Written Answers to Questions for the Record
from Erin Mote, CEO, InnovateEDU
for the U.S. House of Representatives, Committee on Education and Workforce
Subcommittee on Early Childhood, Elementary, and Secondary Education
Hearing Titled, "*From Chalkboards to Chatbots: The Impact of AI on K-12 Education*"

April 1, 2025

Question from Representative Summer Lee (D-PA)

1. **A Report from the Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights titled "The Rising use of Artificial Intelligence in K-12 Education" stated "AI programs have the capacity to collect children's social-emotional learning metrics, behavior metrics, biometric data, and other sensitive information, and to use this data for surveillance and predictive analytics that disproportionately impact vulnerable communities." The report also mentioned that schools are increasingly sharing students' data with law enforcement and that school surveillance technology exacerbates the school-to-prison pipeline.**
    a. **Do you think we should be concerned about predictive policing algorithms disproportionately targeting Black, brown, and other marginalized children?**

Thank you for your question. Simply put, we should be concerned about the disproportionate targeting of Black, brown, and other marginalized children by predictive algorithms within K-12 education.

Artificial intelligence (AI) in education offers potential benefits for student learning, including personalizing lesson plans, automating administrative tasks, and providing accommodations for students with disabilities[1]. By personalizing, for example, the complex process of learning a new skill, AI in education can foster a unique environment of low-stakes practice and individualized feedback, building the confidence and resilience students need to thrive and flourish. On the other hand, AI-powered surveillance technologies that intend to enhance school safety also present civil rights concerns[2]. These systems risk creating a more efficient and insidious "digital school-to-prison pipeline" by amplifying bias and criminalizing normal adolescent behavior[3].

The "school-to-prison pipeline" literature describes how punitive school policies and practices push students, particularly students of color and those with disabilities, out of the classroom and into the juvenile and criminal justice systems.[14] The proliferation of AI surveillance technology

[1]U.S. Commission on Civil Rights. (2024). *Artificial intelligence in education*. https://www.usccr.gov/files/2025-01/policy-brief_2024-ai-in-education_pa.pdf
[2] U.S. Commission on Civil Rights. (2024). *Artificial intelligence in education*. https://www.usccr.gov/files/2025-01/policy-brief_2024-ai-in-education_pa.pdf
[3] Miller, F. G. (2019). The digital school-to-prison pipeline. *Harvard Civil Rights-Civil Liberties Law Review*, *54*(2), 795–831. https://harvardcrcl.org/wp-content/uploads/sites/10/2019/12/Miller.pdf

is creating a new, more automated and less transparent version of this pipeline. By using algorithms that may contain biases to flag and punish students, these systems can function as a powerful engine for the criminalization of youth.

The consequences of this heightened surveillance are significant. Studies show that students in "high-surveillance" schools can experience higher suspension rates, lower math scores, and fewer college admissions, with Black students or students with disabilities bearing the heaviest burden[4]. This environment of constant monitoring can erode the trust essential for learning and suppress student expression[5]. Research from the Center for Democracy and Technology (CDT) found that 58% of students say they don't share their true thoughts or ideas online because they are being monitored[6]. This creates a tension between the technology's intended purpose and its actual impact, often replacing human-centered support systems with automated judgment.

A growing number of American schools are implementing technologically advanced surveillance systems. These AI-powered tools, presented to districts as safety measures, are used to monitor students' digital activities and communications. The data collected by these systems is sometimes used to inform predictive algorithms that identify students who may be at risk. The deployment of this technology has prompted discussion regarding its potential to influence student behavior and expression, while research has raised concerns about whether the algorithms may disproportionately impact students from marginalized groups.

The emerging wave of school surveillance is multifaceted and designed to analyze and interpret student behavior in real-time, flagging anything an algorithm identifies as anomalous or threatening[7]. While these tools are often adopted in the name of protecting students from harm, their application raises complex questions about privacy and fairness.

