DEPARTMENT OF EDUCATION

34 CFR Part 75

[Docket ID ED-2025-OS-0118]

Final Priority and Definitions—Secretary's Supplemental Priority and Definitions on Advancing Artificial Intelligence in Education

AGENCY: U.S. Department of Education.

ACTION: Final priority and definitions.

SUMMARY: The Department of Education (Department) announces one priority and related definitions for use in currently authorized discretionary grant programs or programs that may be authorized in the future. The Secretary may choose to use an entire priority for a grant program or a particular competition or use one or more of the priority's component parts. This priority and definitions augment the initial set of three Secretary’s Supplemental Priorities on Evidence-Based Literacy, Educational Choice, and Returning Education to the States published as final priorities on September 9, 2025; the additional Secretary’s Supplemental Priorities on Meaningful Learning Opportunities, published as a final priority on February 12, 2026, and Career Pathways and Workforce Readiness, published as a final priority elsewhere in this issue of the *Federal Register*; and the additional proposed Secretary’s Supplemental Priority on

Promoting Patriotic Education, published as a proposed priority on September 17, 2025.

DATES: The priority and definitions are effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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SUPPLEMENTARY INFORMATION:

Purpose of this Regulatory Action: On July 21, 2025, the Department published a notice of proposed supplemental priority and definitions (NPP) in the *Federal Register* (90 FR 34203). This final priority and definitions may be used across the Department's discretionary grant programs.

Summary of the Major Provisions of This Regulatory Action: Through this regulatory action, we establish one supplemental priority and associated definitions. Each major provision is discussed in the *Public Comment* section of this document.

Program Authority: 20 U.S.C. 1221e-3, 3474, 6301 et seq., 5 U.S.C. 311 et seq.

The NPP in the *Federal Register* published on July 21, 2025, (90 FR 34203) contained background information and our reasons for proposing the priority and definitions. There are differences between the proposed priority and definitions and the final priority and definitions established in this notice of final priority and definitions (NFP), as discussed in the *Analysis of Comments and Changes* section in this document.

Public Comment: In response to our invitation in the NPP, over 300 parties submitted comments on the proposed priority and definitions.

Generally, we do not address technical and other minor changes, or suggested changes that the law does not authorize us to make under applicable statutory authority. In addition, we do not address general comments regarding concerns not directly related to the proposed priority or definitions.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priorities and definitions since publication of the NPP follows.

Comments: Many commenters expressed strong support for Secretary McMahon's proposed supplemental priority on Advancing Artificial Intelligence (AI) in Education, outlining a vision for preparing students and teachers for an AI-driven future. A significant number of commenters, including families and educators, appreciated the

Department's leadership to incorporate AI literacy and technology into education, recognizing its potential to prepare students for an advanced-technology-driven workforce. Many commenters expressed general support for the priority's emphasis on AI literacy, professional development, and integration into existing educational systems. Some commenters stated that the priority reflects a thoughtful understanding of where advanced technology can be most impactful, and these efforts are essential to building a future-ready workforce and ensuring that American students are not only users of AI technologies, but also active creators and innovators. A few commenters stated that the Department's forward-thinking priority aligns with the belief that the most impactful learning experiences happen when cutting-edge technology is guided by the skill, insight, and empathy of human educators. Some commenters applauded the Department for advancing the goal of ensuring all our youth and educators have opportunities to learn about and engage with AI.

Some commenters stated that technological advances of AI technology can increase administrative efficiencies and promote effective teaching practices and student learning, which would free up institutional resources for enhanced student engagement and improve measurable student outcomes.

Discussion: The Department appreciates the support for the priority of advancing AI in education. We agree with the

commenters that efficiencies can come from AI technology, which can lead to improved student outcomes. We are adding section (b)(xi) to the priority to more broadly recognize the potential for building evidence of increased efficiencies and improved program outcomes by use of AI technology across the Department's programs.

Changes: We added a section (b)(xi) "The use of AI technology to improve program outcomes" to the priority.

Comments: Many commenters expressed general opposition to the proposed priority. Some commenters voiced strong opposition to advancing AI technologies in K-12 classrooms and urged the Department to prevent children from using AI. Several commenters stated that use of AI technology in education is dangerous because it is unstudied and unregulated, and noted that untested AI tools could be harmful for children.

