Draft Policy Considerations for Inclusion in Board Policy on the Ethical and Responsible Use of AI for NAEP

Governing Board policy will assert the NAEP program's dedication to the responsible and ethical use of artificial intelligence (AI) and communicate what this means to the Board. It will address the Governing Board's goals of enhancing the relevance, utility, and efficiency of NAEP and maintaining NAEP as the "gold standard" assessment for student achievement in the United States as advances in AI tools change the technological and educational landscape. It will acknowledge the program's adherence to all federal laws, regulations and guidance including that issued by the White House through the Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, and AI guidance issued by the Department of Education's Office of Educational Technology. The intent of the Board policy is to focus on uses of generative AI; though these considerations are also relevant for novel uses of traditional AI that involve significant changes to the program.

Consideration	Policy Guidance for NAEP
Identification of AI Use-Cases	
Purpose	The NAEP program will consider incorporating AI tools when it has potential to enhance the utility, quality, relevance, or efficiency to NAEP processes beyond what is possible through traditional methods.
Build Capacity	The NAEP program will encourage continuous learning about AI tools through research and development to inform future operations.
Prioritization for Operational Use	The NAEP program will prioritize operationalizing AI tools identified as low-risk to the program (e.g., processes that are well understood and/or that can be reverted back if unsuccessful), and will only move towards operationalization of higher-risk use of AI tools once low-risk tools have proven successful and mitigation strategies have been identified to ensure the tools can be applied effectively, without harming the quality of the assessment.
Human-Centered	
Stakeholder-Centered	The NAEP program will consider the needs and experiences of stakeholders, including students, educators, policymakers, journalists, and researchers, when incorporating AI tools.
Human Involvement	The NAEP program will include human oversight for regular monitoring when AI tools are used. Humans will conduct checks to ensure information generated through AI is valid and remains valid over time (e.g., as AI tools evolve, as the population of students shifts, as assessment frameworks are updated).

Bias, Sensitivity, and Fairness	The NAEP program will prioritize efforts to mitigate potential bias and fairness risks associated with AI tools, including through representation from diverse groups of individuals as AI tools are developed, used, and evaluated, and conducting statistical analyses when applicable, to ensure the introduction of AI tools are not biased towards subgroups of students.
Transparency and Building Trust	The NAEP program will be transparent about the use of AI tools, through documentation regarding when and why AI tools are being used in NAEP processes, and when human quality control checks of the tools are conducted. When generative AI is used, the developer will provide information to the NAEP program on the inputs and the processes in place to ensure accuracy, fairness, and other considerations are being addressed. The public will be informed when generative AI tools are used to generate scores or to assist in reporting. Transparency will adhere to the OMB Trust Regulation (Section 1321.6), and OMB Statistical Policy Directive #4.
Privacy and Security	
Data Privacy	NAEP will ensure AI tools are designed and shared in a manner that protects the privacy of students, teachers, and schools according to federal laws and regulations, including the National Assessment of Educational Progress Authorization Act (Public Law 107-279 III, section 303), the Family Educational Rights and Privacy Act (FERPA), the Evidence Act (Section 3572 in Title III), and OMB Trust Regulation (Section 1321.8).
Security of Intellectual Property	The NAEP program will only use AI tools that safeguard intellectual property (e.g., secure test items) that would put the program at risk if it were to be made public.
Evaluation	
Ongoing Monitoring	The Governing Board and NCES will build processes to monitor the use of AI tools in accordance with the considerations highlighted in this policy
Maintain Relevant Assessment Content	The National Assessment Governing Board will monitor the impacts of AI tools on classroom instruction and learning over time, and consider the impacts for the NAEP assessment frameworks, including the potential for updates to the frameworks when determined necessary.