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HOUSE BILL NO. 1186

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Communications, Technology and Innovation
on February 2, 2026)

(Patron Prior to Substitute—Delegate Rasoul)

A BILL to amend the Code of Virginia by adding a section numbered 22.1-20.2:1, relating to Board of Education; artificial intelligence use in instructional settings; guidance and prohibitions; report.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-20.2:1 as follows:
§ 22.1-20.2:1. Artificial intelligence use and safety in instructional settings; guidance.

A. As used in this section:

"AIS in instructional settings" means the use of artificial intelligence systems to support teaching, learning, assessment, or school operations.

"Artificial intelligence chatbot" means a general-purpose AIS that simulates human-like conversations with the human user, through text or voice, by attempting to discern the intent of the human user, learn from interactions with the human user, and deliver contextually relevant responses to inquiries from the human user.

"Artificial intelligence system" or "AIS" means any machine learning-based system that, for any explicit or implicit objective, infers from the inputs such system receives how to generate outputs, including content, decisions, predictions, and recommendations, that can influence physical or virtual environments. "Artificial intelligence system" or "AIS" does not include any artificial intelligence system or general purpose artificial intelligence model that is used for development, prototyping, and research activities before such artificial intelligence system or general purpose artificial intelligence model is made available to deployers or consumers.

"Division-managed AIS platform" means an AIS technology solution deployed within a division-managed environment that (i) aligns with the Standards of Learning and high-quality instructional materials, (ii) provides administrators visibility into platform usage, and (iii) prohibits the use of school or student data for model training outside of the school division's control.

"Division-managed environment" means use of an AIS that is administered by a school division through role-based access controls, administrative oversight, audit logging, and configurable moderation, consistent with school board policy.

B. The Board, in consultation with the Department's Office of Educational Technology and Classroom Innovation, the Virginia Information Technologies Agency, and other relevant stakeholders as determined by the Board, shall establish and post in a publicly accessible location on its website a document that contains guidance for the safe, ethical, and equitable use of an AIS in instructional settings in public elementary and secondary schools and prohibitions on certain uses of an AIS in such instructional settings. Such document shall:

1. Address:

a. Student data privacy and security in general and in the context of an AIS;
b. Transparency and explicability of the use of an AIS in instructional settings;
c. Best practices for guarding against bias and discrimination in the use of AI tools;
d. Clear protocols for the use of an AIS by teachers and students in public elementary and secondary schools, including prohibitions on relying solely on an AIS to make certain high-stakes decisions, as defined by the Board;

e. Recommendations for ensuring accessibility of and equitable access to AI resources; and
f. Transparency for parents relating to the use of an AIS in instructional settings;

2. Include functional guardrails that prioritize the use of division-managed AIS platforms operated within division-managed environments;

3. Ensure that any approved use of an AIS in instructional settings:

a. Aligns with the Standards of Learning and supports use of high-quality instructional materials;
b. Provides teachers and, upon request, parents with access to transcripts of student interactions with the AIS and allows teachers and administrators to monitor use through dashboards, automated alerts, and audit logs;

c. Complies with all applicable federal and state laws relating to student privacy, including the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.), and meets recognized data security standards;

d. Requires each provider to sign a data privacy agreement with the applicable school division that prohibits the use of any division-level or student data for training or improving any external AIS models;

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

60 *management or student information systems; and*

61 *f. Includes embedded professional development resources designed to strengthen educator literacy in the*
62 *ethical and effective use of an AIS; and*

63 *4. Prohibit any school board or agent or employee thereof from requiring any student to interact with an*
64 *artificial intelligence chatbot to receive instruction or otherwise complete any lesson or assignment.*

65 *C. Each school board shall establish, implement, and enforce policies consistent with the guidance and*
66 *prohibitions established by the Board pursuant to subsection B.*