to integrate AI into lesson plans, project-based learning, and assessment design. The focus should be on developing students' AI literacy and a sense of responsible Christian digital citizenship, preparing them to navigate the modern world with discernment.
7. **Ethical Considerations:**
 - **Bias Awareness:** Be aware that AI models can reflect biases present in their training data. Critically evaluate AI-generated content for fairness, accuracy, representation, and alignment with God's truth.
 - **Transparency:** Be transparent with students and parents about how AI tools are being used.
 - **Model Outputs Review:** Always review AI-generated content before using it in class or distributing it to students to ensure accuracy, age-appropriateness, and alignment with Christian values.
8. **Reporting Concerns:** Report any concerns about AI tool misuse, security vulnerabilities, or inappropriate content generation to the Principal and [Technology Director].

Conclusion

The integration of AI tools into WELS elementary and high schools offers transformative potential for enriching education. By thoughtfully navigating the legal landscape, establishing clear policies, and fostering a culture of responsible and ethical use, WELS schools can embrace these powerful technologies while upholding their commitment to student safety, privacy, and academic excellence. Continuous vigilance, education, and adaptability will be key as AI continues to evolve.

This document is intended as guidance and should not be considered legal advice. Schools are encouraged to consult with legal counsel regarding specific implementation details and ongoing compliance.