

AI Guidelines and Legal Overview

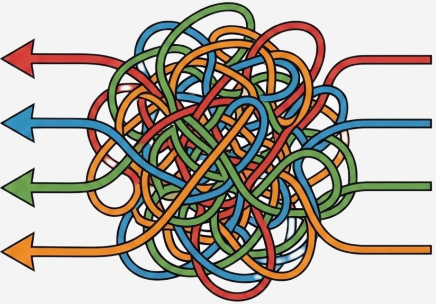
Navigating TAC 219, TRAIGA, and Legislative Mandates for
Safe, Ethical, and Compliant AI Adoption

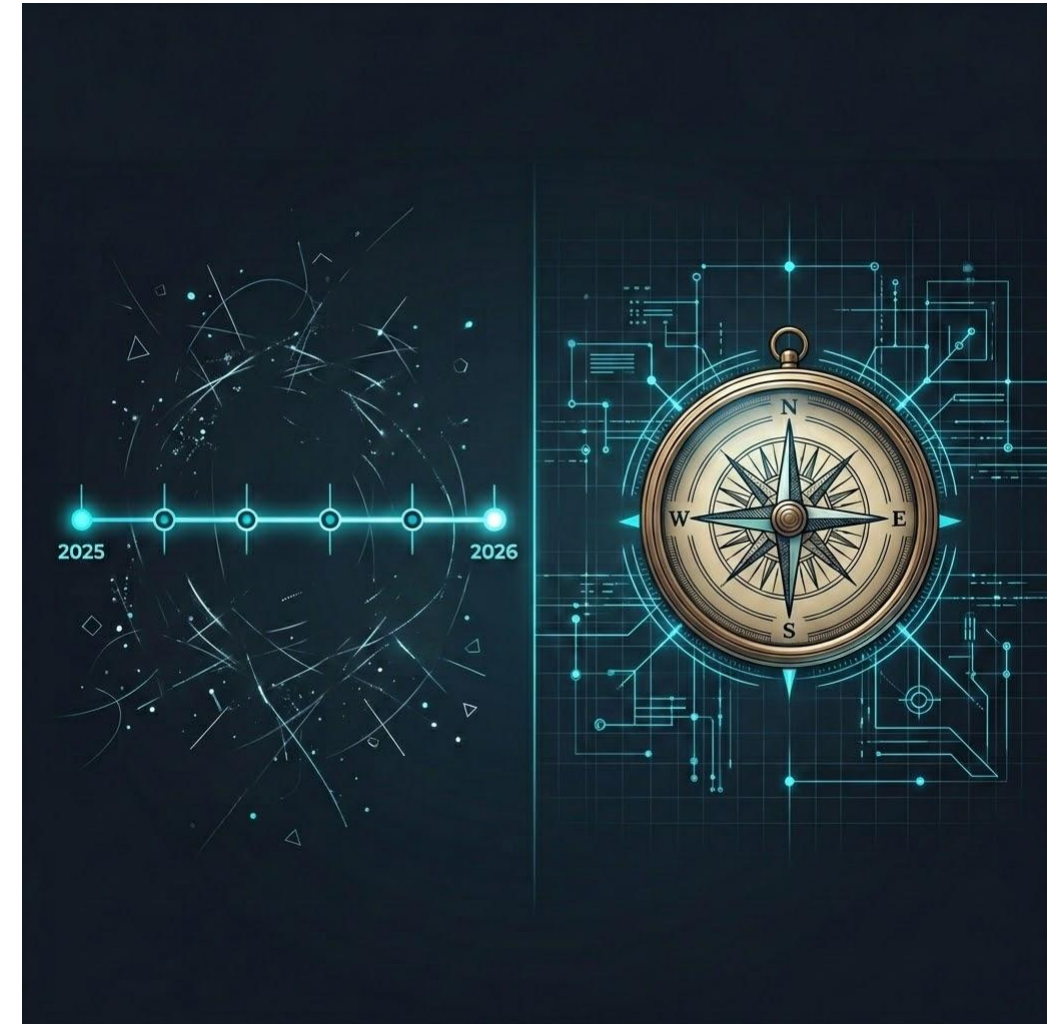
Robert O'Connor
Region 16
Coordinator of AI Innovation

Texas and AI in Local Government (Schools)

Shift to Regulated AI

State-level guardrails now require **proactive compliance**, structured governance, and localized human accountability.

