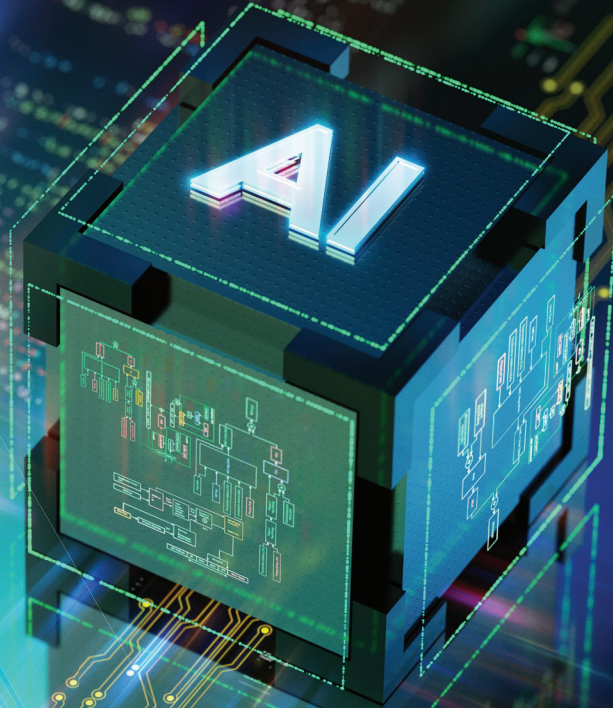




**Lozano Smith**

ATTORNEYS AT LAW

2024

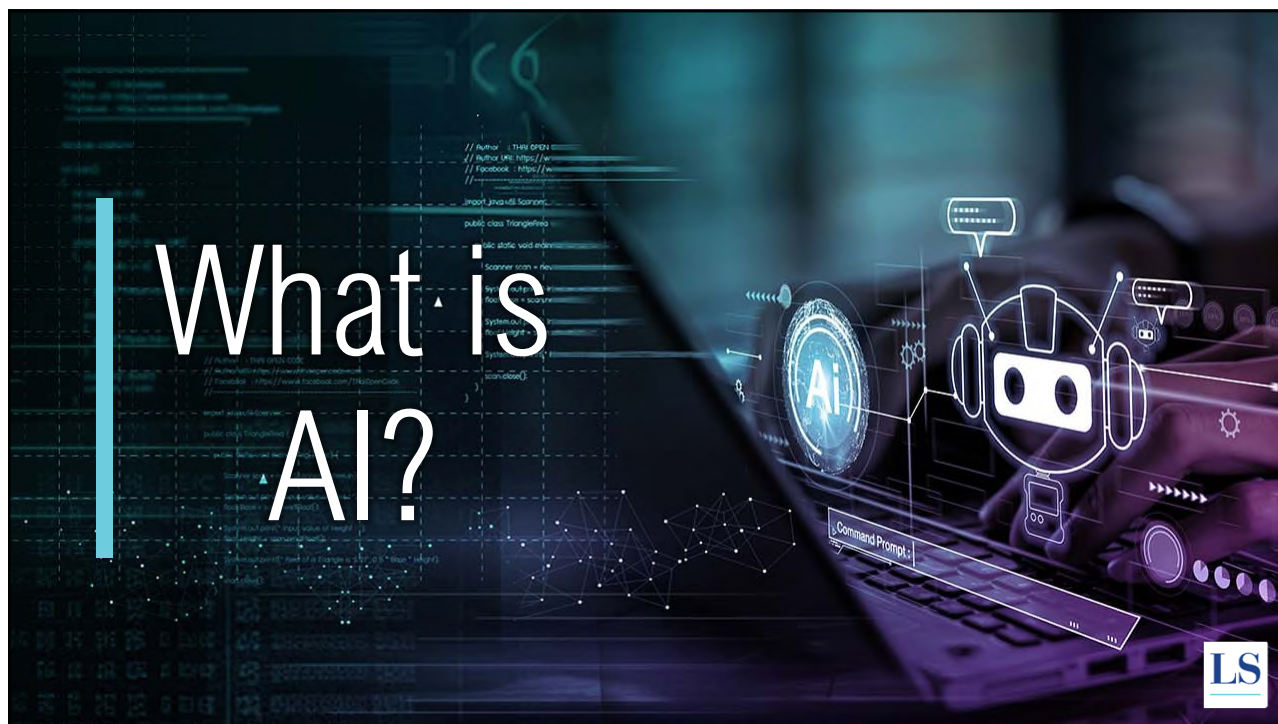


# What Every Great Negotiator and District Administrator Needs to Know About Artificial Intelligence

---

Presented by:  
Karen M. Rezendes  
*Managing Partner*

ACSA Negotiators' Symposium - San Diego | January 19, 2024



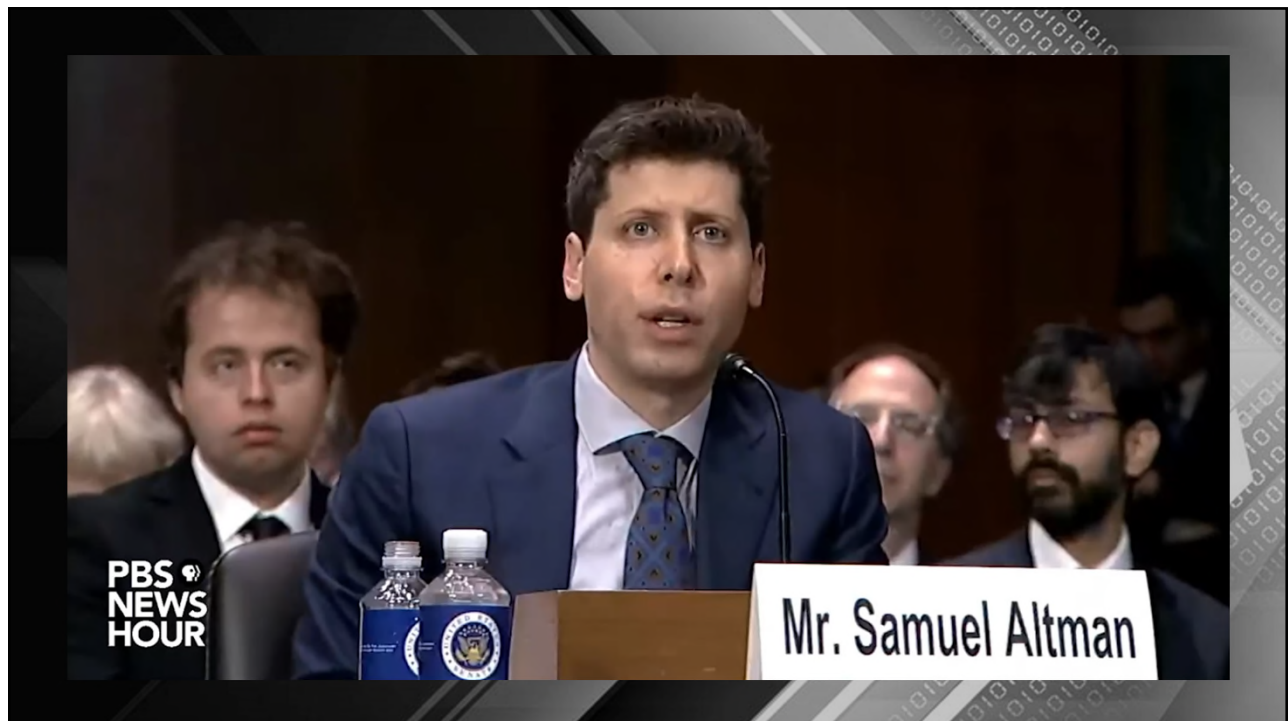
# Understand the Possible Benefits of AI

- Increase efficiency of tasks (grading & lesson planning)
- Increase individuation of student teaching/learning
- Efficient analysis of data
- Improved recruitment and selection processes (paper screening and routine correspondence)
- Creative professional development (create PowerPoints)



# Understand the Risk of AI

- Bias
- Hallucinations
- False information
- Privacy and confidentiality issues
- Security risks (criminal, bullying and cyber attacks)
- Legal liability