Multiple commenters stated that children's basic academic skills need to be developed before they start using AI. In addition, some commenters expressed their opposition to the priority because of potential cognitive and emotional harm to children, particularly for children and students who are in their ongoing development of basic cognitive skills, critical thinking skills and emotional intelligence.

Some commenters urged the Department not to allow AI into classrooms because they claim that the research points

to lower educational outcomes and higher environmental costs for children, and scientific studies have demonstrated the danger and lack of utility for AI in education.

One commenter stated that the Department does not have the right to give children technology that has not been diligently tested to be safe and effective.

Discussion: The comments submitted to the Department reflect an important dialogue about the role of AI in education. While there are strong calls for innovation and the integration of AI literacy, there is also a need for a commitment to preserving the essential human elements of teaching and learning. It is important to note that by finalizing this priority, the Department is not directly providing students with AI technology. Families and educators may consider the potential benefits of AI with the imperative to protect students' mental health and privacy. While the Department appreciates the comments that expressed their opposition to the Secretary's proposed priority, the Department believes that to ensure the United States remains a global leader in this advanced technology, the Department must provide our Nation's youth with opportunities to learn how to use AI technology effectively to enable them to be competitive in a rapidly evolving technical workforce. Educators would play a critical role in using AI as a tool in ways that expand access to high-

quality learning opportunities that connect with student interests. The Department also believes that it is critical for every American to have the opportunity to learn about AI in ways that are age-appropriate, fostering a culture of innovation and critical thinking that will solidify our Nation's leadership in the AI-driven future.

Changes: None.

Comments: Many commenters made recommendations about evidence building of effectiveness of AI technology.

Multiple commenters recommended that the Department establish clear accountability in evidence building, including requirements for vendors to provide comprehensive data governance policies that transparently detail how student data will be collected, used, protected, and destroyed, and whether it will be used to train AI models.

Several commenters recommended that the Department provide funding for school-district-level pilots to build evidence of success and to measure impacts of AI education, paired with scalable professional development for educators.

Some commenters recommended that the Department develop or support an evaluation framework of evidence building for AI integration in education. The commenters stated that the framework could help grant recipients assess tools for AI-related data safety, evidence-based practices, accessibility, usability, and interoperability.

Discussion: The Department appreciates these comments that emphasize the need to build evidence about what works and ongoing support for teachers and administrators to ensure that AI serves as a beneficial tool in education. As with any new and innovative practice or technology, building evidence to understand what works is important in the use of AI in education. The Department will consider whether and how to use evidence components in each grant competition, consistent with program authority, where this priority is used.

Changes: None.

Comments: Many commenters made recommendations for revisions to the proposed priority to strengthen students' data privacy and security, with suggestions for requirements about safeguards, including privacy, cybersecurity, student data protection, guidelines, and oversight to ensure ethical and effective AI usage with comprehensive training for educators on the ethical use of AI.

Additionally, some commenters suggested school districts should be required to vet and disclose the AI technology vendor's privacy policies and data-sharing practices.

Many commenters offered recommendations to address safety and privacy related to integration of AI in education.

Numerous commenters emphasized the necessity of obtaining parental consent before employing AI tools in educational settings. Some commenters stated that parental consent is essential to AI in K-12 education, because of the Children's Online Privacy Protection Act (COPPA) and Family Educational Rights and Privacy Act (FERPA), and recommended the Department mandate parental notification requirements and opt-out provisions as a standard when AI tools are implemented in schools.

Some commenters stressed the importance of safety considerations in dealing with AI models in schools. One commenter stated the importance of security considerations for the use of AI in education, and that any AI project in education should include data security, securing the AI model itself, a secure AI supply chain, and safe and secure use of AI by staff and students. The commenter suggested revisions to the priority to include these considerations.

Some commenters stated that the first considerations in integrating AI technology in education must be to maximize safety and privacy.

Discussion: Thank you to all the commenters who noted the importance of student privacy, the role of families, and safeguards around AI technology in K-12 classrooms. The Department is committed to upholding all student privacy protections under law and the central role of families in the education of their children. The Department believes

that how best to ensure safety and communicate about technology use is optimally decided at the state and local level and declines to enact requirements at the federal level.

