

Date of Hearing: April 21, 2026

Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 2392 (Fong) – As Amended March 16, 2026

PROPOSED AMENDMENTS

SUBJECT: Public postsecondary education: artificial intelligence products: training

SYNOPSIS

Generative artificial intelligence (GenAI) has become ubiquitous in modern times, with companion chatbots like ChatGPT, Claude, and Gemini being used for everything from helping decide what to make for dinner to guiding complex coding questions for computer engineers. To keep pace with the rapid expansion and growth of GenAI, the California State University (CSU) launched the AI-Empower Initiative in 2025 with the goal of revolutionizing CSU students' access and understanding of AI. However, students and faculty alike voiced concerns regarding the initiative rollout, including shared apprehension about inadequate training and awareness of the systems.

This bill aims to address AI training by requiring the California Community Colleges and the CSU, and requesting the University of California (UC), to provide training to students, faculty, and staff prior to deploying AI systems, including relevant policies and a disclosure of privacy policies for the AI product.

This bill is supported by the California Community Colleges Independents Union and the California Teachers Association. This bill has no registered opposition.

Committee amendments, outlined in Comment #6, task the California Community Colleges and CSU, and requests the UC, to establish a diverse working group to create procurement standards and training for all GenAI systems purchased or implemented by the entities.

This bill was previously heard in Higher Education Committee, where it passed on a 10-0 vote.

EXISTING LAW:

- 1) Establishes the California State University (CSU), under the administration of the Trustees of the CSU, the University of California (UC), under the administration of the Regents of the UC, the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and independent institutions of higher education as four segments of postsecondary education in the state. (Ed. Code §§ 66010, 70900, 66600, and Cal. Const. art. IX, § 9.)
- 2) Defines “artificial intelligence” or “AI” to mean an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (Gov. Code § 11546.45.5)

- 3) Defines “GenAI” or “generative artificial intelligence” to mean an artificial intelligence system that can generate derived synthetic content, including text, images, video, and audio that emulates the structure and characteristics of the system’s training data. (Gov. Code. § 11549.64(b).)
- 4) Requires the Superintendent of Public Instruction to convene a working group on AI, and requires that working group to develop expanded guidance and a model policy on AI for use by local educational agencies. (Ed. Code § 33328.5.)
- 5) Requires the Secretary of Government Operations, upon appropriation by the Legislature, to evaluate, among other things, the impact that the proliferation of deepfakes has on state government, California-based businesses, and residents of the state, and the risks, including privacy risks, associated with the deployment of digital content forgery technologies and deepfakes on state and local government, California-based businesses, and residents of the state. (Gov. Code § 11547.5 et seq.)

THIS BILL: Requires the California Community Colleges, the CSU, and requests the UC, to, before providing an artificial intelligence tool, program, or application to students, faculty, or staff, provide a training to students, faculty, or staff on the use of the product, including, but not limited to, relevant policies concerning the use of artificial intelligence and a disclosure of privacy policies for the artificial intelligence product.

COMMENTS:

- 1) **Author’s statement.** According to the author:

On August 26th, 2025, the Assembly Committees on Higher Education & Privacy and Consumer Protection jointly held an oversight hearing to examine the California State University’s AI-Empowered Initiative. A key finding of this hearing was that students, faculty, and staff did not receive training on ChatGPT Edu prior to the deployment of that tool throughout the CSU system. Another key finding of the hearing was that students, faculty, and staff expressed a lack of clarity around institutional policies concerning AI use, and the privacy of information shared with AI systems.

AB 2392 applies lessons learned from the rollout of CSU’s AI-Empowered Initiative, and will ensure that public segments of higher education, before providing an AI tool, program, or application to students, faculty, or staff provide training on the use of that product. AB 2392 also ensures that training includes relevant policies concerning the use of artificial intelligence, and a disclosure of privacy policies for the AI product.

