

119TH CONGRESS  
1ST SESSION

# S. 3063

To improve student privacy, parental choice, and personalized learning  
innovation in education.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 2025

Mr. CASSIDY introduced the following bill; which was read twice and referred  
to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To improve student privacy, parental choice, and personalized  
learning innovation in education.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Learning Innovation  
5 and Family Empowerment with AI Act” or the “LIFE  
6 with AI Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **ESEA TERMS.**—The terms “elementary  
10 school”, “local educational agency”, “parent”, “sec-

1       ondary school”, and “State educational agency”  
2       have the meanings give those terms in section 8101  
3       of the Elementary and Secondary Education Act of  
4       1965 (20 U.S.C. 7801).

5               (2) ARTIFICIAL INTELLIGENCE.—The term “ar-  
6       tificial intelligence” has the meaning given the term  
7       in section 5002 of the National Artificial Intelligence  
8       Initiative Act of 2020 (15 U.S.C. 9401).

9               (3) DIRECTORY INFORMATION.—The term “di-  
10      rectory information” has the meaning given the term  
11      in section 444 of the General Education Provisions  
12      Act (20 U.S.C. 1232g; commonly referred to as the  
13      ‘Family Educational Rights and Privacy Act of  
14      1974’).

15              (4) EDUCATIONAL AGENCY OR INSTITUTION.—  
16      The term “educational agency or institution” has  
17      the meaning given that term in section 444 of the  
18      General Education Provisions Act (20 U.S.C. 1232g;  
19      commonly referred to as the ‘Family Educational  
20      Rights and Privacy Act of 1974’).

21              (5) EDUCATIONAL TECHNOLOGY.—The term  
22      “educational technology” means physical or virtual  
23      products or services that support or facilitate learn-  
24      ing and improve educational performance, but does  
25      not include curriculum.

1           (6) ELIGIBLE STUDENT.—The term “eligible  
2 student” means a student who has attained 18 years  
3 of age, or is attending an institution of postsec-  
4 ondary education.

5           (7) INSTANT VERIFICATION TECHNOLOGY.—  
6 The term “instant verification technology” means a  
7 system or software application, or a network of sys-  
8 tems and software, that—

9           (A) provide real-time notifications to par-  
10 ents of students or to eligible students, as appli-  
11 cable, regarding activities that require the con-  
12 sent of such parents or eligible students, includ-  
13 ing in the use of educational technology during  
14 enrollment;

15           (B) enable parents or eligible students, as  
16 applicable, to provide or withhold such consent  
17 in real-time in an easy-to-use interface acces-  
18 sible on multiple devices, including  
19 smartphones, tablets, and computers; and

20           (C) incorporate features for recording pa-  
21 rental or eligible student consent or opt-outs  
22 while handling student and parental data in a  
23 secure and privacy-protective manner.

24           (8) PERSONALIZED LEARNING.—The term  
25 “personalized learning” means an educational ap-

1       proach that tailors instruction, content, pacing, and  
 2       learning environments to the individual needs, abili-  
 3       ties, and interests of each student, usually using spe-  
 4       cific technology, including artificial intelligence and  
 5       adaptive learning systems, to provide such cus-  
 6       tomized educational experiences.

7               (9) SECRETARY.—The term “Secretary” means  
 8       the Secretary of Education, or such cabinet-level of-  
 9       ficial as may be designated by law to carry out the  
 10      functions vested in the Secretary of Education as of  
 11      the date of enactment of this Act.

12 **SEC. 3. IMPROVING PARENTAL NOTIFICATION AND CON-**  
 13 **SENT FOR EDUCATIONAL TECHNOLOGY.**

14       (a) ELIGIBLE RECIPIENT.—In this section, the term  
 15      “eligible recipient” means any of the following entities to  
 16      which the requirements of section 444 of the General Edu-  
 17      cation Provisions Act (20 U.S.C. 1232g; commonly re-  
 18      ferred to as the ‘Family Educational Rights and Privacy  
 19      Act of 1974’) applies:

- 20               (1) An elementary school.
- 21               (2) A secondary school.
- 22               (3) A local educational agency.

