

SUBMISSION COVER SHEET



**Artificial Intelligence in Schools Taskforce consultation draft on the Australian
Framework for Generative Artificial Intelligence in Schools**

28 July 2023

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Submitted to: Artificial Intelligence in Schools Taskforce

Introduction

The Independent Education Union of Australia (IEUA) welcomes the opportunity to respond to the two questions posed in the Education Minister's Artificial Intelligence in Schools Taskforce consultation draft on the Australian Framework for Generative Artificial Intelligence in Schools

The IEUA is the federally registered union representing over 75,000 education professionals (teachers and other education staff) in the non-government sector.

Schools are places of innovation and creativity, and teachers are often early adopters of new and emerging technologies. Generative artificial intelligence (AI) undoubtedly offers opportunities to the education sector. The IEUA asserts that it also presents formidable challenges across the full suite of legal, industrial, professional and educational issues.

CONSULTATION QUESTION ONE

Will these core elements and principles help to guide Australian school systems, teachers and school administrators in using generative AI safely and in ways that support better education outcomes?

The IEUA welcomes the Education Minister's Artificial Intelligence in Schools Taskforce (AI Taskforce) draft Australian Framework for Generative Artificial Intelligence in Schools (the draft Framework) consultation paper.

A consultative approach to the development of the draft Framework is critical to ensure the Framework supports education outcomes and the educative potential of AI.

The voice of the teaching profession must be paramount during this consultation and the ongoing evolution of the draft Framework if generative AI is to become a valuable resource that equips learners for future-focused education and whose serious risks are negated by effective safeguards.

The draft Framework primarily focuses on the benefits of AI for education outcomes and is premised on considerable confidence in establishing the safe use of generative AI in Australian schools. It is the risks of expanding generative AI in schools which require far more attention than appears in the consultation draft Framework.

Therefore, the IEUA's responses to the two questions posed in the consultation draft will focus primarily on the considerable risks for education outcomes and for safety, which we here present for the Taskforce's consideration as to where it might expand and revise its draft iteration of core elements and principles.

Two new core elements

Adding two new core elements to the draft Framework can better provide guidance to achieve improved education outcomes for all student cohorts including – as an ethical imperative and consistent with the priorities of the Federal Education Minister - equity and access for students from all socio-economic, geographical and cultural backgrounds, for students with disabilities and LBGTIQ+ students, if the following core elements are added to the current set:

- Core element- Consultation with the teaching profession (and other school staff including librarians and cultural competence educators) and their unions. An accompanying principle is that employers and governments have a joint duty of care to students and teachers to work in close consultation with educators in their workplaces and through their unions to address their insights and concerns regarding generative AI in schools.
- Core element - Decisions about use of generative AI in schools must be subject to a Teacher Workload Impact Assessment, consistent with the National Teacher Workforce Action Plan (NTWAP, 2022) 'Priority 3 – keeping the teachers we have'.

An accompanying principle might be modelled upon NTWAP's Priority 3 Action 20 that states:

'Each initiative in the next National School Reform Agreement [substitute with 'Australian Framework for Generative Artificial Intelligence in Schools'] will be subject to a Teacher Workload Impact Assessment. States and territories, non-government school authorities and unions will be consulted on the development of the workload impact assessment.'

Adding Consultation and Teacher Workload Impact Assessment additions as core elements of the draft Framework is integral to the success of its existing core elements and principles. This includes, for example, 'Core Element 1. Teaching and learning Generative AI tools are used to enhance teaching and learning.' Generative AI can only enhance teaching and learning if teachers are directly consulted and have agency in how the AI is adapted to the needs of their student cohorts and in assessing how their students' learning is being affected.

Further, the plethora of new tasks for teachers introduced by expanding generative AI will often be in addition to, not in place of, existing tasks. Teachers and school leaders are already overloaded with administrative duties and excessive compliance requirements. It is critical that the workload implications of any proposed core elements and principles in the draft Framework are assessed by teachers and their unions during the development process and prior to any implementation.