- 2) **The rise of GenAI in education.** The development of GenAI has created exciting opportunities for California’s economy and the lives of its residents. Whereas AI uses algorithms to make predictions and recommendations following training on small, specific datasets, GenAI is trained on massive datasets that allow the tool to generate compelling text, images and audio in an instant. Netflix offering suggestions on what to watch based on previous viewing patterns exemplifies predictive AI, whereas ChatGPT’s ability to synthesize reports and generate thoughtful responses to questions is an example of GenAI. As noted by the Higher Education Committee, although ChatGPT has become a “catch-all” term for GenAI tools, many different technology companies have deployed AI products that are now embedded in common e-mail, word processing, and document production systems.

GenAI's use has skyrocketed since its initial public release in late 2022, with one report suggesting that roughly 115 million to 180 million people use GenAI daily.¹ A report published by the College Board in 2025 found that 84 percent of high school students use GenAI for schoolwork, predominantly as a source of information and answers.² This is a sharp increase from two years prior in 2023, when a Pew Survey found that just 13 percent of teens were using ChatGPT for schoolwork.³ Despite the widespread adoption of GenAI tools, many students and teachers still demonstrate apprehension surrounding the utility of the tool, with roughly half of all high school students surveyed falling neutral on whether they believe that the benefits of using AI outweigh the risks.⁴ Despite lingering questions regarding the benefits of GenAI tools, universities and workforces have begun to deploy these systems as tools to support learning and productivity. Students, therefore, must quickly develop AI literacy to adapt to the changing landscapes, and therefore need critical tools to navigate these systems.

3) CSU AI-Empowered Initiative. On February 4th, 2025, the CSU system launched their Artificial Intelligence (AI)-Empowered Initiative with the goal of “leverage[ing] the power of artificial intelligence to create an AI-empowered higher education system that could surpass any existing model in both scale and impact.”⁵ As part of the Initiative, CSU deployed a campuswide AI tool developed by OpenAI – ChatGPT Edu – that would enable “students, faculty, and staff to use AI to accelerate learning, optimize workflow efficiency, and foster cross-departmental collaboration.”⁶ CSU's AI-Empowered Initiative also partners with some world's leading tech companies, including Adobe, Alphabet (Google), AWS, IBM, Instructure, Intel, LinkedIn, Microsoft, and NVIDIA, in addition to OpenAI.⁷

A year after announcing the AI Initiative, CSU conducted a systemwide survey of over 75,000 individuals about students and faculty's' feelings about the AI Initiative. Despite spending nearly \$17 million on the initiative, students felt the implementation was rushed, inconsistent, and lacked adequate training and awareness.⁸ Many students appeared unaware of the tool or unsure how to use it, and students noted a lack of unified guidance across classrooms, leading to confusion about acceptable AI use. Additionally, conflicting faculty approaches, with some encourage AI while others forbade its uses, exacerbated student confusion and apprehension of the tools.⁹

¹ Andres, Guadamuz, “How many people are using generative AI on a daily basis? A Gemini report,” (Apr 14, 2025), <https://www.technollama.co.uk/a-gemini-report-how-many-people-are-using-generative-ai-on-a-daily-basis-a-gemini-report>.

² Alexandra Adair et al., “U.S. High School Students' Use of Generative Artificial Intelligence,” *College Board Research*, (Oct. 2025), <https://research.collegeboard.org/technology-learning>.

³ Olivia Sidoti & J. Gottfried, “About 1 in 5 U.S. teens who've heard of ChatGPT have used it for schoolwork,” *Pew Research Center*, (Nov. 16, 2023), <https://www.pewresearch.org/short-reads/2023/11/16/about-1-in-5-us-teens-who-heard-of-chatgpt-have-used-it-for-schoolwork/>.

⁴ Adair et al., “High School Students' Use of GenAI.”

⁵ “CSU Announces Landmark Initiative to Become Nation's First and Largest AI-Empowered University System,” *The California State University*, (Feb. 4, 2025), <https://www.calstate.edu/csu-system/news/Pages/CSU-AI-Powered-Initiative.aspx>.