23       (b) ESTABLISHMENT OF THE SEAL OF EXCEL-  
 24      LENCE.—

25               (1) DESIGN OF THE SEAL.—

1 (A) IN GENERAL.—Not later than 180  
2 days after the date of enactment of this Act,  
3 the Secretary shall finalize the process and re-  
4 quirements for the award of a certification, to  
5 be known as the “Golden Seal of Excellence in  
6 Student Data Privacy” (referred to in this sec-  
7 tion as the “Seal”) to recognize eligible recipi-  
8 ents that implement exemplary parental notifi-  
9 cation systems that—

10 (i) use instant verification technology  
11 for consent gathering and validation; and

12 (ii) are purchased through funds al-  
13 ready available to eligible recipients.

14 (B) CONSULTATION.—The Secretary shall  
15 establish the process and requirements for the  
16 award of the Seal in accordance with this sec-  
17 tion and in consultation with States and local  
18 educational agencies, including by consulting  
19 about the appropriate use of opt-outs and mini-  
20 mizing instructional burdens on schools.

21 (C) PURPOSE.—The Seal shall serve as a  
22 mark of distinction, indicating that the awardee  
23 has met the highest standards of student data  
24 privacy through proactive parental and eligible  
25 student engagement and consent management.

1           (2) QUALIFICATIONS.—An eligible recipient  
2 shall be qualified to receive the Seal if the eligible  
3 recipient has—

4           (A) not been found guilty of a violation of  
5 the requirements of section 444 of the General  
6 Education Provisions Act (20 U.S.C. 1232g;  
7 commonly referred to as the “Family Edu-  
8 cational Rights and Privacy Act of 1974”) in  
9 the previous 5 years;

10          (B) implemented and maintained an in-  
11 stant verification technology system for not less  
12 than 1 academic year that—

13           (i) provides parental notifications and  
14 eligible student notifications, as applicable,  
15 on a case-by-case basis and where appro-  
16 priate, regarding the intent of the eligible  
17 recipient to use specific educational tech-  
18 nology in the classroom;

19           (ii) includes information about the  
20 purpose of using the specified educational  
21 technology, the data collection practices of  
22 that educational technology, and the alter-  
23 native options for students upon parental  
24 or eligible student opt-out;

1 (iii) is able to collect parental and eli-  
2 gible student consent, as applicable,  
3 throughout the academic year; and

4 (iv) offers an accessible, user-friendly  
5 mechanism for parents or eligible students,  
6 as applicable, to opt-out of the release of  
7 some or all of a student's directory infor-  
8 mation; and

9 (C) in the event that a given consent re-  
10 quest receives a majority of denials from par-  
11 ents and eligible students in a given cir-  
12 cumstance, a process established by the eligible  
13 recipient for convening a meeting with parents  
14 and eligible students to discuss their concerns  
15 and reservations about the educational tech-  
16 nology in question.

17 (c) AWARDING OF THE SEAL.—

18 (1) STATE LEVEL ADMINISTRATION.—

19 (A) IN GENERAL.—A State educational  
20 agency may elect to participate in the program  
21 under this section and award the Seal to quali-  
22 fied eligible recipients in accordance with para-  
23 graph (2).

24 (B) PROCESS.—State educational agencies  
25 that participate in the program under this sec-

1 tion (referred to in this section as “partici-  
2 pating State educational agencies”) shall estab-  
3 lish and use the process described in paragraph  
4 (2), by which eligible recipients may apply, in-  
5 cluding by submitting documentation dem-  
6 onstrating compliance with the qualification cri-  
7 teria under subsection (b)(2).

8 (2) APPLICATION AND REVIEW PROCESS.—

9 (A) APPLICATION.—Eligible recipients  
10 seeking the Seal shall submit an application to  
11 the participating State educational agency of  
12 their respective State, including—

13 (i) a description of the instant  
14 verification technology system imple-  
15 mented;

16 (ii) evidence of parental and eligible  
17 student engagement and consent collection  
18 practices, such as sample notifications,  
19 consent forms, and appropriate opt-out  
20 mechanisms; and

21 (iii) any additional information as  
22 may be required by the participating State  
23 educational agency to assess compliance  
24 with the qualification criteria under sub-  
25 section (b)(2).