Changes: None.

Comments: Some commenters recommended that AI systems used in schools must have protection for cybersecurity, and student data must never be shared, exploited, or used inappropriately by vendors or platforms. Some commenters suggested inclusion of industry recognized standards for cybersecurity for AI related projects in schools would help ensure K-12 education entities are utilizing AI in a way that is safe and secure for both students and staff.

Some commenters recommended the Department provide support on professional training on cybersecurity to help school systems shore up their cybersecurity programs to prevent the targeting of schools.

Discussion: The Department appreciates these comments and recommendations and agrees that schools should ensure a strong cybersecurity posture that protects student data privacy, including AI usage.

Changes: None.

Comments: Many commenters stressed the importance of connections between students and educators and argued that introducing AI in classrooms would reduce the interactive time between students and teachers by increasing screen

time above current levels. Some commenters stated that according to American Academy of Child and Adolescent Psychiatry's research (AACAP 2025), children already spend an average of 7.5 hours a day on screens for non-school activities.

Discussion: The Department thanks to all the commenters who expressed concerns about students' screen time. The Department agrees with the comments on the importance of connections between students and educators. Families and educators are best positioned to consider the potential benefits of AI with the imperative to protect students' overall well-being, including the appropriate management of screen time.

Changes: None.

Comments: Many commenters called for age-appropriate AI learning for children and recommended that the Department define clear age-appropriate AI learning policies in the priority for how students at all grade levels in K-12 education may learn AI in schools appropriately, effectively and safely.

Some commenters recommended that the Department establish national standards for children's AI literacy instruction. The commenters recommended that to ensure age-appropriate AI education, training for educators on clear ethical frameworks should be provided before AI tools are introduced in classrooms and child development experts

and family representatives should be included in any future policymaking on AI in education.

One commenter recommended adding a new provision in the proposed priority as (a)(xi): Support age-appropriate AI education methodologies that emphasize foundational concepts and critical thinking skills while considering developmental readiness and students' safety factors in tool selections.

Discussion: The Department appreciates the comments and agrees with the commenters on the importance of age-appropriate AI literacy teaching in K-12 education. We made changes to the priority based on the commenters' recommendations. The Department believes decisions about what is age-appropriate are best made by families and those closest to the students and therefore declines to establish national standards.

Changes: We inserted words "age-appropriate" in the paragraph of (a)(ii) of the Proposed Priority, and added a new paragraph of (a)(xi) "Provide support and training to educators on age-appropriate AI education methodologies that emphasize foundational concepts in AI literacy and critical thinking skills while considering developmental readiness and students' safety factors in AI tool selections in K-12 education."

Comments: Some commenters suggested the Department provide funding to support AI-related projects, including funding AI-related rural-specific capacity building projects.

To ensure educational integrity and success of AI-related initiatives in schools, one commenter urged the Department to support state pilots and demonstration projects that would allow AI-driven accommodation on standardized tests based on functional need rather than diagnosis.

Several commenters recommended the Department provide funds to support technical assistance (TA) for advancing AI in education.

Some commenters expressed strong support for the Department to provide TA to teachers, school leaders, and education agencies on advancing AI in education. The commenter recommended that TA to educators and administers be provided through professional development for educators and school administrators alongside pilot programs to build their professional knowledge, skills and confidence in AI literacy and technologies. The commenter believed that TA to educators would help ensure success of the AI implementation in education.

One commenter recommended the Department prioritize funding for providing TA to State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) to help them develop educational AI policies and guidance.

One commenter recommended including a new paragraph addressing TA in the priority and proposed language for use in the priority to reflect this recommendation.

Another commenter recommended that the Department funds a TA Center for AI Security in Education. The commenter stated that the TA center for AI Security could focus on providing AI-specific privacy and security TA to schools, which would provide invaluable guidance to educational entities at all levels, including those in rural communities, helping them implement AI responsibly and securely.

Discussion: The Department thanks the commenters for the recommendations for providing financial support for pilots and demonstrations to build evidence of the impact of AI education, and funding for TA to schools/grantees to ensure the success of advancing AI in education. We believe that the provision in paragraph (a)(x) could be used for evidence-building activities that could include pilots and demonstration projects. The Department will consider how to use the priority to fund projects to support schools in advancing AI in education in future grant opportunities.