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|--------------|--|---------|
| ▪ TAC 219 |  | HB 149 |
| ▪ TGC 2054 | | SB 12 |
| ▪ TEC 26.009 | | SB 112 |
| ▪ BCC 552 | | SB 1964 |



AI Policies Adopted in 25-26 SY (TASB Update 126)

CQ - Guidance from Govt Code 2054.1601 (TGC was updated, not CQ directly)

EIA (LOCAL) - Academic Dishonesty

“... the use of artificial intelligence to complete an assignment in part or in whole unless approved by the classroom teacher [see CQD]...”

CQD (LOCAL) & (LEGAL) - AI Acceptable Use

“Employees and students shall be permitted to explore AI ...”

BANS & PROHIBITED TECHNOLOGIES

Districts cannot procure, deploy, or utilize software developed by banned entities or adversarial nations.

Tic Toc Ban applies to AI: Restriction on models developed by the People Republic of China.

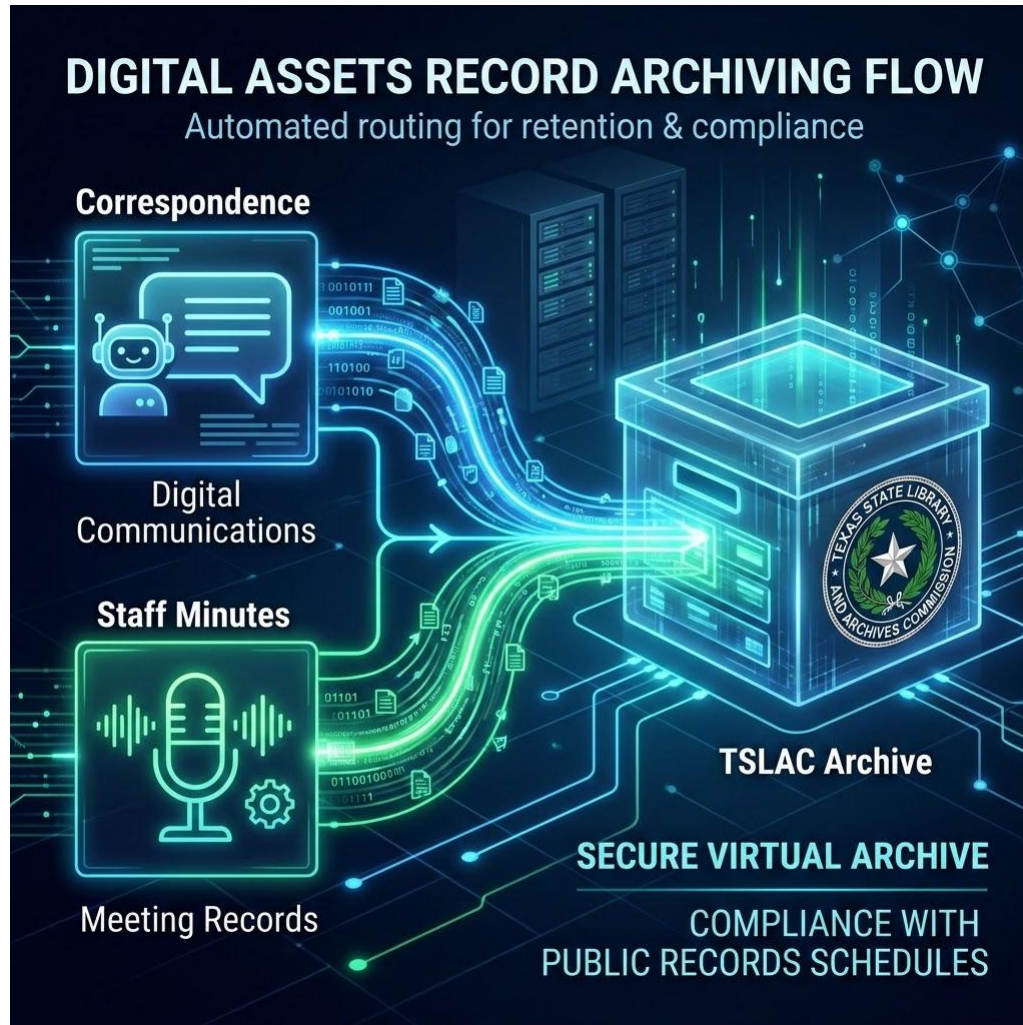
DIR Prohibited List: Strict adherence to technologies cataloged by the Dept. of Information Resources.