1           (B) AWARDS.—Each participating State  
2 educational agency shall review each application  
3 on a rolling basis and award the Seal to eligible  
4 recipients that meet or exceed such qualification  
5 criteria.

6           (3) EXPIRATION.—The Seal shall expire after 5  
7 years, unless a recipient submits and meets or sur-  
8 passes the qualifications described under subsection  
9 (b)(2) again in the 5th year of holding the Seal, at  
10 which point the Seal remains valid for another 5  
11 years.

12           (4) RECOGNITION AND REPORTING.—

13           (A) RECORD.—Each participating State  
14 educational agency shall maintain a public  
15 record of all eligible recipients in the State that  
16 have been awarded the Seal.

17           (B) REPORT.—Each participating State  
18 educational agency shall submit an annual re-  
19 port by the end of the State educational agen-  
20 cy's fiscal year to the Secretary providing the  
21 number of eligible recipients that have received  
22 the Seal during the preceding fiscal year.

23           (d) IMPLEMENTATION TIMELINE.—Each State edu-  
24 cational agency that desires to participate in the program  
25 under this section shall establish the application process

1 and begin receiving applications for awarding the Seal not  
2 later than 12 months after the Secretary finalizes the  
3 process and requirements for the Seal.

4 **SEC. 4. DIRECTORY INFORMATION OPT-OUT SIMPLIFICA-**  
5 **TION.**

6 (a) IN GENERAL.—Section 444(a)(5) of the General  
7 Education Provisions Act (20 U.S.C. 1232g(a)(5); com-  
8 monly referred to as the ‘Family Educational Rights and  
9 Privacy Act of 1974’) is amended by striking subpara-  
10 graph (B) and inserting the following:

11 “(B) No funds shall be made available  
12 under any applicable program to any edu-  
13 cational agency or institution that makes public  
14 directory information or allows access to direc-  
15 tory information, unless such agency or institu-  
16 tion meets each of the following requirements:

17 “(i) Provides legible, accessible public  
18 notice, including notice online on the agen-  
19 cy or institution’s website, of—

20 “(I) the categories of information  
21 that it has designated as directory in-  
22 formation with respect to each stu-  
23 dent attending the institution or agen-  
24 cy;

1 “(II) the rights of parents to opt-  
2 out of allowing the release of some or  
3 all of the student’s directory informa-  
4 tion; and

5 “(III) the form necessary for  
6 such opt-out, which shall be easily leg-  
7 ible and not take longer than 5 min-  
8 utes for the average adult to complete.

9 “(ii) Allow a reasonable period after  
10 such notice has been given for a parent to  
11 complete the form described in clause  
12 (i)(III).

13 “(iii) Ensure that the opt-out form  
14 described in clause (i)(III) shall be acces-  
15 sible year-round and available on multiple  
16 digital devices, including mobile phones.”.

17 (b) EFFECTIVE DATE.—The amendment made by  
18 subsection (a) shall take effect 1 year after the date of  
19 enactment of this Act.

20 **SEC. 5. RESTRICTING USE OF FACIAL RECOGNITION AND**  
21 **STUDENT PHOTO DATA IN SCHOOLS.**

22 (a) PROHIBITION ON USE OF STUDENT PHOTO-  
23 GRAPHS FOR FACIAL RECOGNITION AI.—Section 444 of  
24 the General Education Provisions Act (20 U.S.C. 1232g;  
25 commonly referred to as the “Family Educational Rights

1 and Privacy Act of 1974”) is amended by adding at the  
2 end the following:

3 “(k) FACIAL RECOGNITION TECHNOLOGY.—No  
4 funds shall be made available under any applicable pro-  
5 gram to any educational agency or institution unless such  
6 agency or institution prohibits—

7 “(1) the use of student photographs for train-  
8 ing facial recognition systems, including those using  
9 artificial intelligence, without prior parental consent;  
10 and

11 “(2) doing business with a company that offers  
12 yearbook production services and uses facial recogni-  
13 tion technology in the provision of such services, un-  
14 less that company discloses such use and obtains pa-  
15 rental consent for the use of facial recognition tech-  
16 nology.