Changes: None.

Comments: Multiple commenters stressed the importance of ethical design of AI projects in education.

One commenter suggested that rigorous testing for bias in AI models to be used in education should be mandatory.

Several commenters recommended that the Department clarify that all grantees must comply with all Federal education, disability, and civil rights laws and consider the necessary legal and ethical considerations to ensure AI is responsibly implemented in school systems.

Some commenters suggested that the Department make clear that AI adoption should not be evaluated solely by efficiency or automation metrics, but by its demonstrated impact on student engagement, learning progress, and readiness for future opportunities.

One commenter recommended mandatory documentation requirements for AI projects, including documentation of AI data sources, limitations, and biases for high-stakes decisions (such as grading, placement, evaluations), including required vendor-neutral guardrails with bias-testing for AI technologies that will be implemented in educational settings. In addition, one commenter recommended legal and ethical considerations in the use of generative AI in content creation as it could raise concerns around copyright, authorship, liability, and clinical validity.

Discussion: The Department agrees with the commenters on the importance of ethical design of AI projects in education and that it is essential for grantees to comply with all federal education, disability, and civil rights laws and consider the necessary legal and ethical

considerations to ensure AI is responsibly implemented in school systems. The Department accepts the recommendation to stress the importance of ethical design and implementation of AI project in education. The Department also agrees with the commenters that AI adoption should not be evaluated solely by efficiency or automation metrics, but by its demonstrated impact on student engagement, learning progress, and readiness for future opportunities. We did not accept all recommended changes because we believe that the Department's July 2025 Guidance on the Use of Federal Grant Funds to Improve Education Outcomes Using Artificial Intelligence (AI) addresses many of these issues. For example, the guidance outlines how AI may be used across key educational functions including training educators, providers, and families to use AI tools effectively and responsibly. In addition, the guidance specifically indicates that stakeholders, especially parents, should understand how systems function and participate meaningfully in decisions about the adoption and deployment of new technologies. In addition, grant requirements can be found in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, in the Education Department General Administrative Regulations (EDGAR), and other applicable laws, regulations, and federal policies that address the concerns of commenters. For example, in EDGAR (§75.623),

grantees are required to ensure that any publishing or copyright agreements concerning submitted articles fully comply with the regulations, and § 200.334 require that grantees and subgrantees in their contracts must contain provisions that permit federal agencies to access records and awarding agency requirements and regulations pertaining to copyrights and rights in data. We already have grant requirements, and these requirements would be applicable to Department funded AI projects in education and ensure grantees meet federal laws and regulations. If this priority is used for future competitions, applicable grant requirements would be specified in a notice inviting applications based on the requirements of that program; and projects funded through discretionary grants using this priority must already adhere to the applicable federal education, disability, and civil rights laws and regulations regarding documentation. Therefore, adding requirements on project documentation would be duplicative of existing laws and regulations, including federal grants management regulations, policies and guidance.

Changes: We made changes to the text of paragraph (b) by inserting words "and ethical" in the text.

Comments: Multiple commenters stressed the importance of universal design or inclusive design of AI projects in education. These commenters argued that AI projects or AI tools being funded should be accessible, bias-aware, and

inclusive of multilingual learners, students with disabilities, and lower-resourced communities. The commenters suggested that the requirements should include universal design to ensure all students, including those students with demonstrated academic barriers and those with disabilities, can access, learn, and/or use AI technology.

Discussion: The Department appreciates these comments and agrees with commenters on the importance of accessibility and universal design[1] of AI projects in education. In the Department-issued Guidance on the Use of Federal Grant Funds to Improve Education Outcomes Using Artificial Intelligence (AI) (July 2025), the Department recommended that AI tools or systems should be accessible for those who require digital accessibility accommodations, including children, educators, providers, and family members with disabilities. The Department believes that the use of AI technology should be accessible and effective for all students and supports projects to achieve this goal. The Department accepts commenters' recommendations to stress the importance of accessibility and universal design in advancing AI in education. Therefore, we are adding a paragraph (x) under paragraph (b) of the priority to

[1] Universal design (29 USC 3002: Definitions): The term "*universal design*" means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

support incorporation of the principles of universal design for learning.