Education outcomes and teacher attraction and retention

The teaching profession and their unions are seriously concerned that the risks posed to education outcomes by generative AI will outweigh benefits such as expanding

educational options for students. The draft Framework must guide policy responses and school practices to safeguard the integrity of student work and academic assessments, and address its impacts on teacher workload. The draft Framework will only support better education outcomes and safety if it includes elements and principles on proportionate and equitable resourcing to reverse the ongoing crises in teacher attraction and retention.

Job security

Possible professional benefits of generative AI such as streamlining teacher's workload are currently outweighed by the risk of loss of expertise from the profession due to too many teaching and related activities being outsourced to AI. The draft Framework's core elements and principles should provide guidance against outsourcing and instead supporting job security and the skills and status of the teaching profession to achieve better education outcomes.

Professional development

In their current form the AI guidelines will fail to adequately support better education outcomes because they do not stipulate access to high-quality, easily accessible, and ongoing professional development for teachers. Release time and enhanced pay scale progression for professional development will be a critical component of safe use of AI technologies for improving education. Targeted and age-appropriate training for students, beginning in primary school, should also be built into the core elements and principles of the draft Framework.

Curriculum overhaul

The quality of education students receive as generative AI expands in schools will fundamentally depend on an urgent and extensive overhaul of curriculum content and development of new resources that will embed strong ethics and critical literacy training. In consultation with teachers, careful review of current curriculums should be undertaken to ensure the sequential and age-appropriate development of ethics and critical literacy skills in students. Formal consultation with teachers and their unions on proposed curriculum review should be added to the core elements and principles in the draft Framework.

Commercial interest regulation

The draft Framework's core element of transparency should require profit-motive enterprises promoting expanding sales of generative AI in schools to consult with the teaching profession and its unions. The Framework should make it a legal requirement for commercial interests to consult with educators and unions, given the unique and high risk nature of generative AI in the education space.

Intensification of commercialisation has been a feature of the educational landscape for decades and its detrimental results include content that is poorly tailored to student needs. Differentiation of content and assessment practices must remain within the

control of the classroom teacher, not dictated by education providers as digital technologies advance. The impact of AI in the assessment process is already apparent, as teachers struggle to guarantee the validity of work submitted by students through more frequent or more individualised testing and additional assessments, with a consequent increase in teacher workload.

Commercial interests should be required by the draft Framework to develop and demonstrate that generative AI products can be used in ways or with safeguards that do not bring increased threats to academic and research integrity, nor undermine education outcomes through increased student exposure to bias and misinformation.

Human relationships

The existing core elements and principles also do not register the primacy of relationships in education outcomes and therefore will not be an effective guide in preventing education outcomes being undermined by generative AI. The professional judgement of teachers about students is grounded in staff-student relationships, is fundamental to the learning and assessment process, and must be respected as fundamental to quality educational outcomes.

Fairness, or equity and access

Regarding core element 4, 'Fairness', IEAU suggests the following additions shown in bold to the existing text:

"Generative AI tools are used in ways that are **equitable**, accessible, fair and respectful:
4.1 Accessibility: generative AI tools are used in ways that are inclusive, accessible, and equitable for people **from all socio-economic backgrounds, from households living in poverty, in rural and remote regions, from ATSI, refugee and diverse cultural backgrounds, different age groups, with disabilities, and LGBTIQ**".

The core element and principles of 'Fairness' must take direct account of and prioritise the serious adverse impacts on education outcomes for students from socio-economically disadvantaged backgrounds and for students in regional and remote areas of Australia, where compounding factors frequently overlap. These students already face inequitable access to the same technological resources as their metropolitan counterparts. A joint position paper developed by the Queensland Teachers Union (QTU) and the Independent Education Union of Australia Queensland and Northern Territory Branch (IEU-QNT) highlights in their Discussion Points:

"Currently those who already possess the knowledge and skill to access meaning in AI generated material, and to critically evaluate what is provided, are unfairly advantaged. The reproduction of inherent bias within much material on which AI is trained has dangerous implications. Critical literacy is more important than it has ever been, as the platforms being used are written by a group of people with a particular world view and AI is designed to replicate the current status quo. To avoid creating new power imbalances, access to AI needs to be equitable and inclusive of diverse views."