17 “(l) YEARBOOK PRODUCTION.—No funds shall be  
18 made available under any applicable program to any edu-  
19 cational agency or institution unless such agency or insti-  
20 tution prohibits doing business with a company that offers  
21 yearbook production services that sells data collected dur-  
22 ing the creation or processing of a yearbook.”.

23 (b) EFFECTIVE DATE.—The amendment made by  
24 subsection (a) shall take effect 1 year after the date of  
25 enactment of this Act.

1 **SEC. 6. REDEFINING AN EDUCATION RECORD UNDER**  
 2 **FERPA.**

3 (a) EDUCATION RECORDS.—Paragraph (4) of section  
 4 444(a) of the General Education Provisions Act (20  
 5 U.S.C. 1232g(a)(4)(A); commonly referred to as the  
 6 “Family Educational Rights and Privacy Act of 1974”)  
 7 is amended to read as follows:

8 “(4)(A) For purposes of this section, the term  
 9 ‘education records’ means, except as may be pro-  
 10 vided otherwise in subparagraph (B), any data or  
 11 materials which—

12 “(i) contain information related to a stu-  
 13 dent, including data related to academic per-  
 14 formance, attendance, health, and discipline;  
 15 and

16 “(ii) are maintained by an educational  
 17 agency or institution or by an entity acting for  
 18 or in coordination with such agency or institu-  
 19 tion.”.

20 (b) EFFECTIVE DATE.—The amendment made by  
 21 subsection (a) shall take effect 1 year after the date of  
 22 enactment of this Act.

23 **SEC. 7. CONTRACTS WITH THIRD PARTIES REGARDING**  
 24 **EDUCATIONAL TECHNOLOGY.**

25 (a) FERPA REQUIREMENTS FOR THIRD-PARTY  
 26 CONTRACTS.—Section 444 of the General Education Pro-

1 visions Act (20 U.S.C. 1232g; commonly referred to as  
2 the ‘Family Educational Rights and Privacy Act of 1974’)  
3 as amended by sections 4, 5, and 6, is further amended  
4 by adding at the end the following:

5 “(m) CONTRACTS WITH THIRD PARTIES REGARDING  
6 EDUCATIONAL TECHNOLOGY.—

7 “(1) COVERED CONTRACTS.—In this sub-  
8 section, the term ‘covered contract’ means the pri-  
9 vacy policy of any contract or agreement—

10 “(A) between an educational agency or in-  
11 stitution and a third party; and

12 “(B) that pertains to educational tech-  
13 nology (as defined in section 2 of the Learning  
14 Innovation and Family Empowerment with AI  
15 Act) that involves education records, or person-  
16 ally identifiable information contained therein,  
17 including directory information.

18 “(2) REQUIREMENTS FOR CONTRACTS.—No  
19 funds shall be made available under any applicable  
20 program to any educational agency or institution un-  
21 less such agency or institution—

22 “(A) makes publicly available, for a period  
23 of not less than 2 weeks prior to execution,  
24 each covered contract that the agency or insti-  
25 tution is considering executing;

1           “(B) as part of each covered contract, re-  
2           quires the third party to certify that the third  
3           party will ensure student data privacy and com-  
4           ply with all applicable privacy laws regarding  
5           student data, including the consent require-  
6           ments that apply to education records; and

7           “(C) as part of each covered contract, re-  
8           quires the third party to agree that the third  
9           party—

10                   “(i) may be reported to the Secretary  
11                   if an educational agency or institution, or  
12                   a student, alleges that the third party is  
13                   not in compliance with the requirements  
14                   described in subparagraph (B);

15                   “(ii) may be investigated by the Sec-  
16                   retary to ascertain the veracity of such  
17                   claim by an educational agency or institu-  
18                   tion or student; and

19                   “(iii) if the Secretary determines,  
20                   after such an investigation, that such third  
21                   party is not in compliance with the re-  
22                   quirements described in subparagraph (B),  
23                   will be included on a publicly available list  
24                   created by the Secretary of third parties  
25                   that are not in compliance with such re-

1            requirements for a period of 5 years after  
2            the determination by the Secretary, as de-  
3            scribed in section 7(c) of the Learning In-  
4            novation and Family Empowerment with  
5            AI Act.