Changes: We added a new paragraph of (b)(x) "Incorporate the principles of universal design for learning (as ascribed it in section 103(24) of the Higher Education Act of 1965, as amended).".

Comments: Several commenters suggested revisions to expand or clarify the definition of AI and not relying on the meaning set forth in 15 U.S.C. 9401(3). The commenters stated that just referring to a legal reference as AI definition lacks clarity. They recommended revising the AI definition to include that AI as technology that can not only answer questions but also make decisions based on human intelligence.

Discussion: While the Department appreciates the comments regarding the definition of AI, the Department believes that using this definition as specified in the statute is most appropriate as it has been widely used in other federal documents and executive orders[2]. For example, in the three of President Trump's executive orders, including Removing Barries to American Leadership in Artificial Intelligence (January 23, 2025), Advancing Artificial Intelligence Education for American Youth (April 23, 2025),

[2] See President Trump's Executive Order Advancing Artificial Intelligence Education for American Youth, Executive Order 14277 (Apr. 23, 2025), Sec. 3. Definition: For the purposes of this order, "artificial intelligence" or "AI" has the meaning set forth in 15 U.S.C. 9401(3). https://www.whitehouse.gov/presidential-actions/2025/04/advancing-artificial-intelligence-education-for-american-youth/ (Accessed March 9, 2026)

and Unlocking Cures for Pediatric Cancer with Artificial Intelligence (September 30, 2025), use the same AI definition. The priority's use of this definition maintains consistency in implementation of federal AI policy.

Changes: For clarity, we have included the text of 15 U.S.C. 9401(3) in the footnote of the final priority.

Comments: One commenter commended the Department's leadership in elevating the importance of AI literacy, by stressing responsible use and innovation in education in the definition. Some commenters suggested revising the definition of AI literacy to emphasize critical inquiry, ethical interrogation, and the socio-political impact of AI systems. Some commenters suggested that the Department adopt a definition that supports interdisciplinary approaches to AI literacy. Another commenter recommended adding stronger emphasis on durable skills to include critical thinking, collaboration, problem solving, and creativity.

One commenter said that a technically skilled population that is prepared to operate AI tools, but that does not have civic awareness and ethical reasoning, would not support a strong American role in the use of AI. The commenter emphasized the importance of thinking critically about AI's political, cultural, and regional impacts.

One commenter recommended refining the definition of AI literacy to read as "AI literacy is the knowledge and skills that enable humans to critically understand, evaluate, and use AI systems and tools to safely and ethically participate in an increasingly digital world."

Discussion: The Department appreciates these comments, suggestions, and recommendations. We agree on the importance of ethical reasoning, critical social inquiry, interdisciplinary problem-solving, and creativity in AI literacy for career readiness and responsible use and have revised the definition of AI literacy to include reference to these factors. However, we did not accept other recommended changes to this definition, as we believe that the proposed definition allows for AI literacy to be flexibly applied across the Department's programs, and that commenters' other proposed additions would result in a more cumbersome of proscriptive definition[3].

Changes: We have revised the definition by inserting "including AI related ethical reasoning, critical social inquiry, interdisciplinary problem-solving, and creativity," before "required to thrive in a world influenced by AI."

Comments: Some commenters appreciated the Department's recognition of the importance of foundational computer

[3] In the President's executive order Preventing Woke AI in the Federal Government (July 23, 2025) Sec. 4. (a)(iii): "avoid over-prescription and afford latitude for vendors to comply with the Unbiased AI Principles and take different approaches to innovation."

science as an essential component of meaningful AI literacy in the proposed priority. Some commenters recommended expanding the definition for the purpose of this priority to include language about "computer science education" and to clarify that computer science education should be inclusive and accessible, with real-world applications, and be taught by qualified educators; and to include language about personalized computer science learning opportunities that extend from classrooms into homes. Another commenter suggested to include "digital literacy" or "media literacy" as knowledge and skills required for computer science education. The commenter stated that though things like browsing the internet and using software tools do not fall within the definition of computer science – these skills are required and critical to be able to access AI learning materials.

One commenter suggested that the Department should expand the definition of computer science to explicitly recognize the study or practice of AI literacy as an essential component of this term.

