

TITLE: Department of Education Compliance Plan for OMB Memoranda M-24-10 – September 2024

Prepared by Gary Stevens, Chief AI Officer (CAIO)

1. STRENGTHENING AI GOVERNANCE

General

- Describe any planned or current efforts within your agency to update any existing internal AI principles, guidelines, or policy to ensure consistency with M-24-10.
 - *The Department developed and is finalizing M-24-10 AI-specific policies and guidelines consistent with existing Department policies and guidelines. These documents are developed in accordance with AI Executive Order 14110.*

AI Governance Bodies

- Identify the offices that are represented on your agency's AI governance body.
 - *The Department established the following AI governance bodies:*
 - *AI Governance Board. This board has representation at the Deputy Secretary and Assistant Secretary levels for all the Department's Principal Operating Components. This board maintains final authority within the Department to establish or approve the vision, direction, and policies related to the safe, secure, and trustworthy development and use of AI within the Department and related to federal education policy.*
 - *AI Working Group. This group's membership includes representatives from every Department Principal Operating Component. This group establishes agency policy, plans, and business processes to meet goals and objectives for the adoption, development, oversight, and responsible use of AI within the Department.*
 - *The AI Policy on Emerging Technology Table. Final membership supporting this governance body is pending. This entity will develop, review, and make determinations regarding the Department's priorities and positioning with respect to AI in federal education policy and programs, consistent with Department and Administration goals.*
- Describe the expected outcomes for the AI governance body and your agency's plan to achieve them.
 - *The Department's AI governance bodies provide tactical and strategic direction and coordination of AI specific initiatives on behalf of the Department as well as monitors these activities until full implemented or closed.*
- Describe how, if at all, your agency's AI governance body plans to consult with external experts as appropriate and consistent with applicable law. External experts are characterized as individuals outside your agency, which may include individuals from other agencies, federally funded research and development centers, academic institutions, think tanks, industry, civil society, or labor unions.
 - *The Department's AI governance bodies engage external entities where appropriate for guidance and direction as well as consultation on AI specific projects and tasks that support the Department.*

AI Use Case Inventories

- Describe your agency's process for soliciting and collecting AI use cases across all sub-agencies, components, or bureaus for the inventory.

- *The AI Working Group is the primary entity that solicits and collects AI use cases for the Department. The working group leverages existing Department governance processes and capabilities to vet AI use case viability.*

Reporting on AI Use Cases Not Subject to Inventory

- Describe your agency's process for soliciting and collecting AI use cases that meet the criteria for exclusion from being individually inventoried, as required by Section 3(a)(v) of M-24-10.
 - *The Department currently does not have any AI use cases that meet the exclusion criteria.*
- Identify how your agency plans to periodically revisit and validate these use cases.
 - *Not applicable.*

2. ADVANCING RESPONSIBLE AI INNOVATION

Removing Barriers to the Responsible Use of AI.

- Describe any barriers to the responsible use of AI that your agency has identified, as well as any steps your agency has taken (or plans to take) to mitigate or remove these identified barriers.
 - *The Department is thoughtfully approaching the use of AI to address security, architecture, engineering, and integration related concerns. In the instance barriers to the use of AI are detected, Department processes and supporting governance bodies are utilized to either mitigate or remove identified barriers.*
- Identify whether your agency has developed (or is in the process of developing) internal guidance for the use of generative AI.
 - *Yes, the Department developed interim procedural guidance addressing security and privacy concerns related to the use of generative AI. The Department is in the process of coordinating the completion of final guidance.*

AI Talent

- Describe any planned or in-progress initiatives from your agency to increase AI talent.
 - *The Department is engaging other government departments and agencies as well as private/public sector mission partners to increase AI capabilities within the Department.*
- If applicable, describe your agency's plans to provide any resources or training to develop AI talent internally and increase AI training opportunities for Federal employees.
 - *The Department greatly expanded access to AI training resources and has made this training available to Department personnel through the existing FedTalent portal.*
 - *The Department is also partnering with industry to increase training and awareness of AI technologies for federal staff.*

AI Sharing and Collaboration

- Describe your agency's process for ensuring that custom-developed AI code—including models and model weights—for AI applications in active use is shared consistent with Section 4(d) of M-24-10.
 - *Not applicable. At present, the Department is solely using commercially provided tools and capabilities to meet its AI requirements.*
- Elaborate on your agency's efforts to encourage or incentivize the sharing of code, models, and data with the public. Include a description of the relevant offices that are responsible for coordinating this work.
 - *Not applicable as specified above.*

Harmonization of Artificial Intelligence Requirements

- Explain any steps your agency has taken to document and share best practices regarding AI governance, innovation, or risk management.
 - *The Department is routinely meeting with other government departments and agencies related to our use of AI capabilities and supporting infrastructure. During these engagements, we share best practices associated with our use of AI.*

3. MANAGING RISKS FROM THE USE OF ARTIFICIAL INTELLIGENCE

Determining Which Artificial Intelligence Is Presumed to Be Safety-Impacting or Rights-Impacting

- Explain the process by which your agency determines which AI use cases are rights-impacting or safety-impacting.
 - *AI use cases are thoroughly assessed for any rights or safety-impacting concerns as part of the AI Working Group or through the various sub-working groups established at the Department.*
- If your agency has developed its own distinct criteria to guide a decision to waive one or more of the minimum risk management practices for a particular use case, describe the criteria.
 - *At present, the Department has not developed distinct criteria to waive minimum risk management practices for particular use cases as use cases currently being pursued are not in need of a waiver.*
- Describe your agency's process for issuing, denying, revoking, tracking, and certifying waivers for one or more of the minimum risk management practices.
 - *Not applicable as specified above.*

Implementation of Risk Management Practices and Termination of Non-Compliant AI

- Elaborate on the controls your agency has put in place to prevent non-compliant safety-impacting or rights-impacting AI from being deployed to the public.
 - *AI use cases are thoroughly assessed for any rights or safety-impacting concerns as part of the AI Working Group or through the various sub-working groups established at the Department.*
- Describe your agency's intended process to terminate, and effectuate that termination of, any non-compliant AI.
 - *In the instance non-compliant AI capabilities are detected, the Department's existing security, architecture, engineering, and integration forums to resolve safety and security related concerns.*

Minimum Risk Management Practices

- Identify how your agency plans to document and validate implementation of the minimum risk management practices.
 - *The process of systematically identifying, mitigating, and addressing the potential risks associated with the deployment and use of AI within the Department is addressed by the Department's existing security, architecture, engineering, and integration forums, which are capable and designed to review and assess IT capabilities prior to their release.*