6            “(3) RULE OF CONSTRUCTION.—Nothing in  
7            this subsection shall be construed to require that  
8            trade secrets or proprietary information of third par-  
9            ties be made public.”.

10          (b) MODEL PRIVACY POLICIES.—

11            (1) IN GENERAL.—The Secretary shall create a  
12            model student data privacy agreement for use by an  
13            educational agency or institution as part of a cov-  
14            ered contract (as defined in section 444(m) of the  
15            General Education Provisions Act (20 U.S.C.  
16            1232g(m)); commonly referred to as the ‘Family  
17            Educational Rights and Privacy Act of 1974’), as  
18            added by subsection (a). The model shall promote  
19            clarity and consistency in student data privacy pro-  
20            tections as part of covered contracts.

21            (2) DEVELOPMENT OF MODEL FORM.—The  
22            Secretary and the Privacy Technical Assistance Cen-  
23            ter described in section 8 shall partner with edu-  
24            cational agencies and institutions, education tech-  
25            nology companies, parents, and relevant third par-

1 ties to develop such a model agreement and may  
 2 consider the Student Data Privacy Consortium’s  
 3 “National Data Privacy Agreement” in developing  
 4 such model.

5 (c) PUBLIC ONLINE RESOURCE FOR PRIVACY VIOLA-  
 6 TIONS.—

7 (1) CREATION OF PUBLIC ONLINE RE-  
 8 SOURCE.—Not later than 2 years after the date of  
 9 enactment of this Act, the Secretary shall develop  
 10 and maintain a publicly accessible, machine-readable  
 11 online resource listing third parties that—

12 (A) have executed a covered contract (as  
 13 defined in subsection (m) of section 444 of the  
 14 General Education Provisions Act (20 U.S.C.  
 15 1232g(m)); commonly referred to as the ‘Fam-  
 16 ily Educational Rights and Privacy Act of  
 17 1974’), as added by subsection (a); and

18 (B) the Secretary has determined, in ac-  
 19 cordance with paragraph (2)(C) of such sub-  
 20 section, are in violation of the requirements de-  
 21 scribed in paragraph (2)(B) of such subsection,  
 22 regarding student data privacy in covered con-  
 23 tracts.

24 (2) APPEAL.—

1           (A) IN GENERAL.—The Secretary shall es-  
2           tablish a process whereby third parties that are  
3           included in the list described in paragraph (1)  
4           may appeal such listing.

5           (B) DEADLINE FOR DETERMINATION.—  
6           The Secretary shall issue a determination about  
7           an appeal not later than 6 months after an ap-  
8           peal has been submitted to the Secretary.

9           (C) LIMITATION ON ADDITIONAL AP-  
10          PEALS.—After a determination of an appeal  
11          under subparagraph (B), a third party shall not  
12          have another opportunity to appeal a deter-  
13          mination under this subsection, unless there  
14          was a change in a Presidential administration  
15          between the date on which the third party sub-  
16          mitted the initial request to appeal under this  
17          paragraph and the date on which such appeal  
18          determination under subparagraph (B) was  
19          made.

20          (3) PERIOD OF TIME.—

21               (A) IN GENERAL.—Subject to paragraph  
22               (2), a third party shall remain on the list de-  
23               scribed in paragraph (1) for a period of 5 years  
24               after the date on which the third party was

1 placed on that list, unless the violation is reme-  
2 diated in accordance with subparagraph (B).

3 (B) REMEDIATION.—A third party shall be  
4 removed from the list described in paragraph  
5 (1) when the Secretary determines that the  
6 third party is no longer in violation of the re-  
7 quirements of subsection (m) of section 444 of  
8 the General Education Provisions Act (20  
9 U.S.C. 1232g(m), commonly referred to as the  
10 “Family Educational Rights and Privacy Act of  
11 1974”), as added by section 7. The third party  
12 shall be removed from the list not later than 1  
13 week after the date of such a determination.