Discussion: While the Department appreciates the comments on the definition of computer science, the Department believes that the proposed definition of computer science is appropriate for the purpose of this priority. Real-world applications are included in the proposed definition, and computer science education is implied in the proposed

definition, so the Department believes no updates are needed to respond to these comments. Similarly, we find that the other suggested updates would not meaningfully expand the definition of computer science, as the current examples of what computer science "often" includes and "does not involve" have sufficient overlap with the more specific feedback raised by commenters. We also find that a more explicit inclusion of AI literacy within the definition of computer science is unnecessary, given that the proposed definition already makes reference to AI more broadly.

Changes: None.

Comments: Several commenters suggested adding additional definitions for the priority. The suggested or proposed additional definitions include "AI Agency," "AI fluency," "Creative AI Co-Creation," "Career and Technical Education," "Dual Enrollment," "Educational Choice," "Elementary Education," "families and caregivers," "Generative AI," "high impact tutoring," "Innovation in Education," "media literacy," "Metacognitive Thinking (with AI)," "Postsecondary Education," "Prompting (in AI contexts)," "Responsible Ethical Safe AI Use," "Secondary Education," "Supplemental Educational Services," and "statistics."

Discussion: The Department appreciates these suggestions. However, the Department notes that many of the suggested

definitions already appear within authorizing statutes applicable to Department programs. For example, the term of "Career and Technical Education" has been defined in the Carl D. Perkins Vocational and Technical Education Act of 1998, as amendment (20 U.S.C. 2301 et seq.); the term of "Elementary Education" is part of the definition of "elementary school," which is defined in the Section 7013 of the Elementary and Secondary Education Act of 1965, as amended (Through P.L. 118–159, Enacted December 23, 2024) (ESEA); and the term of "Secondary Education" is part of the definition of "secondary school," which is defined in the Section 8101(45) of the ESEA. The Department does not believe it is necessary to add any of the suggested additional definitions under the priority because the Department believes the proposed definitions would limit flexibility in how the priority could potentially be used, and may be more appropriately supplemented by a non-binding note or invitational priority clarifying the Department's intended application of the priority within a particular program or competition.

Changes: None.

FINAL PRIORITY

The Secretary establishes the following priority for use in any Department discretionary grant program.

Priority: Advancing Artificial Intelligence in Education

Projects or proposals to do one or more of the

following:

(a) Expand the understanding of artificial intelligence through one or more of the following:

(i) Support the integration of AI literacy skills and concepts into teaching and learning practices to improve educational outcomes for students, including how to detect AI-generated disinformation or misinformation online;

(ii) Expand offerings of age-appropriate AI and computer science education in K-12 education;

(iii) Expand offerings of AI and computer science courses as part of an institution of higher education's general education and/or core curriculum;

(iv) Embed AI and computer science into an institution of higher education's general preservice or in-service teacher professional development or teacher preparation programs;

(v) Provide professional development for educators on the integration of the fundamentals of AI into their respective subject areas;

(vi) Provide professional development in foundational computer science and AI, preparing educators to effectively teach AI in stand-alone computer science and other relevant courses, including instruction about how to use AI responsibly;

(vii) Partner with State educational agencies or local educational agencies to encourage the offering of

dual-enrollment course opportunities to earn postsecondary credit or industry-recognized credentials in AI coursework concurrent with high school education;

(viii) Create opportunities for high school students through the development or expansion of AI courses and career-relevant, in-demand certification programs;

(ix) Support dissemination of appropriate methods of integrating AI into education;

(x) Build evidence of appropriate methods of integrating AI into education; or

(xi) Provide support and training to educators on age-appropriate AI education methodologies that emphasize foundational concepts in AI literacy and critical thinking skills while considering developmental readiness and students' safety factors in AI tool selections in K-12 education.