(From: Artificial Intelligence: A Joint Position Paper on New and Emerging Digital Technologies – Queensland’s Decision-Making Framework).

There are also inherent costs associated with accessing more sophisticated levels of AI. Schools will vary in their capacity to pay for the additional features built into paid content, further perpetuating disadvantage and inequity. The Framework in its current iteration will not support equity and access for each and every student because its elements and principles do not include the commitment of all governments to provide adequate and ongoing investment in infrastructure to guarantee equitable access to generative AI in schools.

The draft Framework’s principle of ‘Fairness’ can only be credible, given socio-economic, geographic, cultural and other inequities, if it specifies the real world application of the principle of equitable and reliable internet access and infrastructure across Australia, which in turn requires elements or principles such as subsidised access for students from, for example, poor, ATSI and refugee households.

Cultural equity

A further gap in the current iteration of the Framework is the legal requirement for comprehensive and ongoing screening of generative AI content including continuing support for cultural diversity, training in cultural competence and an increase in the Aboriginal and Torres Strait Islander teachers and support staff workforce.

The core principles and elements should include safeguards against generative AI having negative impacts on cultural diversity and indigenous languages, as generative AI prioritises content for English speakers and the written word. Relying on AI for accurate portrayal of the diversity of cultures within Australia is problematic.

Issues arising from the national teacher shortages have emphasised the importance of relationships in teaching. This is particularly acute in terms of Aboriginal and Torres Strait Islander teachers and support staff, who are severely under-represented in the education workforce.

The draft Framework’s elements and principles should register improving access and support for Aboriginal and Torres Strait Islander teachers and support staff, consistent with the National Teacher Workforce Action Plan and the National School Reform Agreement review.

CONSULTATION QUESTION TWO

What changes to the core elements and principles are needed to provide a clear framework that will support the safe and effective use of generative AI in schools?

The two fundamental additions to the Core Elements and Principles that are needed to provide a clear Framework that will support the safe and effective use of generative AI

in schools, asked at Question 2, are the same two main additions that are needed to achieve better education outcomes, as outlined in our response to Question 1.

That is, improving the safe and effective use of generative AI in schools necessitates incorporating into the Framework these two Core Elements:

- Core Element - Consultation with the teaching profession (and other school staff including librarians and cultural competence educators) and their unions. An accompanying principle is that employers and governments have a joint duty of care to students and teachers to work in close consultation with educators in their workplaces and through their unions to address their insights and concerns regarding generative AI repercussions for safety in schools.
- Core Element - Decisions about use of generative AI in schools must be subject to a Teacher Workload Impact Assessment, consistent with the NTWAP Priority 3 – keeping the teachers we have.

For example, Core Element - 2. Human and social wellbeing: Generative AI tools are used to benefit all members of the school community is directly dependent upon regular teacher workload impact assessments. Teachers' working conditions are student learning conditions. Teachers' and students' and social wellbeing can only be improved if comprehensive teacher workload impact assessments occur systematically and regularly, and there is adequate resourcing, including teacher release time and enhanced pay scale progression, for professional development in using generative AI in classrooms.

Fundamentally, the urgent need for improved teacher attraction and retention to rectify shortages and excessive workloads is an ongoing real world condition for teachers' and students' wellbeing. The draft Framework's elements and principles must address workload and wellbeing in order to have meaningful application.

Safety

Ongoing and committed consultation and engagement with the education workforce and union representatives is essential to ensure the core elements and principles in the draft Framework effectively address the safety issues accompanying the use of generative AI in schools. Inadequate consultation with the profession to date raises ongoing concerns about, for example, advances in technology outstripping the development of appropriate safeguards.

The Framework's core elements and principles should specify that employers and governments have a joint duty of care to students and school employees to address the profession and the union's concerns for the safety of students, teachers and support staff. Collaboration is necessary to prevent generative AI tools undermining the privacy, social skills and wider wellbeing of students and staff.