14 (d) EFFECTIVE DATE.—The amendment made by  
15 subsection (a) shall take effect 1 year after the date of  
16 enactment of this Act.

17 **SEC. 8. SUPPORT FOR REVIEWING EDUCATIONAL TECH-**  
18 **NOLOGY.**

19 (a) PRIVACY TECHNICAL ASSISTANCE CENTER.—

20 (1) CENTER ESTABLISHED.—Not later than 6  
21 months after the date of enactment of this Act, the  
22 Secretary shall establish and maintain a privacy  
23 technical assistance center (referred to in this sec-  
24 tion as the “Center”), to build the capacity of edu-  
25 cational agencies and institutions, State educational

1 agencies, and other entities, including education  
2 technology providers, to protect the privacy of stu-  
3 dents, families, educators, and other school profes-  
4 sionals.

5 (2) COVERED REQUIREMENTS.—The Center  
6 shall help such agencies, institutions, and other enti-  
7 ties understand and satisfy their responsibilities  
8 under Federal privacy laws, including section 444 of  
9 the General Education Provisions Act (20 U.S.C.  
10 1232g, commonly referred to as the “Family Edu-  
11 cational Rights and Privacy Act of 1974”) and sec-  
12 tion 445 of such Act (20 U.S.C. 1232h; commonly  
13 referred to as the “Protection of Pupil Rights  
14 Amendment”), and other Federal privacy laws appli-  
15 cable to education records and other confidential  
16 data, which are collectively referred to in this section  
17 as “covered requirements”.

18 (b) SAFE HARBOR PROVISION.—

19 (1) IN GENERAL.—In carrying out the purpose  
20 described in subsection (a), the Center may approve  
21 1 or more voluntary safe harbor programs that meet  
22 the criteria described in paragraph (2) (referred to  
23 in this section as an “approved program”) that are  
24 operated by an independent organization. Such ap-  
25 proved programs may provide safe harbor benefits

1 described in paragraph (4) for providers of edu-  
2 cational technology that elect to participate in an ap-  
3 proved program for the purpose of ensuring compli-  
4 ance with this Act and the covered requirements.

5 (2) CRITERIA FOR APPROVAL.—To be an ap-  
6 proved program, an organization shall—

7 (A) provide standards and controls that  
8 are at least as protective of student privacy, pa-  
9 rental rights, and data security as the covered  
10 requirements;

11 (B) include mechanisms for initial certifi-  
12 cation, ongoing monitoring, and periodic inde-  
13 pendent assessments of participants;

14 (C) require timely consumer- and school-  
15 facing remedies, including clear notice, acces-  
16 sible consent and opt-out pathways, and data  
17 minimization, retention, and security practices;

18 (D) establish a process to receive, inves-  
19 tigate, and resolve complaints from parents, eli-  
20 gible students, schools, and State educational  
21 agencies; and

22 (E) provide for meaningful disciplinary  
23 measures, including suspension or termination  
24 from the approved program, for material non-  
25 compliance.

1 (3) APPLICATION AND APPROVAL.—

2 (A) IN GENERAL.—An operator of a pro-  
3 spective approved program shall submit to the  
4 Center an application describing how the pro-  
5 gram satisfies the requirements described in  
6 paragraph (2).

7 (B) TIME FOR APPROVAL.—The Center  
8 shall approve or deny such an application not  
9 later than 180 days after receipt of the applica-  
10 tion.

11 (C) PUBLICATION OF CRITERIA AND DECI-  
12 SIONS.—The Center shall publish approval cri-  
13 teria and approval decisions relating to ap-  
14 proved programs and prospective approved pro-  
15 grams on a public website.

16 (D) CONDITIONS.—The Center may condi-  
17 tion approval of a prospective approved pro-  
18 gram on modifications necessary to establish  
19 that participating providers of educational tech-  
20 nology ensure parity with, or greater protection  
21 than, the covered requirements.

22 (4) EFFECT OF SAFE HARBOR.—Subject to  
23 paragraph (6), a provider of educational technology  
24 that is a participant in good standing in an ap-  
25 proved program and in material compliance with

1 that program's requirements shall be presumed to  
2 satisfy the covered requirements with respect to the  
3 practices subject to that approved program, unless  
4 the Center determines, after notice and an oppor-  
5 tunity to respond, that the approved program or  
6 participating provider of educational technology is  
7 materially deficient.