"How do we conduct due diligence if a vendor white-labels its backend model?"

Prohibited List: Deepseek, MoonShot | **KimiK**, Alibaba | **Qwen**



AI & THE PUBLIC INFORMATION ACT



Chatbot Logs = Public Info

AI-generated transcripts & chatbot logs are **official public records** subject to PIR disclosure under TGC § 552.002(a) and staff prompts are subject to legal discovery.

- ✓ **Meeting Transcripts:** Classified as Staff Minutes.
- ✓ **Staff AI Prompts:** Treat prompts as you would email.
 - * If I wouldn't write something in an email, I'm not going to chat about it with an AI. Districts are subject to PIRs and legal discovery at times.

BIOMETRIC BOUNDARIES (SB 12 & TEC 26.009)

No biometric data may be processed without **Prior Written Parental Consent.**



Definitions

Includes retina scans, fingerprints, and voiceprints used for identification.



Hard Stop

Districts must obtain explicit consent before capturing or storing identifiers.



TRAIGA (HB 149)

Prohibits AI systems designed to uniquely identify users via biometrics.



MENTAL HEALTH & SEXUALITY INSTRUCTION



Wellness Bots

Any AI capturing psychological patterns or behaviors for evaluation or treatment **requires** explicit parental consent. (TEC 26.009)



Curriculum Limits

AI instruction on human sexuality (TEC 28.004) or sexual orientation (TEC 28.0043) & gender identity is strictly regulated or prohibited.

TEC 26.009(a-1)(3) describes psychiatric treatment as “the planned, systematic use of a method or technique that is designed to affect **behavioral**, **emotional**, or **attitudinal** characteristics of an individual or group.”

MANDATORY AI DISCLOSURE

A governmental entity **must disclose** to consumers, before or at the time of interaction, that they are interacting with an AI system.

- ✓ Required even if obvious to a user.
- ✓ Must be clear, conspicuous, and in plain language.
- ✓ Must avoid "Dark Patterns" or deceptive styling.



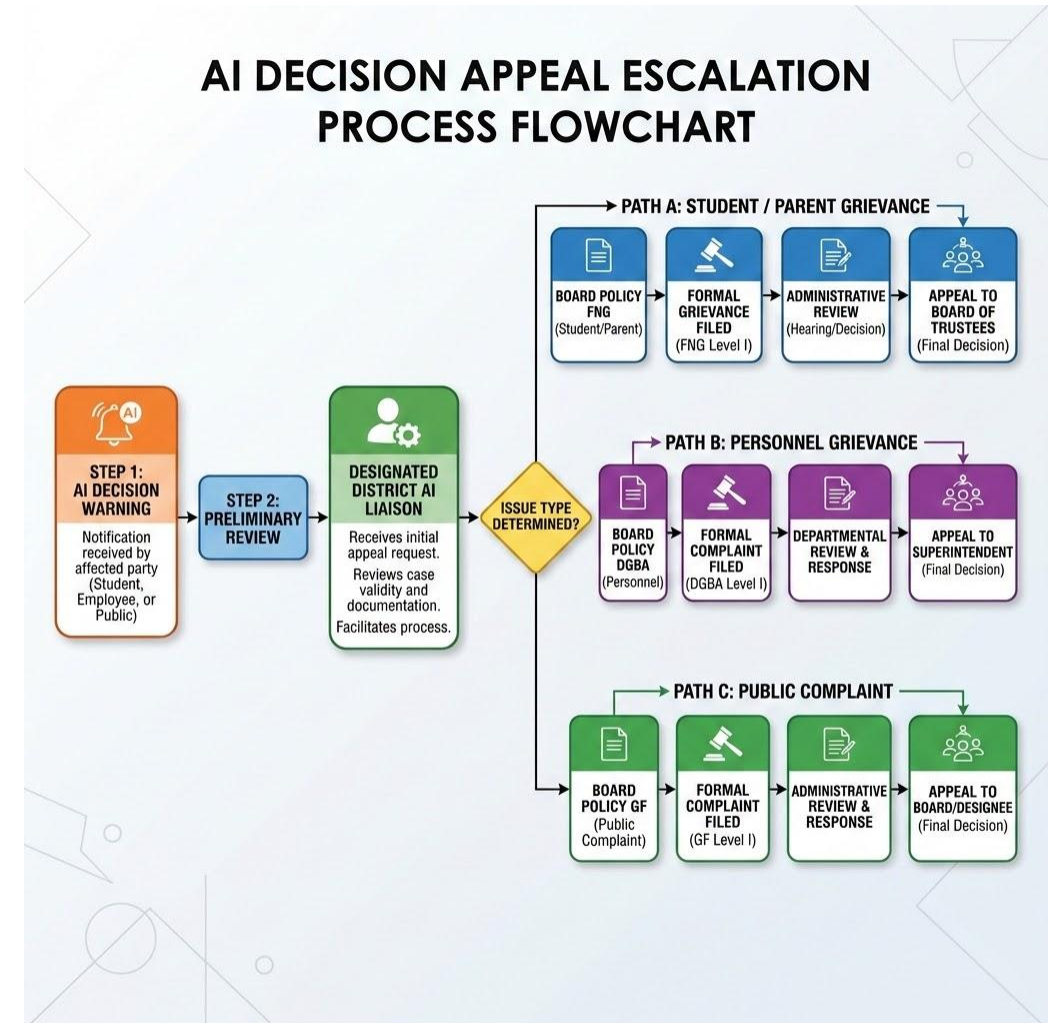
Question I've yet to receive a legal answer to: Are we talking about school students here?