⁶ *Id.*

⁷ “CSU Announces Landmark Initiative,” *The California State University*.

⁸ “CSU Students' Response to the CSU AI Initiative,” *California State Student Association*, (Feb. 24, 2026), <https://calstatestudents.org/cssas-white-paper-on-csus-ai-initiative/>.

⁹ “CSU Students' Response to CSU AI Initiative.”

Beyond implementation challenges, students expressed major concerns about privacy, transparency, sustainability, and governance of AI systems. Over 80 percent of students worry about AI's impacts on personal data, including how their data is collected and used by the tool and by the university.¹⁰ Students also question the financial transparency of the initiative as well as environmental concerns. Over half of student respondents criticized the Initiative for failing to appropriately address AI's energy and water consumption and its conflict with CSU's climate goals.¹¹

Overall, the survey revealed that students feel excluded from decision-making and want greater oversight, clearer policies, and consistent inclusion in governance to ensure the safe and efficacious implementation of AI. Despite these widespread concerns, over half of students – and over 70 percent of faculty – wanted formal training on AI tools.¹²

4) Joint CSU Oversight Hearing. On August 26, 2025, the Assembly Committee on Higher Education partnered with the Assembly Committee on Privacy and Consumer Protection to conduct an Oversight Hearing with the goal of understanding the outcomes of CSU's AI-Empowered Initiative.¹³

As noted in the analysis written by the Higher Education Committee:

Upon questioning from the Committees, it became clear that there had been no training requirement in place for students, faculty, and staff prior to the deployment of ChatGPT Edu. Testimony also indicated confusion from students, faculty, and staff regarding specific institutional AI policies, from general privacy concerns to the degree with which generative AI products can be used in academic and workplace settings.

Additional questions from the Committees revealed that the ChatGPT that CSU provided, ChatGPT Ed, had no human oversight into conversations with students, nor were there any ways for administration to be notified if a student expressed desire to harm themselves or someone else.¹⁴

5) What this bill, as proposed to be amended, would do. In response to concerns raised by the Oversight Hearing, this bill, as proposed to be amended, requires the CSU and the California Community Colleges, and requests the UC, to establish procurement standards and training prior to purchasing and deploying a GenAI product. To achieve this goal, this bill directs the California Community Colleges and the CSU, and requests the UC, to convene a working group to develop training and procurement standards for the purchase, development, and use of GenAI systems for educational purposes.

¹⁰ *Id.*

¹¹ *Id.*

¹² Jaweed Kaleem, "A \$17-million bet brought ChatGPT to CSU campuses. A year later, AI distrust leaves many divided," *Los Angeles Times*, (Apr. 1, 2026), <https://www.latimes.com/california/story/2026-04-01/csu-ai-survey-students-faculty>.

¹³ "Joint Hearing Higher Education Committee and Privacy and Consumer Protection Committee," *Assembly Privacy and Consumer Protection*, (Aug. 26, 2025), <https://www.assembly.ca.gov/media/assembly-joint-hearing-higher-education-and-privacy-and-consumer-protection-20250826>.

¹⁴ *Id.*

Concerns surrounding GenAI, and specifically chatbots like ChatGPT and Claude, often focus on the system's inaccuracy and tendency to be incredibly agreeable and display excessive flattery, commonly known as AI sycophancy.¹⁵ Designed to promote continued engagement, AI sycophancy can have significant harms for users, such as by enforcing negative opinions about oneself and promoting unhealthy habits that can lead to significant mental, physical, and financial harm. Take for instance the rising trend in ChatGPT coaching young people on how to commit suicide. A series of lawsuits filed in California claim ChatGPT coached several young people, including Zane Shamblin, Amaurie Lacey, Joshua Enneking, and Adam Raine, on how to take their own life.¹⁶ The lawsuits allege that these chatbots were originally employed for schoolwork before becoming a close confidante and eventual suicide coach for these young people.¹⁷ These systems helped draft suicide letters, encouraged self-isolation, and, in Adam Raine's case, even instructed Raine on how to successfully tie a noose.¹⁸