8 (5) MAINTENANCE OF APPROVED PROGRAMS.—  
9 The Center may revoke or suspend an approved pro-  
10 gram's approval upon a finding, after notice and op-  
11 portunity to respond, that the program no longer  
12 satisfies the requirements of paragraph (2). Revoca-  
13 tion or suspension shall be prospective and shall in-  
14 clude reasonable wind-down provisions for partici-  
15 pants. The Center shall provide written notice to the  
16 approved program not less than 30 days before re-  
17 voking or suspending an approved program.

18 (6) NO LIMITATION ON ENFORCEMENT.—Par-  
19 ticipation by a provider of educational technology in  
20 an approved program shall not preclude the Sec-  
21 retary from enforcing this Act or the covered re-  
22 quirements. Participation and material compliance  
23 with an approved program shall be an affirmative  
24 defense to alleged violations of the covered require-

1       ments with respect to the practices subject to that  
2       approved program.

3               (7) RULE OF CONSTRUCTION.—Nothing in this  
4       subsection shall be construed to create a private  
5       right of action.

6       **SEC. 9. SUPPORTING AI INTEGRATION IN K-12 CLASS-**  
7               **ROOMS.**

8               (a) TECHNOLOGY TRAINING RESOURCES.—The Sec-  
9       retary, in coordination with the Institute of Education  
10      Sciences, shall develop resources and training guides for  
11      elementary school and secondary school teachers on inte-  
12      grating artificial intelligence technologies into instruction,  
13      including methods of use that protect student data pri-  
14      vacy.

15              (b) ESEA AMENDMENT.—Clause (i) of section  
16      2103(b)(3)(E) of the Elementary and Secondary Edu-  
17      cation Act of 1965 (20 U.S.C. 6613 (b)(3)(E)) is amended  
18      to read as follows:

19                               “(i) effectively integrate existing and  
20                               emerging technology into curricula and in-  
21                               struction (including education about how  
22                               to use artificial intelligence to enhance per-  
23                               sonalized learning, in addition to the  
24                               harms of copyright piracy and improper  
25                               student use of artificial intelligence);”.

1 **SEC. 10. IMPROVING PERSONALIZED LEARNING.**

2 (a) AI IN EDUCATION PRIORITY.—Not later than  
3 180 days after the date of enactment of this Act, in car-  
4 rying out the activities of the Small Business Innovation  
5 Research Program (as defined in section 9(e) of the Small  
6 Business Act (15 U.S.C. 6389(e))), referred to in this sec-  
7 tion as the “SBIR program”, the Secretary shall prioritize  
8 educational artificial intelligence research and develop-  
9 ment to foster innovation in personalized learning tech-  
10 nologies, in accordance with subsection (b).

11 (b) CRITERIA FOR PRIORITIZATION.—Not later than  
12 180 days after the date of enactment of this Act, in award-  
13 ing grants, contracts, or cooperative agreements under the  
14 SBIR program, the Secretary shall give priority to pro-  
15 posals that—

16 (1) seek to incorporate artificial intelligence  
17 into education without reducing or inhibiting stu-  
18 dents’ critical thinking skills; and

19 (2) meet 2 or more of the following criteria:

20 (A) Projects that demonstrate the potential  
21 to significantly enhance personalized learning  
22 experiences by adapting to individual student  
23 needs, improving student achievement, and ad-  
24 dressing learning gaps.

1           (B) Projects that aim to make artificial in-  
2           telligence technologies accessible to all students,  
3           including students with special education needs.

4           (C) Projects that incorporate cutting-edge  
5           computational techniques to create innovative  
6           tutoring solutions.

7           (D) Projects that demonstrate a clear  
8           strategy for integrating artificial intelligence  
9           into classroom settings for efficiency and per-  
10          sonalized learning, including training resources  
11          for teachers and administrators and compat-  
12          ibility with existing educational tools and cur-  
13          ricula.

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