- My 2 cents (not legal advice): it probably needs to be stated clearly on every chatbot that students are interacting with an AI. For employees: probably not an issue one way or another.

Redress & Appeals

Right to Challenge Consequential Decisions

- Establish clear methods of redress for harm caused by AI.
- Applies to decisions on legal rights, enrollment, and academics made with AI's help.
- Integration with Board Policy:
 - **FNG (LOCAL):** Students & Parents
 - **DGBA (LOCAL):** Employee Grievances
 - **GF (LOCAL):** Public Complaints



Required AI Compliance Training

Staff Training (TAC 219)

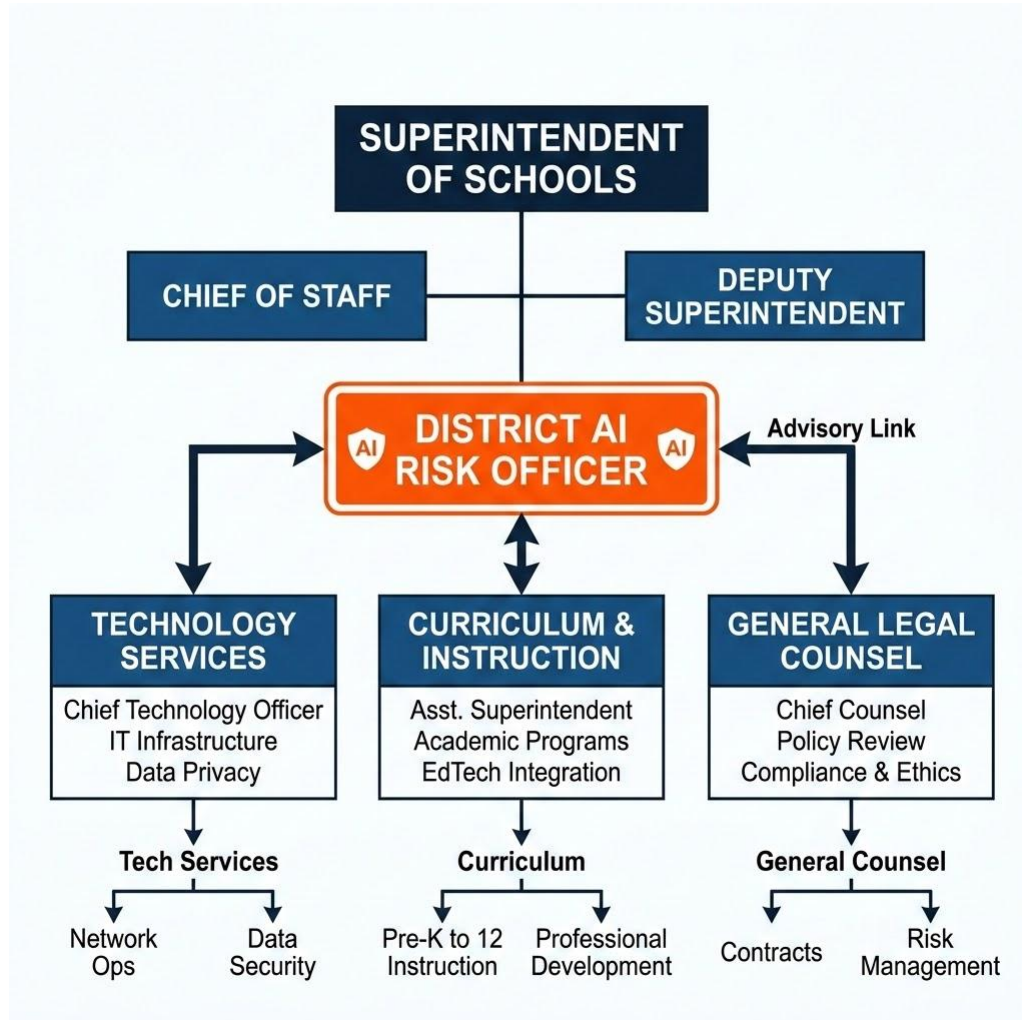
- Effective, safe, and ethical AI usage.
- Verification of AI outcomes for accuracy.
- PII leakage prevention and privacy risks.