The procurement standards developed by the working group are intended to ensure that all GenAI systems deployed by the institutions meet minimum acceptable protections, including undergoing a risk assessment to evaluate potential harms, abuses, and bias; ensuring the system does not engage in excessive sycophancy; and ensuring the system's vendor follows basic safety and ethical guidelines such as having safety monitoring protocols for user's intent to harm themselves or others, disclosing all training data sources, and ensuring that all contracted entities adhere to lawful and ethical standards that do not undermine privacy or civil liberties. These standards are intended to protect students and faculty from engaging with GenAI that may display or encourage harmful behavior from its users.

The proposed amendments also direct the working group to develop training for procured GenAI systems that would address relevant institutional policies related to GenAI, including academic integrity policies; would provide disclosures regarding how user data and prompts may be collected, stored, or used to train the system; and would provide guidance on the limits of GenAI, including the potential for inaccurate, incomplete, or misleading outputs. The training is to be reviewed at least yearly and updated as necessary. All records from the training shall be maintained for a minimum of four years. Finally, proposed amendments requires the CSU and the California Community Colleges, and requests the UC, to submit a report to relevant policy committees in the Legislature before executing any contract for the procurement of GenAI. The report is required to include a description of the GenAI system, including the vendor, intended use case, and intended population who will have access to the system; descriptions of the risk assessment conducted and how the procurement standard was made; a description of the training provided to students, faculty and staff; and a description of the data use, retention, and privacy practices of the system.

¹⁵ Myra Cheng et al., "Sycophantic AI decreases prosocial intentions and increases dependence," *Science*, vol. 391(6792), (Mar. 26, 2026), <https://www.science.org/doi/10.1126/science.aec8352>.

¹⁶ Anna Betts, "ChatGPT accused of acting as 'suicide coach' in series of US lawsuits," *The Guardian*, (Nov. 7, 2025), <https://www.theguardian.com/technology/2025/nov/07/chatgpt-lawsuit-suicide-coach#:~:text=Chatbot%20was%20first%20used%20for%20'general%20help',but%20'evolved%20into%20a%20psychologically%20manipulative%20presence'%2C>.

¹⁷ *Id.*

¹⁸ Rob Kuznia, A. Gordon, & E. Lavandera, "'You're not rushing. You're just ready:' Parents say ChatGPT encouraged son to kill himself," (Nov. 20, 2025), <https://www.cnn.com/2025/11/06/us/openai-chatgpt-suicide-lawsuit-invs-vis>; Kashmir Hill, "A Teen Was Suicidal. ChatGPT Was the Friend He Confided In." *The New York Times*, (Aug. 27, 2025), <https://www.nytimes.com/2025/08/26/technology/chatgpt-openai-suicide.html>.

6) **Amendments.** As described above, the author has agreed to narrow the scope of the bill to just GenAI systems. The author has also agreed to establish a working group with the purpose of developing training and procurement standards for GenAI systems. As amended, the entirety of the bill will read as follows:

66098. For purposes of this section, the following definitions shall apply:

- (a) “Artificial intelligence” has the same meaning as in Section 11549.64 of the Government Code.*
- (b) “Generative artificial intelligence” or “GenAI” has the same meaning as in Section 11549.64 of the Government Code.*
- (c) “Sycophancy” means the tendency of a GenAI system to overly agree with, validate, or flatter users even when users are communicating factually inaccurate or illegal ideas or actions, for the primary purpose of optimizing engagement.*

66098.1 The California Community Colleges and the California State University shall, and the University of California is requested to, before providing an artificial intelligence tool, program, or application a GenAI system to students, faculty, or staff, provide a training to students, faculty, or staff on the use of the product, including, but not limited to, relevant policies concerning the use of artificial intelligence and a disclosure of privacy policies for the artificial intelligence product. do all of the following:

(a)(1) Convene a joint working group to develop standards for responsible GenAI training and procurement.