Wellbeing and job security

The financial and mental wellbeing of teachers and their capacity to support their students' wellbeing also depends on the draft Framework and related guidelines committing to protect the employment and skills of teachers and support staff and improving staff-student ratios. The Framework could incorporate reference to or align with NTWAP priority area 5 on future teacher workforce needs and specifically require development and publication of data about teacher wellbeing, but also additionally student wellbeing in relation to the impacts of generative AI.

Human relationships

Core Element - 2. Human and social wellbeing - Generative AI tools are used to benefit all members of the school community needs to be adjusted to make explicit the primacy of the teacher-student relationship. This element should require regulations around the nature and extent of generative AI use to prevent further pressures on human relationships in the schools, which in turn have flow through effects on families and communities.

Screening of AI generated materials

Teachers have consistently raised concerns about the potential exposure of students to misinformation, unsubstantiated analyses and violent worldviews damaging to students' education and wider safety and wellbeing, with flow through effects to teachers, schools, families and the wider community. AI is drawn from a conglomeration of the information and attitudes that already exist online. Therefore, it is vital that the core elements and principles of the draft Framework include ongoing comprehensive screening of AI-generated material to ensure that it does not present students with class, race or gender-biased content that will undermine education outcomes and safety.

Commercial profit motive

All six of the draft Framework's core elements needs to address the fraught relationship between commercial interests and the safe and educationally sound use of generative AI in schools. The Framework needs to incorporate into its core elements and principles the urgent establishment of legal requirements for AI commercial interests to be subservient to the over-riding interest of teacher and student wellbeing and education outcomes.

Accountability and commercial interests

The draft Framework's core element 5 on accountability and human agency can be interpreted as placing all or most of the responsibility for safety onto teachers, principals, and schools and therefore must be adjusted. The IEUA would go so far as to suggest that our branches may consider obtaining legal advice regarding what will be seen as reasonable responsibilities for teachers, principals, and schools.

Transparency and accountability for AI commercial interests operating in the education space should be specified in relation to, for example, algorithmic and machine learning bias and other risks with profound education, wellbeing, and social implications. The primacy of teachers' judgement in the selection and use of AI to safely suit their student cohorts should be specified in the principles.

Shared responsibility for privacy and security

The draft Framework's section on privacy and security appears to place obligations on teachers and principals and if future iterations of the Framework's core elements and principles do not shift such responsibilities to the appropriate entities, including commercial operators, the IEUA will seek advice about the legal status of the final Framework.

The Framework aims to support the safety of students and teachers with respect to misinformation and cyber safety. However, teachers cannot be solely responsible for the veracity of generative AI information and nor of the cyber safety of staff and students. A requirement that government agencies, education systems and employers take joint responsibility for a co-ordinated approach to managing the risks for teachers and students of generative AI in the education sector should be added to the draft Framework elements and principles.

Government agencies, education systems and employers must jointly ensure that adequate safeguards are in place and that remedies are available should safeguards fail. Teachers, support staff, parents and students must be educated on an ongoing basis to understand new generative AI platforms and software programs. The trend towards accelerated implementation means that the Framework should explicitly require establishment of a collaborative approach to managing risks and threats to security and privacy.

Workplace Health and Safety (WHS)

The AI Taskforce's draft Framework does not adequately address WHS matters. It also risks placing unreasonable obligations on teachers, principals, and schools in regard to accountability, privacy, and security, including veracity and security of information and online privacy and safety. These risks are so serious that the IEUA's state and territory union branches may consider obtaining legal advice as to what constitutes reasonable responsibilities for teachers, principals, and schools in the use of generative AI in schools, and advice on the legal status of the final Framework when it is made available.

Our union will continue to engage with employers and members to develop policies and identify practices which provide the necessary protections for students and teachers while capitalising on the opportunities AI provides. Teachers and school leaders are already overloaded with administrative duties and excessive compliance requirements. The IEUA also commends to the Minister's AI Taskforce the joint position and discussion paper developed by the Queensland Teachers Union and the Independent Education of Australia's Queensland and Northern Territory Branch. The paper has been attached to this response for your reference.