

IDEA/FAPE Compliance Checklist

for AI Tools in Special Education

Before adopting any AI tool for use with students receiving special education services, use this checklist to evaluate it against 20 checkpoints across 5 critical areas. This is a screening tool to support your district's own legal and IT review — it does not replace legal counsel or your district's official procurement and data privacy processes.

How to Use This Checklist

For each checkpoint, mark whether the AI tool clearly meets the standard, meets it only under certain conditions, or fails to meet it. Then use the scoring guide on the final page to determine an overall deployment recommendation.

CLEAR	Meets the standard without qualification
CONDITIONAL	Meets the standard only with specific safeguards in place
DO NOT DEPLOY	Fails to meet the standard as currently configured

Section 1 — Data Privacy & Student Information Protection

FERPA, COPPA, and student data governance

- 1. The vendor's data privacy agreement has been reviewed and signed by your district's designated data privacy officer, not just IT.
- 2. Student data entered into the tool (including IEP content, evaluation notes, or behavioral data) is not used to train the vendor's underlying AI models.
- 3. The tool has a clearly defined data retention and deletion policy, and your district can request deletion of student data on demand.
- 4. Data transmitted to and from the tool is encrypted in transit and at rest, and the vendor can produce documentation confirming this.

Section 2 — IDEA / FAPE Legal Compliance

Free Appropriate Public Education and procedural safeguards

- 5. The tool does not make or suggest final eligibility, placement, or disciplinary decisions for students with disabilities without required human review.
- 6. Any AI-generated content that becomes part of a student's official record (e.g., IEP goals, behavior plans) is reviewed and approved by a qualified professional before finalization.
- 7. The tool does not alter, bypass, or shortcut any procedural safeguards required under IDEA, including parent notification and consent requirements.
- 8. The tool's use is documented in a way that supports transparency during due process, mediation, or complaint proceedings if ever required.

Section 3 — Human Oversight & Decision-Making

Keeping qualified professionals in the loop

- 9. A qualified special education professional reviews all AI-generated output before it is used with, or shared about, a specific student.
- 10. The tool clearly and consistently frames its outputs as suggestions or drafts, not final determinations.
- 11. Staff using the tool have received training on its appropriate use, including its limitations, before deployment.
- 12. There is a clear internal process for staff to flag and report inaccurate, biased, or inappropriate AI output.

Section 4 — Accessibility & Equity

Ensuring the tool serves all students fairly

- 13. The tool has been evaluated for bias across disability categories, race, ethnicity, home language, and socioeconomic status.
- 14. The tool itself (its interface) meets applicable accessibility standards (e.g., WCAG 2.1 AA) for staff who may have disabilities.
- 15. The tool does not disadvantage students with limited English proficiency or from multilingual households in its recommendations or outputs.
- 16. The vendor can describe, in plain language, the data and methodology used to build the tool, sufficient for your district to assess potential bias.

Section 5 — Transparency & Accountability

Knowing what the tool does and who is responsible

- 17. The vendor discloses which underlying AI model(s) power the tool, and notifies your district of material changes to that model.
- 18. Your district has a designated point of contact responsible for this tool's ongoing compliance review, not just its initial approval.
- 19. The tool's terms of service do not include clauses that would limit your district's ability to audit, question, or discontinue use of the tool.
- 20. A documented off-ramp plan exists for discontinuing the tool and retrieving/deleting associated data if it is ever found non-compliant.

Scoring Guide & Deployment Recommendation

Count your marks across all 20 checkpoints, then use the guide below to determine an overall recommendation.

CLEAR TO DEPLOY

17–20 Clear

The tool meets nearly all standards without qualification. Proceed with standard district procurement and staff training procedures.

CONDITIONAL DEPLOYMENT

12–16 Clear, or any
Conditional

The tool may be used, but only after the specific safeguards identified in your Conditional items are formally documented and put in place. Re-evaluate before any district-wide rollout.

DO NOT DEPLOY

Any single
Do-Not-Deploy item,
or fewer than 12 Clear

The tool does not currently meet the standard required for use with special education students and records. Do not proceed until the identified gaps are resolved by the vendor or an alternative tool is selected.

Note: A single “Do Not Deploy” mark on any IDEA/FAPE legal compliance item (Section 2) or any data privacy item (Section 1) should be treated as an automatic “Do Not Deploy” recommendation, regardless of the overall score, given the legal and student-safety weight of those areas.

This checklist is provided as a screening aid and does not constitute legal advice. Consult your district's legal counsel for guidance specific to your circumstances.

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