Education Largely Untouched by Artificial Intelligence (AI) Legislation

One of the hottest topics of the 2024 Legislative year, AI is a term with which everyone in Sacramento quickly became familiar. At points, it felt like it was the only issue percolating in the Capitol. However, the bills that were ultimately signed into law this year largely left the education space untouched. This is partially due to the fact that policymakers do not have a full grasp on how AI is being deployed in schools. But most of the conversation around AI was muted by the increasing clout of technology companies lobbying to stall regulation in order to give California companies a more competitive advantage in the AI development race.

The only bill with a direct impact impact on schools was carried by Senator Josh Becker (D-San Mateo). His bill is SB 1288, which requires the Superintendent of Public Instruction (SPI) to convene a working group on AI and requires the working group to develop and expand guidance and create a model policy on AI for use by local education agencies (LEAs). The working group will be comprised of the following:

1. Current, credentialed public school teachers in elementary and secondary teaching positions
2. Classified public school staff
3. School site administrators
4. School district or county office of education (COE) administrators
5. University and community college faculty
6. Representatives from private sector business and industry
7. Pupils enrolled in public school

The workgroup will examine the current and future state of AI and its use in education, with a particular focus on things like the technologies most commonly in use, how much those technologies typically cost and the ownership structure of those technologies, as well as the ability to access source code for those technologies. Additionally, SB 1288 requires that the group develop, by July 1, 2026, a model policy for LEAs regarding the safe and effective use of AI in ways that benefit and do not negatively impact, pupils and educators. The workgroup will also be required to, by January 1, 2027, submit a report to the Legislature presenting any findings or recommendations that arise from its assessment of AI in schools.

The Governor vetoed perhaps the highest profile bill on AI this year, SB 1047 by Senator Scott Wiener (D-San Francisco). The bill, named the Safe and Secure Innovation for Frontier Artificial Intelligence Models Act, made national headlines because it was one of the first bills in the nation that would have

put considerable safety restrictions on large AI companies and the computing power necessary to develop them. However, powerful opposition from Silicon Valley was enough to draw Governor Newsom's veto of the bill. In his veto message, he noted:

> *"By focusing only on the most expensive and large-scale models, SB 1047 establishes a regulatory framework that could give the public a false sense of security about controlling this fast-moving technology. Smaller, specialized models may emerge as equally or even more dangerous than the models targeted by SB 1047 - at the potential expense of curtailing the very innovation that fuels advancement in favor of the public good."*

While technology advocacy organizations have stalled regulation in California, we expect the issue will continue to be an area of interest for future debate in Sacramento.

Devices, Social Media Usage and Student Mental Health

Several bills were signed into law dealing with social media use and device addiction effects on student mental health. Because these bills primarily affect school governance or students services, we cover them in more depth in those sections. Those bills are as follows:

- AB 3216 (Hoover) - Requires, by July 1, 2026, all school districts, charter schools, and COEs to have adopted board policies that limit or prohibit the use by pupils of smartphones on campus.
- SB 976 (Skinner) - Prohibits "internet-based services or applications" from providing "addictive feeds" to minors without parental consent, and from sending notifications to minors at night and during school hours without parental consent.
- SB 1283 (Stern) - Authorizes a school district, charter school, or COE to adopt a policy to limit or prohibit the use by pupils of social media on campus.

The Governor signed the following technology bills:

Artificial Intelligence

AB 1831 (Berman) - Crimes: child pornography.
Current law prohibits the production, development, duplication, distribution, or possession of matter that depicts a person under 18 years of age engaging in or simulating sexual conduct. This bill expands the scope of these provisions to include matter that is digitally altered or generated by the use of AI.
Chapter 926, Statutes of 2024

AB 2013 (Irwin) - Generative artificial intelligence: training data transparency.
This bill requires, on or before January 1, 2026, and before each time thereafter that a generative AI system or service is made available to Californians for use, a developer of the system or service to post on the developer's internet website documentation regarding the data used to train the generative AI system or service.
Chapter 817, Statutes of 2024

AB 2355 (Carrillo, Wendy) - Political Reform Act of 1974: political advertisements: artificial intelligence.