Key categories of this technology include:

- **Online Activity and Communication Monitoring:** These tools scan everything students write, search, and communicate on school-issued devices and accounts. The systems use AI to flag keywords related to violence, self-harm, bullying, or other prohibited content, with the stated purpose of enabling early intervention.
- **Social Media Surveillance:** Some services monitor students' public social media posts to

[4] Jabbari, J., & Johnson, O., Jr. (2019). The counselors and the cops: The effects of school security on college and four-year college enrollment. *Educational Evaluation and Policy Analysis*, *41*(4), 491–517. https://doi.org/10.3102/0162373719871926

[5] American Civil Liberties Union. (2019). *Cops and no counselors: How the lack of school mental health staff is harming students*. https://www.aclu.org/publications/cops-and-no-counselors

[6] Center for Democracy & Technology. (2021). *Hidden harms: The misleading promise of monitoring students online*. https://cdt.org/insights/hidden-harms-the-misleading-promise-of-monitoring-students-online/

[7] Zeichner, A. (2022, June 29). *The impossible task of preventing the next school shooting*. The Verge. https://www.theverge.com/23186490/school-shootings-ai-software-shootings-gaggle-bark-securly

identify potential threats. These tools have been shown to disproportionately flag activism and protest-related speech, particularly from students of color[8].

- **Video and Biometric Surveillance:** Schools are implementing AI-powered video analytics that claim to detect "suspicious movement patterns," aggression, or weapons. This includes the deployment of facial recognition technology, which studies have repeatedly shown is less accurate when identifying people of color, women, and non-binary individuals[9]. New York became the first state to ban the use of facial recognition in schools due to these concerns in 2023[10].
- **Predictive Analytics and "Threat Assessment":** Some of the most complex surveillance involves systems that use predictive analytics to assign "risk scores" to students. These algorithms analyze school records—including grades, attendance, and disciplinary history—to identify students who are supposedly at risk of future misbehavior or violence. This practice raises concerns about the pre-criminalization of students, placing them on watchlists based on data profiles rather than actual actions[11].

The implementation of surveillance technologies in schools is a documented and growing trend. Reports from civil rights and policy organizations also describe the connection between these school surveillance systems and law enforcement agencies. A 2023 national survey by the Center for Democracy and Technology found that surveillance is nearly universal, with 88% of teachers reporting their school monitors students' online activity, 37% reporting surveillance of personal social media accounts, and 33% reporting the use of facial recognition. This monitoring often extends to predictive analysis and direct police involvement, as 36% of teachers reported their school uses predictive analytics to identify children who might commit future criminal behavior, and 38% reported that their school shares sensitive student data with law enforcement[12]

This connection has tangible consequences; separate research found that 44% of teachers

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[8] Mijente, & The Brennan Center for Justice. (2019). *Social media monitoring: How an unaccountable industry threatens rights*. Brennan Center for Justice. https://www.brennancenter.org/our-work/research-reports/social-media-monitoring

[9] Grother, P., Ngan, M., & Hanaoka, K. (2019). *Face recognition vendor test (FRVT) part 3: Demographic effects* (NISTIR 8280). National Institute of Standards and Technology. https://doi.org/10.6028/NIST.IR.8280

[10] Thompson, C. (2023, September 27). *New York bans facial recognition in schools after report finds risks outweigh potential benefits*. AP News. https://apnews.com/article/facial-recognition-banned-new-york-schools-ddd35e004254d316beabf70453b1a6a2

[11] Brennan Center for Justice & NAACP Legal Defense & Educational Fund. (2023). *Futures at stake: The dangers of biased school algorithms*. https://www.brennancenter.org/our-work/research-reports/futures-stake