<https://www.lozanosmith.com/ai.php>

RESOURCES

Executive Order on the Safe, Secure, and Trustworthy Development and Use of AI (10/30/23)

California Governor Executive Order regarding AI (9/6/23)

Federal Department of Education - AI and the Future of Teaching and Learning Insights and Recommendations Report (May 2023)

California Bar Association, Recommendations from Committee on Professional Responsibility and Conduct on Regulation of Use of Generative AI Licensees (Attorneys) (11/16/23)





# AI OPPORTUNITIES

- Analyze financial and budget trends
- Conduct comparability studies regarding economic and non-economic provisions
- Evaluate impact of proposals on student wellness
- Project costs of implementing proposals over time
- Research effectiveness of educational programs
- Generate more options for problem-solving

LS



# AI CHALLENGES

- Unintentional or intentional propagation of inaccurate and biased information
- Increased volume of social media content to support positions
- Public reliance on inaccurate or incomplete information based on concept that AI is a reliable source
- Creates additional responsibilities to counter misinformation and communicate correct and credible information to public and communities
- Expansion of scope of comparison data over time and entities
- Additional time required to validate information

LS



## AI CHALLENGES

- ❑ Enforcing policies/guardrails for use of AI by ALL
- ❑ Equitable access to AI tools
- ❑ Professional development re proper use of AI
- ❑ Discipline for misuse of AI
- ❑ Lack of expert staff to implement and monitor AI tools-accuracy issues
- ❑ Privacy rights are protected
- ❑ Eliminate bias and discriminatory uses

LS

## General Recommendations for Great School District Negotiators and Administrators

LS



1

## Implement Comprehensive Cybersecurity Measures.

Prioritize the development and implementation of robust cybersecurity protocols to protect AI systems from unauthorized access, data breaches, and other cyber threats. Regularly update and audit these measures to adapt to evolving and changing cybersecurity landscapes.



2

## Maintain Strong Human-in-the-Loop Safeguards.

Ensure that human oversight is integral in AI operations and establish protocols where human judgment is required in critical decision-making processes to prevent over-reliance on AI solutions.





3

## Verify Accuracy of Information.

Regularly validate the data used and the output generated by AI systems and implement measures to ensure data integrity and accuracy and confirm that AI algorithms are functioning as intended.

LS



4

## Guard Against Bias.

Actively work to identify and mitigate biases in AI algorithms. This includes biases in data collection, algorithmic design, and interpretation of outcomes. Regularly audit AI systems for potential biases and take corrective actions as necessary. This includes ensuring that any third-party AI programs are also monitored and tested to ensure any elimination of bias necessary.

LS

5

## Utilize AI as an Assistant, Not as a Decision-Maker.

Position AI as a tool to assist and augment human capabilities rather than replace them. Ensure that final decision-making authority rests with competent human staff.



6

## Limit AI Use to Certain Processes and Procedures.

Clearly define the scope and limits of AI usage within the organization, by staff and by third parties. Restrict its application to areas where it is most beneficial and avoid areas where its use may be problematic, violates privacy rights, or is unethical.



7

## Designate a Head of AI and Recruit Experts.

Appoint dedicated staff responsible for overseeing AI initiatives. Build a team of experts in AI, ethics, and relevant fields to guide and inform AI strategies and implementation.



8

## Revise Existing Policies and Procedures to Address AI Impacts.

Update policies and procedures to reflect the integration of AI in applicable fields and processes. Revise standards, operational guidelines, and ethical frameworks to accommodate the responsible use of AI and specify how and to what extent AI use is acceptable.



# 9

## Stay Informed of AI Developments.

Continuously monitor advancements in AI technology and its applications. Stay updated on new research, regulatory changes, and best practices to stay ahead of the curve and make informed decisions.



# 10

AI is already here and being used by staff and students. We need to understand its promise, identify appropriate uses, and provide the guardrails.

