Who Gets a Say on AI in Education?

The Case for Binding Rules



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THE CLASSROOM DECISION

The Reading Group That Disappeared

Imagine two schools buying the same reading AI tutor. It gives accurate feedback in both versions.

School A

Pupils use the tutor for extra practice. Both weekly reading groups stay on the timetable.

School B

The tutor replaces both groups. Leila loses the chance to defend her interpretation to classmates.

Who can ask the school to restore the groups?

Agency in Education

Whose Judgement Is at Stake?

The Learner

Can Leila defend a reading, hear a classmate disagree and change her mind?

The Teacher

Can her teacher change the lesson or reject a recommendation on professional grounds?

The Profession

Can staff representatives challenge the timetable while the school can still change it?



The Legal Foundations

Rights in the Classroom

Educational Purpose

Education should develop children's abilities and prepare them to participate in a free society.

Children's Views

Adults must hear children and give their views due weight in light of their age and maturity.

Equal Participation

Text-to-speech can help Leila form and defend an interpretation of her own.



EUROPEAN AI LAW

Who Answers for the Lost Teaching?

EU AI Act

The Act provides for human oversight of high-risk uses, including systems that evaluate learning outcomes or determine access to education.

Council of Europe Framework Convention

It sets out safeguards for autonomy, equality and remedies across AI uses that can affect human rights.

What educational grounds can School B give for removing both reading groups?

THE COUNCIL OF EUROPE'S MANDATE

Why I Propose a Binding Minimum

The Council of Europe's education experts are examining how a legal instrument could apply the Framework Convention to education. Governments have yet to settle its form.

A Binding Instrument

Each Party would commit to a common minimum and secure it through domestic measures.

A Recommendation and Code

Governments could use this guidance to shape national rules. Its legal force would depend on domestic action.

The Compass helps education systems decide who participates and who answers for the decision.

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PROPOSED ARTICLES

1–5

Scope and Responsibility

Who chose the tool, and who controls the educational use?

01 **Purpose and Implementation**

States would secure quality education and agency. Institutions could decline, restrict or end unsuitable uses.

02 **Scope**

The draft covers tools institutions deploy, require or expressly recommend for a task, and outputs they substantially rely on.

03 **Definitions**

A score can predict performance accurately without showing that a teaching intervention improves learning.

04 **Relationship with Other Law**

Existing legal duties continue. Schools may reuse assessments that already answer the educational question.

05 **Responsibility and Shared Assurance**

Authorities share technical checks. Each school decides whether a tool suits its pupils and teaching.

PROPOSED ARTICLES

6–8

Learner Agency

What should Leila still have the chance to work out for herself?

06 **Educational Purpose and Proportionality**

The institution must explain what pupils stand to gain and compare feasible alternatives, including teaching without AI.

07 **Learner Agency and Democratic Competences**

Teaching must preserve learners' opportunities to reason independently, question outputs and deliberate with others.

08 **Children and Equal Participation**

Schools must hear children, give their views due weight and provide reasonable accommodation or an effective alternative where required.

The Procurement Meeting

Before the School Signs

The Proposal

Buy the tutor and replace both weekly reading groups.

What Staff and Pupils Say

Pupils explain why discussion helps. The union asks when teachers can check feedback.

What Changes

Keep both groups. Pilot extra practice. Secure the right to withdraw and recover pupils' work.



The Pilot

What Counts as Better Reading?

A Fresh Passage

Ask Leila to defend an interpretation and respond to an objection. Keep her usual access support.

A Fair Comparison

Compare pupils' explanations after ordinary practice and tutor practice. Record the teacher time each takes.

The Decision

If pupils finish faster but struggle to explain their reasoning, adapt or stop the pilot.



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PROPOSED ARTICLES

9–11

Professional Judgement

Whose judgement counts before the recommendation takes effect?

09 **Educational Suitability and Enhanced Review**

Enhanced review precedes uses that materially influence progression or seriously threaten agency through sustained changes to essential learning.

10 **Professional Judgement and Human Responsibility**

Educators need time and authority to reject outputs. A competent person must decide consequential cases before they take effect.

11 **Information and Participation**

Decision-makers must involve affected groups, record how they considered objections and explain consequential individual decisions.

A CHANGE OF PURPOSE

When a Tutor Begins to Recommend Placement

The supplier adds a feature that recommends a reading group for Leila. The school approved the tutor for extra practice.

School and Supplier

The supplier explains the change. The school seeks a fresh assessment, independent of the supplier, before using scores for placement.

Leila's Teacher

Her teacher needs time to examine Leila's work and authority to reject the recommendation before it affects her place.

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PROPOSED ARTICLES

12–15

Data, Contracts and Remedies

Who can challenge a new use or recover a lost educational opportunity?

12 Educational Data and Learner Work

A school cannot require pupils to let a supplier use their work for unrelated commercial model training.

13 Provider Duties, Procurement and Continuity

Suppliers must disclose limits and changes. The contract must let the school withdraw and keep teaching.

14 Monitoring and Changes in Use

Schools monitor educational effects, reassess material changes and suspend uses whose serious risks they cannot control.

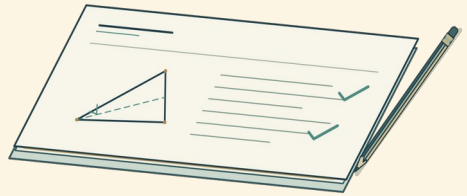
15 Complaints and Effective Remedies

Learners and educators can seek impartial review and interim protection. A reviewer can correct a grade or restore a place.

REVIEW AND REMEDY

A Remedy Before the Places Fill

Leila learns that she may lose her place in an advanced reading group. Allocation closes in two days.



Pending Review

Keep her place open. Explain the recommendation and how to challenge it.

At Review

An impartial reviewer hears Leila and examines her work and access needs.

After Review

If the placement was wrong, restore her place and correct the record.

The supervisory authority can investigate other placements while Leila's review proceeds.

PROPOSED ARTICLES

16–18

Oversight and Support

Who has the power and resources to act across several schools?

16 **Oversight and Enforcement**
Impartial authorities investigate complaints and systemic failures, require corrections and restrict or suspend educational uses.

17 **Implementation Support and Guidance**
States must give schools access to expertise, training and staff time to carry out their duties.

18 **Co-operation and Review**
States share findings and review both educational effects and the workload their arrangements create.

DISCUSSION WITH EDUCATION UNIONS

Who Gets a Say in Your System?

Which decision about AI should educators in your system have the power to change?

What could your union secure before the school signs the contract or sets the timetable?

Thank You

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