(2) The purpose of working group is to develop responsible training protocols and procurement standards for the purchase, development, and use of GenAI systems for educational purposes, consistent with current law surrounding the regulation, procurement, development, and use of GenAI systems.

(3) The working group shall include, but not be limited to, representatives from student and faculty advocacy organizations, privacy experts, community-based organizations, civil society groups, and academic researchers focused on responsible GenAI procurement, design, and implementation. The working group shall be convened jointly by the Chancellor of the California Community Colleges and the Chancellor of the California State University, who shall designate a lead convener responsible for coordinating working group activities. The University of California is requested to join the working group.

(4) The working group shall develop procurement standards that ensure that any procured GenAI system meets all of the following minimum protections:

(A) The system has undergone a documented risk assessment evaluating potential harms, misuses, abuses, and bias, and has demonstrably effective measures in place to ensure the system does not output harmful content or illegal content, including non-consensual intimate imagery, suicide and suicidal ideation, disordered eating, and mental health therapy ordinarily administered by a licensed professional.

(B) The system does not prioritize engagement over factual accuracy by using excessive sycophancy.

(C) The system's vendor has a safety monitoring protocol that detects a user's intent to harm self or others, escalates to human review, and, in cases of imminent threat of grave bodily injury or death, makes appropriate referrals to authorities.

(D) The vendor has a transparent incident reporting system to report and respond to harmful outputs.

(E) The system is subject to written policies governing data use, retention, sharing with third parties, and deletion timelines.

(F) The system is configured to collect only data strictly necessary for the stated educational purpose, subject to regular audits.

(G) The system's vendor discloses all training data sources, including whether copyrighted content, personally identifiable information, or student-generated content was used.

(H) The vendor does not contract with entities that have unlawfully undermined privacy or civil liberties.

(I) The vendor does not use exploitative labor practices.

(5) The working group shall develop a training on the use of any procured GenAI system that shall include, but not be limited to, all of the following:

(A) Relevant policies of the institution concerning the use of generative artificial intelligence, including policies related to academic integrity.

(B) A disclosure of the privacy policies applicable to the generative artificial intelligence product, including how user data and prompts may be collected, stored, or used to train the system.

(C) Guidance on the limitations of generative artificial intelligence, including the potential for inaccurate, incomplete, or misleading outputs.

(6) The working group shall present its recommendations for training and procurement standards to the respective system leaders on or before January 1, 2028.

(b) Provide the training developed pursuant to subdivision (a)(5) to students, faculty, or staff prior to their use of the GenAI system.

66098.2. An institution subject to Section 66098.1 shall review the training developed pursuant to that section at least once per academic year and update the training as necessary to reflect changes in institutional policy, applicable law, or the functionality or privacy practices of the generative artificial intelligence product. An updated training shall be provided to students, faculty, and staff before their continued use of a product that has undergone a material change in functionality or privacy practices.

66098.3. An institution subject to Section 66098.1 shall maintain records of training completion for each student, faculty member, and staff member who receives a training. Records shall include, at minimum, the name of the individual, the date of completion, and

the version of the training delivered. Records shall be retained for a minimum of four years from the date of completion.

66098.4. An institution subject to Section 66098.1 may develop distinct versions of the training required pursuant to this article tailored to reflect the distinct uses, responsibilities, and applicable policies relevant to students, faculty, and staff, respectively. Nothing in this article shall be construed to require a single uniform training for all recipients.

66098.5. (a) The California Community Colleges and the California State University shall, and the University of California is requested to, submit a written report to the Legislature, pursuant to Section 9795 of the Government Code, before executing any contract for the procurement of a GenAI system during the period beginning on the effective date of this article and ending upon adoption of procurement standards, as informed by the working group establish in Section 66098.1. The report shall be submitted to the relevant policy committees of the Legislature with jurisdiction over higher education and privacy and consumer protection.

