26108903D

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; development of AI safety guidance required; AI Innovation in Education Pilot Program established; 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; AI Innovation in Education Pilot Program established; guidance.

A. As used in this section:

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

"Artificial intelligence" or "AI" means any machine-based system with the capability to, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments.

"Division-managed AI platform" means a 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 artificial intelligence platform or tool that is administered by a school division through role-based access controls, administrative oversight, audit logging, and configurable moderation, consistent with school board policy.

"Pilot Program" means the AI Innovation in Education Pilot Program established pursuant to subsection D.

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 guidance for the safe, ethical, and equitable use of AI in instructional settings in public elementary and secondary schools. Such guidance shall:

1. Address:

a. Student data privacy and security in general and in the context of artificial intelligence;

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

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

d. Clear protocols for AI use by teachers and students in public elementary and secondary schools, including prohibitions on relying solely on AI 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 AI in instructional settings;

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

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

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

b. Provides teachers with access to transcripts of student interactions with AI and allows teachers and administrators to monitor use through dashboards, automated alerts, and audit logs;

c. Complies with all applicable federal and state law relating to student privacy, including the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and the 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 AI models;

e. Supports secure, standards-compliant single sign-on and interoperability with commonly used learning management or student information systems; and

f. Includes embedded professional development resources designed to strengthen educator literacy in the ethical and effective use of AI.

C. Each school board shall establish, implement, and enforce policies consistent with the guidance developed by the Board pursuant to subsection B.

D. With such funds as are appropriated for such purpose, the Department shall establish and oversee the AI Innovation in Education Pilot Program for the purpose of funding, evaluating, and scaling innovative uses

60 *of AI in public elementary and secondary schools by providing support to school divisions in piloting AI*
61 *applications for instruction, tutoring, student engagement, operational efficiency, and teacher support. In*
62 *establishing and overseeing the Pilot Program, the Department shall:*
63   *1. Develop guidelines for the administration of the Pilot Program;*
64   *2. In selecting school divisions for participation in the Pilot Program, prioritize proposals from school*
65 *divisions serving diverse student populations, including high-poverty, rural, and under-resourced school*
66 *divisions;*
67   *3. Require each school division selected for participation in the Pilot Program to (i) include professional*
68 *development for educators on AI literacy and responsible use and (ii) develop and submit evaluation plans*
69 *for measuring the impact of AI use on student learning, teacher workload, and equity outcomes; and*
70   *4. Submit to the Chairs of the House Committee on Education and the Senate Committee on Education*
71 *and Health by December 1 of each year a report on the Pilot Program established pursuant to this*
72 *subsection, which shall include (i) a description of projects funded and implemented in school divisions*
73 *participating in the Pilot Program; (ii) a description and evaluation of the effectiveness, safety, and equity of*
74 *the outcomes of individual school divisions participating in the Pilot Program and across all participating*
75 *school divisions as a whole; and (iii) recommendations regarding the expansion or regulation of AI use in*
76 *public schools in the Commonwealth.*
77 **2. That the provisions of subsection D of § 22.1-20.2:1 of the Code of Virginia, as created by this act,**
78 **shall expire on July 1, 2030.**