[12] Center for Democracy & Technology. (2023). *Out of control: The continued rise of school surveillance and its inequitable impacts*. https://cdt.org/insights/out-of-control-the-continued-rise-of-school-surveillance-and-its-inequitable-impacts/

personally knew of students who were contacted by police as a direct result of their school device being monitored. These numbers are corroborated by federal data, which shows a rapid growth in the use of surveillance technologies across K-12 campuses[13]. According to the National Center for Education Statistics at the U.S. Department of Education, the number of schools using surveillance cameras increased from 80.6% to 91.1% between 2015 and 2019. The number of schools using anonymous threat reporting systems increased from 43.9% to 65.7% percent over the same period.[14]

The deployment of this surveillance infrastructure is not uniform. Civil rights advocates and researchers have found that these technologies are disproportionately deployed in schools serving predominantly Black and low-income students[15]. This risks creating a two-tiered educational system: one where affluent, predominantly white students are afforded greater privacy and trust, and another where marginalized students are subjected to suspicion and monitoring. Research from the Center for Democracy and Technology highlights that lower-income students are more likely to rely on school-provided devices, which are often subject to more invasive and continuous surveillance than personal devices[16].

One core challenge with these AI systems is that they are built on data that can reflect existing societal biases. AI algorithms may exacerbate racial disparities in education when developers input historical data into the technology that replicates pre-existing biases that the model is trained to believe are accurate[17]. For example, an algorithm trained on historical school discipline data—which already shows that Black students and students with disabilities are suspended at much higher rates than their peers[18]—may "learn" to associate Black students and students with disabilities with a higher risk of misbehavior. The technology can then give a veneer of

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[13] Center for Law and Social Policy (CLASP). (2024, May). *Dangerous data: How predictive analytics and AI in the child welfare system can harm children and what to do about it*. https://www.clasp.org/wp-content/uploads/2024/05/dangerous_data_brochure_v6.pdf

[14] National Center for Education Statistics, & Bureau of Justice Statistics. (2022). *Report on Indicators of School Crime and Safety: 2021* (NCES 2022-092/NCJ 304625). U.S. Department of Education & U.S. Department of Justice. https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2022092

[15] Center for Democracy & Technology. (2022). *Our watched-over school day: A national survey of teachers, parents, and students on school surveillance*. https://cdt.org/insights/our-watched-over-school-day/

[16] Center for Democracy & Technology. (2021). *Hidden harms: The misleading promise of monitoring students online*. https://cdt.org/insights/hidden-harms-the-misleading-promise-of-monitoring-students-online/

[17] Saubestre, S. (2024, April 24). *Artificial intelligence in schools: Privacy and security considerations*. New America. https://www.newamerica.org/oti/blog/artificial-intelligence-in-schools-privacy-and-security-considerations/

[18] U.S. Department of Education, Office for Civil Rights. (2021). *An overview of exclusionary discipline in public schools for the 2017–18 school year*. https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-discipline-brief.pdf

objectivity to discriminatory patterns.

This issue extends beyond discipline into academic tracking and monitoring behaviors. Across the country, schools are adopting AI tools for online monitoring and predictive analytics to flag students deemed "high-risk"[19]. While often implemented to identify students in need of support or intervention, particularly for students with disabilities or learning differences, these technologies are disproportionately adopted in schools serving Black and low-income students, too often without meaningful public oversight. The algorithms at the core of these systems are trained on data that frequently reflect existing societal and institutional biases, creating a feedback loop where marginalized students are more likely to be flagged, disciplined, and funneled into the justice system, including students with disabilities.

Predictive analytical tools in education use data, statistical algorithms, and machine learning not only to help educators support students, but also to determine the likelihood of future student success. Programs that track students' attendance, behavior, and grades are used to support "early-warning systems" that employ machine-learning algorithms to assess the likelihood that a student will graduate.