(b) Expand the appropriate and ethical use of AI technology in education through one or more of the following:

(i) Use AI to support K-12 or postsecondary instruction, supplemental learning, or other assistance or resources to students who are gifted and talented (as defined in 20 USC § 7801(27)), or those who are otherwise in need of accelerated or other advanced learning opportunities;

(ii) Use AI to support K-12 or postsecondary

instruction, supplemental learning, or other assistance or resources to students who are below grade level, in need of remedial or developmental education, struggling to graduate with a regular credential from their education program, or otherwise in need of additional assistance to complete their program of study;

(iii) Use AI to support early intervention, K-12, or postsecondary instruction or services, including early intervention, special education and related services, for children and students with disabilities and their families;

(iv) Integrate AI-driven tools into classrooms to personalize learning, improve student outcomes, and support differentiated instruction. This integration may include, but is not limited to, adaptive learning technologies, virtual teaching assistants, tutoring, and data analytics tools to support student progress;

(v) Provide resources and support to grantees for the use of AI in teaching and/or tutoring in an education program or teacher training program;

(vi) Provide resources and support for the use of AI in teacher preparation programs;

(vii) Use AI technology to improve teacher training and evaluation;

(viii) Promote efficiency in classroom and school operations through the application of AI technologies that reduce time-intensive administrative tasks;

(ix) Use AI technology to provide high-quality instructional resources, high-impact tutoring, college and career pathway exploration, advising, and navigation to improve educational outcomes; or

(x) Incorporate the principles of universal design for learning[4] (as ascribed it in section 103(24) of the Higher Education Act of 1965, as amended).

(xi) The use of AI technology to improve program outcomes.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the Federal Register. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that

[4] Universal design for learning (20 U.S. Code § 1003 - Additional definitions): The term "*universal design for learning*" means a scientifically valid framework for guiding educational practice that - (A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

FINAL DEFINTIONS

The Secretary establishes the following definitions for use in any Department discretionary grant program in which the final priority is used.

Artificial intelligence (AI)[5] has the meaning set forth in 15 U.S.C. 9401(3).

Artificial intelligence (AI) literacy means the technical knowledge, durable skills, civic awareness and future ready attitudes, including AI related ethical reasoning, critical social inquiry, interdisciplinary problem-solving, and creativity, required to thrive in a world influenced by AI. It enables learners to engage, create with, manage, and design AI, while critically evaluating its benefits, risks, and implications.

Computer science means the study of computers and algorithmic processes, including their principles, their hardware and software designs, theories, computational

[5] 15 U.S.C. § 9401(3) defines "artificial intelligence" (AI) as: "a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments."

thinking, coding, analytics, applications, machine learning, and Artificial Intelligence (AI).

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information. In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation to the digital world.

Computer science does not involve using computers for everyday tasks, such as browsing the internet or using tools like word processors, spreadsheets, or presentation software. Instead, it focuses on creating and developing technology, not just utilizing it.

Executive Orders 12866, 13563, and 14192

Regulatory Impact Analysis: This regulatory action is not a significant regulatory action subject to review by the Office of Management and Budget under section 3(f) of Executive Order 12866. These priorities are not considered an "Executive Order 14192 regulatory action." We have also reviewed this regulatory action under Executive Order 13563. We are issuing the priorities and definitions only on a reasoned determination that their benefits would

justify their minimal costs. The Department believes that this regulatory action is consistent with the principles in Executive Order 13563. We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions. In accordance with these Executive Orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined are necessary for administering the Department's programs and activities.

Discussion of Costs and Benefits: The priorities and definitions would impose no or minimal costs on entities that receive discretionary grant award funds from the Department. Additionally, the benefits of implementing the priorities and definitions outweigh any associated costs, to the extent these de minimis costs even exist, because the priorities and definitions would result in higher quality grant application submissions. Application submission and participation in competitive grant programs that might use the priorities and definitions is voluntary. We believe, based on the Department's administrative experience, that entities preparing an application would not need to expend more resources than they otherwise would have in the absence of these priorities and definitions.

Because the costs of carrying out activities would be paid for with program funds, the costs of implementation would not be a burden for any eligible applicants that earn a grant award, including small entities.

Intergovernmental Review: This action is subject to Executive Order 12372 and the regulations in 34 CFR part 79. This document provides early notification of our specific plans and actions for this program.

Regulatory Flexibility Act Certification: This section considers the effects that the final regulations may have on small entities in the educational sector as required by the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. The Secretary certifies that this regulatory action would not have a substantial economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

Paperwork Reduction Act: The priorities and definitions do not contain information collection requirements or affect a

currently approved data collection.

Accessible Format: On request to the program contact person listed under FOR FURTHER INFORMATION CONTACT, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or another accessible format.

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Linda McMahon,
Secretary of Education.

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