This bill requires any political advertisement that is published or distributed by a political committee to include a disclaimer if content in the ad was generated or substantially altered using AI.

Chapter 260, Statutes of 2024

AB 2885 (Bauer-Kahan) - Artificial intelligence.

Despite being referenced several times throughout California Code, the term "artificial intelligence" had not been formally defined. This has far-reaching implications in defining the scope of of California's regulatory efforts. AB 2885 specifically defines "artificial intelligence" to mean "an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments."

Chapter 843, Statutes of 2024

SB 896 (Dodd) - Generative Artificial Intelligence Accountability Act.

In September 2023, Governor Newsom issued Executive Order N-12-23, which recognized the need to deploy GenAI "ethically and responsibly" throughout state government. Among other things, this bill, known as the Generative Artificial Intelligence Accountability Act, requires a state agency or department that utilizes GenAI to directly communicate with a person, to notify that person they are communicating with GenAI.

Chapter 928, Statutes of 2024

SB 942 (Becker) - California AI Transparency Act.

This bill defines a covered provider as a person that creates, codes, or otherwise produces a GenAI system that has over 1,000,000 monthly visitors or users, and is publicly accessible within the geographic boundaries of the state. It further requires that covered providers make available an AI detection tool at no cost that will allow a user to assess whether image, video, or audio content, or content that is any combination thereof, was created or altered by the covered provider's GenAI system.

Chapter 291, Statutes of 2024

SB 1288 (Becker) - Public schools: artificial intelligence working group.

This bill requires the SPI to convene a working group related to AI in public schools. The bill requires, among other things, the working group to develop, on or before January 1, 2026, guidance for LEAs and charter schools on the safe use of AI in education, and to, on or before July 1, 2026, develop a model policy for LEAs and charter schools regarding the safe and effective use of artificial intelligence in ways that benefit, and do not negatively impact, pupils and educators. The bill requires the working group to, on or before January 1, 2027, report its findings and recommendations to the appropriate policy and fiscal committees of the Legislature. The bill dissolves the working group upon submission of that report, and would repeal these provisions as of January 1, 2031.

Chapter 893, Statutes of 2024

Data Privacy

AB 801 (Patterson, Joe) - Student privacy: online personal information.

This bill requires an operator of an internet website, online service, online application, or mobile application to delete a student's information at the request of the student's parent or guardian, if the student is no longer attending a school or school district.

Chapter 935, Statutes of 2024

Technology

AB 1971 (Addis) - Administration of standardized tests.

Among other things, this bill prohibits a national assessment provider, defined as a person that develops, sponsors, or administers standardized tests, from knowingly disclosing covered information to a third party, including, but not limited to, social media providers through cookies, pixels, or similar tracking technologies on the national assessment provider's internet website.

Chapter 508, Statutes of 2024

AB 2481 (Lowenthal) - Social media-related threats: reporting.

This bill, beginning January 1, 2026, requires a social media platform to disclose all social media-related threat reporting procedures for verified reporters in the social media platform's terms of service. The bill defines "social media-related threat" to mean content posted on a social media platform that promotes, incites, facilitates, or perpetrates cyberbullying, suicide, and drug trafficking.

Chapter 832, Statutes of 2024

SB 764 (Padilla) - Minors: online platforms.

This bill establishes protections for minors that perform in "vlogs". Specifically, it requires all vloggers whose content features a minor to maintain and make available to the minor upon request, several types of records. The bill also requires that vloggers compensate minors by setting aside gross earnings on images or content containing the minor in a trust.

Chapter 611, Statutes of 2024

Capitol Advisors Group has produced a set of comprehensive client briefs detailing new education laws that were passed by the Legislature and signed into law by Governor Newsom in 2024. Each brief is organized by subject area and includes an executive summary highlighting major changes we think you should know about. Bills signed by the Governor take effect on January 1, 2025, unless the bill specifically states otherwise.