Cybersecurity Coordinator (TEC 11.175)

- Mandatory annual AI training via DIR.



Mandatory Role: District AI Risk Officer



Every district must designate an **AI Risk Officer** to coordinate ethical procurement and verify compliance.

- **Core Responsibilities:**

- Promote ethical procurement.
- Maintain District-wide HSAI inventory.
- Execute mandatory Risk Assessments.
- System approval/Kill-switch trigger authority.

AI Vetting & Accountability

- **Contractual Ethics:** Vendors must be bound to the District Code of Ethics.
- **Data Vetting:** Evaluate how providers collect, store, and share government-held PII.
- **Vulnerability Reporting:** Is a part of Risk Assessment.

A review of standard terms of service is no longer sufficient under TAC 219 guidelines. Contracts now need to be updated.



Heightened Scrutiny AI (HSAI)

HSAI systems influence or control consequential decisions.



Student Placement

Automated determination of enrollment or academic status.



Personnel

Systems used in hiring or employee evaluations (T-TESS).

How we choose to use an AI System will determine what our **vetting requirements** will be.

ACTION STEP 1: GOVERNANCE & POLICY

Develop AI Acceptable Use Guidelines:

K-12 AI: Guidance and Guardrails (Workbook)

Our Guide to Implementing AI in your school district will walk you through the full process, including key points like:



AI Risk Officer

Formally designate the District AI Risk Officer.



AI Code of Ethics

Adopt TAC 219.11 AI Code of Ethics

TAC 219.11 Compliance



Means of Redress

Route redress pathways into FNG, DGBA, and GF policies.

ACTION STEP 2: SYSTEM INVENTORY

AI Risk Officer Begins Software Review

Software has crept into many of our EdTech tools. This process creates the list of all AI software for the district and will be used to complete initial vetting requirements.

Software Name	Vendor	Review Frequency	Last Review Date	Next Review Date
EnrollmentBot Pro	Gaggle	Annual	1/1/2026	1/1/2027
ReadAssess AI	LiteralReading	Biannual	1/1/2026	6/1/2026
LessonGen 4.0	AITeacherPro	Annual	1/1/2026	1/1/2027
CampusGuard Vision	Eye&SkyAI	Annual	1/1/202	1/1/2027

Note: We cannot regulate what we do not know exists. A comprehensive AI audit is necessary to ensure we are in compliance.

ACTION STEP 3: PROCUREMENT VETTING

AI Risk Officer's Step-by-Step Guide

Our Guide will walk your risk officer through the vetting process. Training is available along with the guide if desired.



Vetting Protocol

Launch standard AI System Vetting Protocol for all new software requests across the district.



HSAI Assessments

AI Risk Officer must complete the three-tier written risk assessment before any high-risk purchase & deployment.



Contract Addenda

Update contracts to include AI Code of Ethics & NIST mandates as required.

ACTION STEP 4: TRAINING

K-12 AI: Guidance and Guardrails (Workbook)

Our Guide to Implementing AI includes a portion to consider training needs in conjunction with specifics required for HSAI.

Universal Staff Training

- Safe AI Usage & Verification
- Preventing PII Leakages
- Recognizing Hallucinations
- AI Ethical Guidelines

Specialized Mandates

- **HSAI Staff:** Targeted AUP training for high-risk system managers.
- **Cyber Coordinator:** Mandatory annual DIR-approved AI training.



MOVING FORWARD WITH CONFIDENCE

Questions?

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Center