



Artificial Intelligence (AI) Legislative and Policy Scan Summary

AI Legislation and Policy in Canada: Gaps and Risks in K-12 Education

PURPOSE: The following provides a summary of key findings and recommendations developed in the CTF/FCE legislation and policy scan *AI Legislation and Policy in Canada: Gaps and Risks in K-12 Education*.

Overview

The [full report](#) provides a description of the current state of regulation related to artificial intelligence (AI) in education in Canada, presenting a multi-jurisdictional analysis that examines federal and provincial frameworks and highlights gaps in policies for AI use in schools. The report emphasizes that while AI offers substantial potential benefits, its unregulated integration into education poses severe risks to privacy, equity, and student well-being. The report concludes with recommendations for legislative policy development in Canada drawing on emergent frameworks and guidance at the international level.

Key Findings

AI in Education: Policy Gaps in an Emergent Landscape

AI technologies are increasingly used in classrooms across Canada, offering opportunities for personalized learning, lesson planning, and administrative efficiency. Despite the benefits AI provides, it does come with risks. Despite that fact, a scan of legislation and policy related to AI reveals a significant absence of formal AI policies in education across provinces and territories, even globally. A [2023 UNESCO](#) survey found that fewer than 10% of schools worldwide have developed policies concerning the use of AI, even though KPMG data shows that more than half of Canadian students over 18 have used AI to complete assignments or pass exams.

“KPMG surveyed 5,140 Canadians (18+) from May 7-19, 2023, using Sago’s Methodify online research platform to gauge the adoption and use of generative AI. [...] The research found that significantly more students than employed working professionals have embraced generative AI (52 per cent vs. 19 per cent, respectively).” (KPMG LLP, 2023).

Federal and Provincial Policy Gaps

The scan identifies key shortcomings across federal, provincial, and territorial legislation and policies regarding AI usage. At the federal level, the *Artificial Intelligence and Data Act (AIDA)*, introduced in 2022 as part of the broader *Digital Charter Implementation Act (Bill C-27)*, aims to regulate AI use throughout various sectors. However, *AIDA* focuses primarily on business applications and contains no provisions specifically addressing the unique risks AI poses in K-12 public education. For example, while *AIDA* acknowledges the sensitivity of minors’ data, it does not mandate protections for students interacting with AI in educational settings. The division of authority between federal, provincial and territorial jurisdictions (education is the responsibility of provinces and territories) complicates the development of consistent protections, leaving significant gaps in safeguarding children’s privacy and data security in educational contexts.

Provincial and territorial governments also play a crucial role in AI regulation, particularly since education is under their jurisdiction. Yet, as noted, most provinces and territories have yet to

establish comprehensive AI frameworks for schools. Only British Columbia, Quebec, and Ontario have taken concrete steps to regulate AI use in education.

- British Columbia's [*Considerations for Using AI Tools in K-12 Schools framework*](#), for example, offers guidance to school boards on incorporating AI into classrooms while addressing ethical, accessibility, and data security concerns.
- Meanwhile, Quebec's [*Prêt pour l'IA report*](#) provides 12 recommendations for responsible AI development and use across sectors, including education, urging the adaptation of curriculums from kindergarten to university to promote digital literacy and critical thinking towards AI.
- Ontario has developed a [*Trustworthy Artificial Intelligence \(AI\) Framework*](#), emphasizing transparency, fairness, and accountability in AI deployment, though this is still in the early stages of implementation.

Policy Gaps in School Boards

Highlighted in the policy scan is that this uneven policy landscape creates disparities among provinces/territories, with some schools better equipped to manage AI-related risks than others. The absence of a coordinated national approach to AI in education has left many schools vulnerable to risks associated with data privacy, bias in AI systems, and unequal access to technology.

Also noted in this scan is the need for AI-specific policies and regulations at the school board level in Canada. In a survey by The Canadian Press on whether schools planned to implement formal AI policies for the 2023–2024 academic year, no school board had an existing AI-specific policy. Some boards responded that they would be applying existing codes of conduct to AI usage and others indicated they were still in consultations on how best to address AI in schools. This highlights a significant policy gap that has left educators and administrators scrambling to adapt to AI's rapid integration into classrooms without sufficient guidance.

International Comparisons and Best Practices

Analysis of international AI policies that could serve as models for Canada are included in the report for consideration.

- Australia has made notable progress with its *Framework for Generative Artificial Intelligence in Schools*, developed in 2023 by the National AI in Schools Taskforce.
 - This framework, created through consultations with educators, unions, and industry experts, provides clear guidelines for using AI safely and ethically in classrooms. It includes fairness, accountability, transparency, and data security principles, which ensure that AI tools support teaching and learning without compromising student privacy.
- Similarly, the European Union's *AI Act* takes a risk-based approach to regulating AI systems, classifying specific AI applications—such as those used in education—as "high risk."
 - This classification mandates stringent requirements for transparency, accountability, and the protection of fundamental rights. By designating education-related AI systems as high-risk, the EU ensures that AI tools used in classrooms are subject to rigorous oversight to safeguard students' rights.

Recommendations

Based on the findings, the report outlines several recommendations for federal and provincial and territorial governments, school boards, and educators to address the gaps in AI regulation and ensure the responsible use of AI in K-12 education. The report recommends that Canada consider adopting measures to regulate AI in education, emphasizing the need for stronger privacy protections and transparent accountability mechanisms. These recommendations align with CTF/FCE's as outlined in our AI policy brief [\[EN/FR\]](#).

Federal, provincial and territorial governments urgently need to collaborate on developing comprehensive policies that address the use of AI in K-12 education. These policies should include:

- Specific provisions for protecting students' privacy and data security;
- Regulating the use of AI in classrooms; and,
- Ensuring the responsible use of AI systems with ethical guidelines.

Also, the federal government should amend the *Artificial Intelligence and Data Act* to include education-specific regulations in order to address high-impact AI systems.

Advocacy Goals

Stronger Privacy Protections

Given the sensitive nature of student data, there is a need for robust privacy protection. The CTF/FCE advocates that schools should be required to disclose their use of AI systems, what data is collected, and how that data is stored and shared. Regular audits and risk assessments are recommended to ensure compliance with privacy protections, while provinces and territories that have not yet enacted privacy legislation should prioritize doing so, aligning their laws with international best practices to protect students' data from misuse.

Promote Digital Literacy and Equity

Schools must prioritize equipping students and teachers with the skills to navigate AI responsibly. Integrating AI and digital literacy education into the curriculum, starting from a young age, to build critical thinking skills and an understanding of AI technologies is crucial. Additionally, efforts must be made to address the digital divide, ensuring that all students, regardless of socioeconomic background, have access to approved appropriate educational AI tools and the necessary support to use them effectively.

Foster Collaboration Across Sectors

A coordinated effort among governments, school boards, educators, AI developers, and school communities is essential to ensure the responsible implementation of AI tools. Regular collaboration and communication will help establish best practices for AI use in schools, identify potential risks, and ensure that AI systems enhance, rather than undermine, the quality of education.

The need for a coordinated and well-regulated approach to AI in K-12 education is paramount. The current gaps in federal and provincial/territorial AI policies expose students and teachers to significant risks, particularly regarding privacy and equitable access to technology. Immediate action is required to advocate for the development of comprehensive policies, strengthen privacy protections, and promote digital literacy across Canada to ensure the responsible use of AI in enhancing equity in education rather than exacerbating existing inequalities.