(b) The report required pursuant to subdivision (a) shall include, but not be limited to, all of the following:

(1) A description of the GenAI system to be procured, including the vendor, the intended use case, and the population of students, faculty, or staff who will have access to the system.

(2) A description of the process used in evaluating and selecting the system, including any risk assessment conducted, competing systems considered, and how the procurement decision was made.

(3) A description of the training to be provided to students, faculty, and staff prior to deployment of the system, including the content of the training and the method of delivery.

(4) A description of the data use, retention, and privacy practices of the vendor, including how user data and prompts may be collected, stored, or used to train the system.

ARGUMENTS IN SUPPORT: The California Teachers Association, supporters of the bill, write:

AI tools, programs, and applications are becoming increasingly pervasive in California's public higher education systems. This underscores the critical need for educators, students, and staff to be adequately trained on their uses and implications. AB 2392 would establish a necessary framework for transparency and labor protection in AI's application.

As campuses explore AI platforms to track student engagement (e.g., logins, discussion frequency, or assignment completion), there is an increasing risk that these data points will be used to generate instructor effectiveness reports. Without the training mandated by AB 2392, faculty may be evaluated based on opaque, algorithmic metrics they do not understand and cannot challenge. The bill ensures that training covers the use of the product, which must include a clear explanation of how metrics are calculated and weighted. This protects evaluation systems from becoming overly reliant on misleading algorithmic outputs.

Additionally, in many scenarios, institutions may adopt AI tutoring systems without a clear understanding of how student learning data is handled. This risks sensitive student data being sold to or utilized by third-party vendors without meaningful disclosure. AB 2392 mandates that training include relevant policies and privacy disclosures, which ensures that the campus community understands exactly how their data is being handled. This helps prevent privacy breaches and empowers faculty to guide students on the limitations of these tools.

AB 2392 provides the necessary guardrails to ensure that AI deployment is collaborative, transparent, and grounded in the protection of both student privacy and faculty rights.

The California Community Colleges Independents Union (CCCI), write in support:

In an era where AI tools are more numerous than ever and personal data is increasingly being weaponized against the marginalized, CCCI believes it is imperative that community colleges make their employees and students fully aware of the products they contract with—and the implications of these contracts with EdTech companies.

The California Community College Chancellor's Office has a history of signing contracts with EdTech and AI companies without meaningful input from system partners, including faculty and students. These agreements often come at a hidden cost: the personal data of the very people these colleges are meant to serve. Many EdTech vendors offer subsidized or reduced-cost AI tools in exchange for access to sensitive user information, which is then used for commercial purposes far beyond the scope of education. AB 2392 takes a critical step toward correcting this imbalance, mandating that colleges disclose data privacy terms before deploying these products. This gives faculty, staff, and students the opportunity to understand what they are consenting to. CCCI is also supportive of the bill's training requirements. As AI tools proliferate across California's community colleges, many instructors and students are being asked to engage with technologies they do not fully understand, without adequate guidance or support. Proper training ensures that faculty retain their professional agency in the classroom, that students can make informed decisions about the tools they use, and that staff are equipped to navigate the ethical and practical complexities of AI in educational settings. This is consistent with CCCI's position that the professional development of community college faculty must keep pace with technological change, and that such development must be grounded in transparency and informed consent.

It is worth noting that AB 2392 complements existing legislative efforts to safeguard faculty and student rights in the community college system. AB 2370 (Cervantes) established important protections against the encroachment of AI for faculty within California Community Colleges. AB 2392 builds on that foundation by ensuring that when AI tools enter the classroom, their introduction is governed by transparency, informed consent, and meaningful preparation—not simply by the commercial interests of technology vendors. CCCI also views this bill as an important counterweight to legislation that may otherwise push AI adoption in community colleges without adequate safeguards.

REGISTERED SUPPORT / OPPOSITION:

Support

California Community College Independents Union
California Teachers Association

Opposition

None on file.

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