

Privacy concerns with the five AI HS Pilot programs

*Analysis by Leonie Haimson, Parent Coalition for Student Privacy for the AI Moratorium Coalition
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Summary

Playlab, Quill and Edia, three out of the five announced AI high school pilots, clearly state in their public-facing Privacy Policy or elsewhere that personal student data may be used to improve their products or services, which are defined as commercial uses according to the **regulations** of NY state student privacy law, Ed Law 2D, and thus **prohibited by the law**.

The Intel AI-Ready Schools has no public-facing Privacy Policy, and the NYC Department of Education has not posted any privacy addendum from the company on its [webpage](#), where such documents from contracted vendors with access to student personal data are supposed to be displayed. The general Intel privacy policy does allow data mining for product improvement, as well as its use for advertising and marketing purposes.

The only AI Pilot company that explicitly promises not to use student personal data for product improvement is Brisk, but we have other serious concerns about the use of this product and its potential negative impact on students' independent writing skills, as well as the fact that it uses a chatbot, which would appear to contradict the **DOE claim** that "*Companion chatbots will be prohibited across all grades.*" More on this below.

In addition, even when AI companies say that they are not data mining users' personal information or the products of other companies, their statements have been shown to be untrue. It is very difficult to verify such claims without DOE having access to the code of a company's black box algorithms and/or running their programs on their own servers. As far as we know, DOE officials have no plans to do so.

As an example, see the ongoing lawsuit vs. Microsoft and Open AI, in which despite the claims of these companies, unredacted internal documents reveal that Microsoft executives admitted [stealing the intellectual property](#) of media outlets, calling their own practices the "largest theft of labor in human history."

Playlab:

- **Does the vendor disclose which AI model it uses (i.e., from which subcontractor)?**

No. Its [homepage](#) says, "Playlab supports most models on the market, and you can use them all without additional licenses." In a screenshot on the home page, the visualization shows the use of Claude 4.6 Sonnet from Anthropic .

- **Does the vendor clearly bar the data mining of student personal information to improve its product, which according to NY Ed Law 2d regulations is a commercial use, prohibited by the law?**

No. In fact the PlayLab [Privacy Page](#) says the opposite: "***We use the information we collect to: Improve Playlab, including personalizing your experience where possible.***" Also, although we do not have access to the DOE contract with Playlab (if a current one exists, see below), the [Chicago Public School contract](#) says PlayLab's AI sub processor may also use student data to "*improve its service.*"

- **Is the product listed on the webpage where DOE is legally required to post all privacy addendums with vendors that have access to student personal information?**

Yes, but the listing there mentions a contract term lasting only from 2/1/2024 – 6/1/2024, which raises the question of whether there is a current agreement to protect data that would restrict its use for commercial purposes. In any case, the posting does not explicitly bar the use of student data for product improvement, nor does it require data minimization as required by law, or a date certain by which the data will be deleted.

- **What does the Playlab Privacy Policy say about parent/student rights of consent or opt out?**

Unclear. It does say that the school/district is responsible for “*providing appropriate notices and disclosures to students and parents,*” and for “providing appropriate disclosures to School Users and their parents regarding the School Users' use of Playlab, Terms, and our Privacy Policy.” But whether the DOE will allow parents or students to opt out is as yet unclear.

- **Other serious concerns:**

The Playlab policy also states that it is the responsibility of the school or district to check for algorithmic bias, hallucinations, and to obey all relevant privacy laws. Finally, teachers should “*Avoid using personally identifiable information when working with AI models*” which is yet another warning sign that the data may be used in a way that could threaten student safety and privacy.

Brisk Teaching:

- **Does the vendor disclose which AI model it uses (i.e., from which subcontractor)?**

No, though its Privacy/Security FAQ says it “uses a range of large language models to support different use cases.” The CPS agreement says that it “*Shares data with Anthropic, OpenAI and GPTZero AI detector. GenAI interface for students (Brisk Boost) and teachers (Brisk Teaching).*”

- **Does its Privacy Policy explicitly bar the data mining of student personal information to improve its product, which according to NY Ed Law 2d regulations is a commercial use, prohibited by the law?**

Yes, the Brisk Privacy page says it “Doesn't use student or teacher data to train or fine-tune AI models.”

