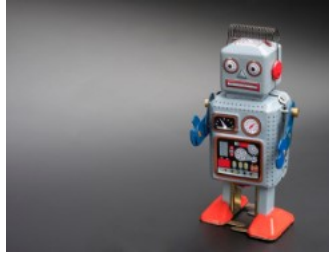


### OCR warns schools of potential discriminatory use of AI for ELs

The U.S. Education Department's Office for Civil Rights recently issued guidance on discriminatory uses of artificial intelligence.

"School communities must take care that they do not discriminate when applying AI tools," said Catherine E. Lhamon, Assistant Secretary of Education for Civil Rights in a statement announcing the new resource. "OCR will remain vigilant in enforcement regarding AI usage as we will with respect to any other aspect of students' educational experience."



*Avoiding the Discriminatory Use of Artificial Intelligence*, [124 LRP 39541](#) (OCR 11/01/24), includes several scenarios in which OCR says an investigation of discrimination could be triggered.

Federal programs administrators should review their practices against these examples to ensure they are not inadvertently violating the rights of EL students and parents.

#### AI plagiarism evaluation

Schools should be cognizant of the strengths and weaknesses of tools used in the classroom for English learner students, according to the guidance.

For example, OCR says an online program that evaluates student writing for AI-generated plagiarism could be biased to flag writing from non-native English speakers. If the school flags the EL students' essays based on the biased online evaluation program and the students did not engage in academic misconduct, OCR says it would likely have reason to open an investigation.

#### Supplemental EL instruction

AI-based programs for providing instructional assistance may be proliferating, but they should not be used as a standalone option for providing language instructional education programs, OCR says.

For example, OCR says a school might use a supplemental language development program for students who are ELs. However, if that school uses the computer-based program as the sole source of LIEP for EL students, the school could be investigated for civil rights violations. "The students who are ELs may not be able to participate equally and meaningfully in the standard instructional program of the school," OCR officials wrote.

#### LEP parent communications

Online translation tools can be helpful in providing information for parents and families who are limited English proficient. However, a school should be wary of relying solely on online applications and websites to translate or interpret information for these parents.

For example, OCR said, if the translation services produce incoherent translations that lead to parent complaints, the school could face an OCR investigation.

"The school may not be ensuring meaningful communication with parents who have LEP in a language the parents can understand," OCR officials wrote.

[Charles Hendrix](#) covers education funding and other Title I issues for LRP Publications.