1   HOUSE BILL NO. 1186

2   AMENDMENT IN THE NATURE OF A SUBSTITUTE

3   (Proposed by the House Committee on Communications, Technology and Innovation

4   on _____)

5   (Patron Prior to Substitute—Delegate Rasoul)

6   *A BILL to amend the Code of Virginia by adding a section numbered 22.1-20.2:1, relating to Board of*

7   *Education; artificial intelligence use in instructional settings; guidance and prohibitions; report.*

8   **Be it enacted by the General Assembly of Virginia:**

9   **1. That the Code of Virginia is amended by adding a section numbered 22.1-20.2:1 as follows:**

10   *§ 22.1-20.2:1. Artificial intelligence use and safety in instructional settings; guidance.*

11   *A. As used in this section:*

12   *"AI in instructional settings" means the use of artificial intelligence systems to support teaching, learning,*

13   *assessment, or school operations.*

14   *"Artificial intelligence chatbot" means a general-purpose artificial intelligence system that simulates*

15   *human-like conversations with the human user, through text or voice, by attempting to discern the intent of*

16   *the human user, learn from interactions with the human user, and deliver contextually relevant responses to*

17   *inquiries from the human user.*

18   *"Artificial intelligence system" or "AI" means any machine learning-based system that, for any explicit or*

19   *implicit objective, infers from the inputs such system receives how to generate outputs, including content,*

20   *decisions, predictions, and recommendations, that can influence physical or virtual environments. "Artificial*

21   *intelligence system" or "AI" does not include any artificial intelligence system or general purpose artificial*

22   *intelligence model that is used for development, prototyping, and research activities before such artificial*

23   *intelligence system or general purpose artificial intelligence model is made available to deployers or*

24   *consumers.*

25   *"Division-managed AI platform" means an AI technology solution deployed within a division-managed*

26   *environment that (i) aligns with the Standards of Learning and high-quality instructional materials, (ii)*

27   *provides administrators visibility into platform usage, and (iii) prohibits the use of school or student data for*

28   *model training outside of the school division's control.*

29   *"Division-managed environment" means use of an artificial intelligence system that is administered by a*

30   *school division through role-based access controls, administrative oversight, audit logging, and configurable*

31   *moderation, consistent with school board policy.*

32   *B. The Board, in consultation with the Department's Office of Educational Technology and Classroom*

33   *Innovation, the Virginia Information Technologies Agency, and other relevant stakeholders as determined by*

34   *the Board, shall establish and post in a publicly accessible location on its website a document that contains*

35   *guidance for the safe, ethical, and equitable use of AI in instructional settings in public elementary and*

36   *secondary schools and prohibitions on certain uses of AI in such instructional settings. Such document shall:*

37   *1. Address:*

38   *a. Student data privacy and security in general and in the context of AI;*

39   *b. Transparency and explicability of the use of AI in instructional settings;*

40   *c. Best practices for guarding against bias and discrimination in the use of AI tools;*

41   *d. Clear protocols for AI use by teachers and students in public elementary and secondary schools,*

42   *including prohibitions on relying solely on AI to make certain high-stakes decisions, as defined by the Board;*

43   *e. Recommendations for ensuring accessibility of and equitable access to AI resources; and*

44   *f. Transparency for parents relating to the use of AI in instructional settings;*

45   *2. Include functional guardrails that prioritize the use of division-managed AI platforms operated within*

46   *division-managed environments;*

47   *3. Ensure that any approved use of AI in instruction:*

48   *a. Aligns with the Standards of Learning and supports use of high-quality instructional materials;*

49   *b. Provides teachers and, upon request, parents with access to transcripts of student interactions with AI*

50   *and allows teachers and administrators to monitor use through dashboards, automated alerts, and audit*

51   *logs;*

52   *c. Complies with all applicable federal and state laws relating to student privacy, including the federal*

53   *Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and the federal Children's Online Privacy*

54   *Protection Act (15 U.S.C. § 6501 et seq.), and meets recognized data security standards;*

55   *d. Requires each provider to sign a data privacy agreement with the applicable school division that*

56   *prohibits the use of any division-level or student data for training or improving any external AI models;*

57   *e. Supports secure, standards-compliant single sign-on and interoperability with commonly used learning*

58   *management or student information systems; and*

59   *f. Includes embedded professional development resources designed to strengthen educator literacy in the*

60   *ethical and effective use of AI; and*

61   *4. Prohibit any school board or agent or employee thereof from requiring any student to interact with an*

62   *artificial intelligence chatbot to receive instruction or otherwise complete any lesson or assignment.*

63   *C. Each school board shall establish, implement, and enforce policies consistent with the guidance and*

64 *prohibitions established by the Board pursuant to subsection B.*