- **Is the product listed on the webpage where by law DOE is supposed to post all privacy addendums with vendors that have access to student personal information.**

Yes, the addendum is displayed, but it does not specifically prohibit Brisk from data mining for product improvement, require data minimization as the law requires, or cite a date certain when the personal information will be deleted.

- **What does the product's privacy policy say about parent/student rights of consent or opt out:**

Unclear.

- **Other concerns:**

The “Brisk Boost for Students” says it is a product that can ***“monitor student learning and engagement in real-time. Students may interact with an AI tutor (chatbot) as part of the educational activity. Students can also use the tool to have their essays reviewed with feedback in real time.”*** The existence of a chatbot appears to contradict the statement in the DOE press release that says *“Companion chatbots will be prohibited across all grades..”* In addition, the continuous feedback and instructions for correcting their prose during the composition process may undermine student creativity and the acquisition of their own independent writing skills.

Quill

- **Does the vendor disclose which AI model it uses (i.e., from which subcontractor)?**

No.

- **Does the vendor’s Privacy Policy clearly bar the data mining of student personal information to improve its product, which according to NY Ed Law 2d regulations is a commercial use, prohibited by the law?**

No, in fact its Privacy Policy says the data may be used ***“To understand, improve, and develop our Service.”***

- **Is the product listed on the webpage where by law DOE is supposed to post all privacy addendums to agreements with vendors that have access to student personal information?**

Yes, but the agreement doesn’t include any prohibition against data-mining the PII for product improvement, require data minimization as the law requires, or state a date certain when the PII will be deleted.

- **What does its Privacy Policy say about parent/student rights of consent or opt out?**

Extremely unclear. The Quill Privacy Policy is ambiguous on whether parent consent should be solicited or required: *“...so long as the education organization has obtained Parent consent, or has complied with an exemption to parental consent requirements under applicable law. A Student User will only be permitted to use the Services for so long as Quill.org reasonably believes that such access has been consented to by the Student User’s Parent, or by School Consent ...”*

The Quill Terms of service includes special warnings for the school or district related to parent consent: *“If you are school personnel and you register an account for a student user or other student for school use (each, a “student” or “student user”) or direct a student user to create an account for school use, you represent and warrant that you have either received express consent from such student user’s parent for registration of the student user and disclosure of related information to quill.org or that you (or your institution) have complied and will comply with all applicable requirements of an exemption from or exception to parental consent requirements (if one is available), necessary for you to register the student user for an account on the website and, to the extent needed under applicable laws, consent to Quill.org’s use of information you or your users disclose in connection with the registration of such student user and use of the services.”*

And: *“Quill.org reserves the right to request, at any time, that School Personnel (or the Institution) provide records of notice provided to, and consent provided by, Parents.”*

Edia:

- Does the vendor disclose which AI model it uses (i.e., from which subcontractor)?

No.

- Does the vendor's Privacy Policy clearly bar the datamining of student personal information to improve its product, which according to NY Ed Law 2d regulations is a commercial use, prohibited by the law?

No, in fact the Edia Privacy Policy allows the use of student data to ***“Provide and improve our Services, for example by developing new products and features.”*** The vendor also states that they will use the information to ***“send you information about promotions, new features, and products we believe you may be interested in,”*** which is another commercial use barred by law, as well as “communicate and engage with parents and legal guardians.”

- Is the vendor listed on the webpage where DOE is legally supposed to post all privacy addendums to agreements with vendors that have access to student personal information?

Yes, but on that page there is no prohibition against data mining for product improvement or data minimization, nor is any specific date cited when the data will be deleted.

Intel AI-Ready Schools:

- Does the vendor disclose which AI model it uses (i.e., from which subcontractor)?

No.

- Does the vendor have a Privacy Policy that clearly bars the datamining of student personal information to improve its product, which according to NY Ed Law 2d regulations is a commercial use, prohibited by the law?

There is no publicly available Privacy Policy for "Intel AI-Ready Schools." Instead, Intel encourages the creation of a separate agreement with schools or districts to regulate their use of student data. Otherwise, their policies are generally governed by the Intel Privacy Notice, which allows for data to be used ***“for advertising and marketing”*** purposes.

- Is the vendor or product listed on the webpage where by law DOE is supposed to post all privacy addendums to their agreements with vendors that have access to student personal information?

No.