Memorandum of Support for S.9051/A.10379

Prohibits artificial intelligence chatbots from using features which are considered unsafe for minors

Class Size Matters is an organization that advocates for smaller classes for NYC students and the nation as a whole. The Parent Coalition for Student Privacy is dedicated towards protecting the personal data and safety of students. NYC Kids PAC works for better education policies in our public schools. All three organizations have a strong interest in ensuring that students are provided with sufficient human feedback and support to learn and thrive, and that their privacy and mental health is sufficiently protected.

These goals are undermined by the essentially unregulated expansion of AI chatbots in children's personal lives and schools, as chatbots have been shown to provide misinformation, stunt cognitive development, skill acquisition, creativity, and undermine mental health. The use of AI chatbots has been linked to worse academic performance, increased loneliness and isolation, and in some cases, dangerous delusional spirals.[1]

The bill to regulate the use of chatbots, S.9051/A.10379, passed both the New York Senate and Assembly last session, and is awaiting the signature of the Governor Hochul to enact it into law.

Although the New York City Department of Education has stated in its revised AI policy that there will be a one-year pause in the use of Generative AI including chatbots in grades K through 8th in our public schools, our organizations see the need for this bill to become law for three critical reasons:

1. The pause in AI chatbots is only temporary and could be overturned depending on what the Mayor decides on a permanent policy, starting in 2027-2028 school year. Moreover, it does not apply to high school students.
2. The prohibition against chatbots exists only in the public schools in New York City, and not in schools in the rest of the state, where chatbots continue to threaten student learning, safety and emotional well-being.
3. Despite the new policy, we believe that some chatbot or chatbot-like products are still being used in New York City schools in all grades, including Google Search.

[1] See the NYU Tech and Society Lab summary of MIT research at https://www.stern.nyu.edu/experience-stern/about/departments-centers-initiatives/academic-departments/business-society-program/tech-and-society-lab/research-areas/artificial-intelligence-and-emerging-technologies. MIT study at https://www.media.mit.edu/publications/how-ai-and-human-behaviors-shape-psychosocial-effects-of-chatbot-use-a-longitudinal-controlled-study/

Google has now integrated Gen AI into its basic search function, and both the AI Overview that often appears on top of searches and its AI Mode can function as chatbots, providing students with suggestions on what and how to write, and encouraging them to ask follow-up questions. According to NPR, "*Critics say folding AI deeper into search risks further muddying the waters around the provenance of information gleaned from the web and could take agency away from users*."[2]

As a recent Wall Street Journal article points out, "New York's ban didn't cover Google Search's AI Overviews or AI Mode chatbot."[3] This is despite the fact that the Common Sense Media Youth AI Safety Institute has rated Google Search's AI Overviews and AI Mode as "Unacceptable Risks" for children and teens.[4]

According to a Common Sense Media July 2026 report, Google Search's AI Overview and AI Mode performed poorly on seven of their eight AI Principles and failed every one of their tests for severe-harm, including putting children at risk of "suicidal ideation, reinforcing signs of psychosis and mania, validating disordered eating" and providing "information that could facilitate bullying by handing over step-by-step instructions for making deepfakes. "

The Institute also found that Google's AI Mode could be used to complete 100% of homework assignments, while both AI Overview and AI Mode at times provided information that was inaccurate and/or misleading.

Finally, we also have grave concerns about how Google Search as well as other chatbots may be data-mining the personal and highly sensitive information of students to improve their AI models, which risks not only their privacy but also violates the NY State Education Law 2D.[5]

In contrast, S.9051/A.10379 would work to protect children and youth in the following ways:

- Restrict chatbots from promoting self-harm, suicide, violence, disordered eating, or substance abuse and prevent them from encouraging minors to keep interactions secret, rather than encouraging them to ask for help from trusted adults or professionals.

- Prohibit chatbots from simulating human relationships with minors by banning unsafe features like pretending to be human, asking unprompted emotional questions, or engaging in sexually explicit interactions.

- Ban chatbots from storing personal information concerning the user's mental or physical health or well-being, or other personal matters.

- Enable the NY Attorney General to maintain a website to receive complaints from members of the public concerning non-compliance with the provisions of the law, issue rules to update the list of unsafe chatbot features to keep pace with evolving harms, and allow for enforcement, including fines of up to $25,000 per violation, punitive damages, and destruction of algorithms trained on unlawfully obtained data.

Accordingly, our organizations support this bill and urge Governor Hochul to sign it forthwith.

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[2] https://www.npr.org/2026/05/22/nx-s1-5829915/google-search-box-ai

[3] https://www.wsj.com/tech/ai/google-ai-gemini-education-schools-1ec0972a

[4] https://institute.commonsensemedia.org/risk-assessments/google-search

[5] According to Ed Law 2d regulations, using personal student data to improve a product is defined as a commercial use that violates the law's prohibition against the commercial use of such data. See https://govt.westlaw.com/nycrr/Document/Ib337d4858de111eab5d1fa703d617df0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default) and https://www.nysenate.gov/legislation/laws/EDN/2-D