While intended to improve student outcomes, these predictive analytics often rate racial minorities or students with disabilities as less likely to succeed academically. This is because race or learning differences are sometimes included as a risk factor in the algorithms and treated as an indicator of success or failure based on the historical performance of students with those identities. For example, an analysis conducted in 2023 found that Wisconsin's Dropout Early Warning System, which uses race as a data point, generated false alarms about Black and Latino students "at a significantly greater rate than it did for their White classmates." This false alarm rate—defined as "how frequently a student [the algorithm] predicted wouldn't graduate on time actually did graduate on time"—was 42% higher for Black students than White students[20]. Following the publication of this analysis, Wisconsin suspended the use of the DEWS system.

Instead of clarifying what extra support students need, these risk scores can negatively influence how teachers perceive students and affect students' own beliefs about their academic potential. The algorithm doesn't just monitor students; it can actively contribute to their criminalization and academic marginalization. It turns potentially biased data into decisions about who to watch

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[19] Brennan Center for Justice & NAACP Legal Defense & Educational Fund. (2023). *Futures at stake: The dangers of biased school algorithms*.
https://www.brennancenter.org/our-work/research-reports/futures-stake

[20] Feathers, T. (2023, April 27). *False alarm: How Wisconsin uses race and income to label students "high risk"*. The Markup.
https://themarkup.org/machine-learning/2023/04/27/false-alarm-how-wisconsin-uses-race-and-income-to-label-students-high-risk

more closely, who to discipline, and who to refer to law enforcement. Literature suggests this risks creating a self-perpetuating cycle:

1. An algorithm trained on biased data disproportionately flags a student for "concerning" behavior or academic risk.
2. School administrators, influenced by the alert, are more likely to discipline the student, perhaps with a suspension, or perceive them as less capable.
3. This new disciplinary action or biased perception is fed back into the system as another data point, "confirming" the algorithm's initial biased prediction and increasing the student's risk score.
4. The student is now more likely to be flagged for future infractions, leading to more exclusionary discipline and potentially increased contact with law enforcement[21].

A program in Pasco County, Florida, starkly illustrated the direct link between school data collection and law enforcement targeting. An investigation by the Tampa Bay Times revealed that the Pasco County Sheriff's Office was using a predictive AI system that secretly mined student data from the school district—including grades, attendance records, and discipline history—to identify children it believed were "destined to a life of crime".[22]

This AI-generated list of "at-risk" youth was not used to inform referrals for supportive interventions like counseling. Instead, it was used to trigger aggressive law enforcement actions. Deputies were sent to the homes of targeted children, most of whom were students of color and or with disabilities, to interrogate and harass them and their families, with the stated goal of making their lives "miserable until they move or sue"[23]. An analysis of the Pasco County case shows how educational data, collected initially to support students, was used by a law enforcement agency for a proactive policing program. This is the "digital school-to-prison pipeline" in action: a system that blurs the line between the schoolhouse and the jailhouse, transforming institutions of learning into instruments of surveillance.

Across the country, the expanding use of surveillance technologies in schools is prompting conversation and applied research, particularly regarding the impact on marginalized students. While these systems are often implemented to enhance school safety, research and community feedback suggest they can contribute to an atmosphere of anxiety, potentially damage trust, and

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[21] Madhukar, P. (2019, October 17). *The hidden costs of high-tech surveillance in schools*. Brennan Center for Justice. https://www.brennancenter.org/our-work/analysis-opinion/hidden-costs-high-tech-surveillance-schools

[22] Bedi, N., & McGrory, K. (2020, November 19). *Targeted*. Tampa Bay Times. https://projects.tampabay.com/projects/2020/investigations/police-pasco-sheriff-targeted/

[23] McGrory, K., & Bedi, N. (2020, September 3). *How Pasco's sheriff uses data to guess who will commit a crime*. Tampa Bay Times. https://projects.tampabay.com/projects/2020/investigations/police-pasco-sheriff-targeted/intelligence-led-policing/

may reinforce existing inequities. This has led to a discussion that reframes the issue not as a choice between technology and safety, but between surveillance-centered and care-based approaches. The core of this perspective, often voiced by students, is a call for schools that prioritize building investment and trust in young people over technological systems of monitoring.