*"I think if this technology goes wrong, it can go quite wrong. And we want to be vocal about that... We want to work with the government to prevent that from happening." - Samuel Altman*



<https://www.lozanosmith.com/ai.php>

RESOURCES

Executive Order on the Safe, Secure, and Trustworthy Development and Use of AI (10/30/23)

California Governor Executive Order regarding AI (9/6/23)

Federal Department of Education - AI and the Future of Teaching and Learning Insights and Recommendations Report (May 2023)

California Bar Association, Recommendations from Committee on Professional Responsibility and Conduct on Regulation of Use of Generative AI Licensees (Attorneys) (11/16/23)



Subscribe on your favorite app or device.



*Stay informed on your time.*

## Lozano Smith Podcast

[lozanosmith.com/podcast](https://www.lozanosmith.com/podcast)

*For more information, questions and comments about the presentation, please feel free to contact:*

## **Karen M. Rezendes**

*Managing Partner*

**Tel: 925.953.1620**

**[krezendes@lozanosmith.com](mailto:krezendes@lozanosmith.com)**

*Or any of the attorneys in one of our 8 offices.*



# @LozanoSmith

Disclaimer: These materials and all discussions of these materials are for instructional purposes only and do not constitute legal advice. If you need legal advice, you should contact your local counsel or an attorney at Lozano Smith. If you are interested in having other in-service programs presented, please contact [clientservices@lozanosmith.com](mailto:clientservices@lozanosmith.com) or call (559) 431-5600.

Copyright © 2024 Lozano Smith  
All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license. 4871-8890-6907



# Artificial Intelligence (AI) - General Recommendations for Great School District Negotiators and Administrators



## 1 Implement Comprehensive Cybersecurity Measures

---

Prioritize the development and implementation of robust cybersecurity protocols to protect AI systems from unauthorized access, data breaches, and other cyber threats. Regularly update and audit these measures to adapt to evolving and changing cybersecurity landscapes.

## 2 Maintain Strong Human-in-the-Loop Safeguards

---

Ensure that human oversight is integral in AI operations and establish protocols where human judgment is required in critical decision-making processes to prevent over-reliance on AI solutions.

## 3 Verify Accuracy of Information

---

Regularly validate the data used and the output generated by AI systems and implement measures to ensure data integrity and accuracy and confirm that AI algorithms are functioning as intended.

## 4 Guard Against Bias

---

Actively work to identify and mitigate biases in AI algorithms. This includes biases in data collection, algorithmic design, and interpretation of outcomes. Regularly audit AI systems for potential biases and take corrective actions as necessary. This includes ensuring that any third-party AI programs are also monitored and tested to ensure any elimination of bias necessary.

## 5 Utilize AI as an Assistant, not as a Decision-Maker

---

Position AI as a tool to assist and augment human capabilities rather than replace them. Ensure that final decision-making authority rests with competent human staff.

## 6 Limit AI use to Certain Processes and Procedures

---

Clearly define the scope and limits of AI usage within the organization, by staff and by third parties. Restrict its application to areas where it is most beneficial and avoid areas where its use may be problematic, violates privacy rights, or is unethical.



## 7 Designate a Head of AI and Recruit Experts

---

Appoint dedicated staff responsible for overseeing AI initiatives. Build a team of experts in AI, ethics, and relevant fields to guide and inform AI strategies and implementation.

## 8 Revise Existing Policies and Procedures to Address AI Impacts

---

Update policies and procedures to reflect the integration of AI in applicable fields and processes. Revise standards, operational guidelines, and ethical frameworks to accommodate the responsible use of AI and specify how and to what extent AI use is acceptable.

## 9 Stay Informed of AI Developments

---

Continuously monitor advancements in AI technology and its applications. Stay updated on new research, regulatory changes, and best practices to stay ahead of the curve and make informed decisions.

## 10 AI is Already Here and Being Used By Staff and Students

---

We need to understand its promise, identify appropriate uses, and provide the guardrails.

“I think if this technology goes wrong, it can go quite wrong. And we want to be vocal about that... We want to work with the government to prevent that from happening.”

– Samuel Altman, , Open AI CEO, Senate Hearing 2023

DISCLAIMER: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

Copyright © 2024 Lozano Smith - All rights reserved. No portion of this work may be copied, or sold or used for any commercial advantage or private gain, nor any derivative work prepared there from, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client.



**Disclaimer:** As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

**Copyright © 2024 Lozano Smith.**

No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license.