

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 22.1-20.2:1, relating to Department of*  
 3 *Education; artificial intelligence use in instructional settings; development of AIS safety guidance*  
 4 *required; AIS Innovation in Education Pilot Program established; report.*

5 [S 394]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That the Code of Virginia is amended by adding a section numbered 22.1-20.2:1 as follows:**9 **§ 22.1-20.2:1. Artificial intelligence use and safety in instructional settings; AIS Innovation in**  
 10 **Education Pilot Program established; guidance.**

11 A. As used in this section:

12 *"AIS in instructional settings" means the use of artificial intelligence systems to support teaching,*  
 13 *learning, assessment, or school operations.*14 *"Artificial intelligence system" or "AIS" means any machine learning-based system that, for any explicit*  
 15 *or implicit objective, infers from the inputs such system receives how to generate outputs, including content,*  
 16 *decisions, predictions, and recommendations, that can influence physical or virtual environments. "Artificial*  
 17 *intelligence system" or "AIS" does not include any artificial intelligence system or general purpose artificial*  
 18 *intelligence model that is used for development, prototyping, and research activities before such artificial*  
 19 *intelligence system or general purpose artificial intelligence model is made available to deployers or*  
 20 *consumers.*21 *"Division-managed AIS platform" means an AIS technology solution deployed within a division-managed*  
 22 *environment that (i) aligns with the Standards of Learning and high-quality instructional materials; (ii)*  
 23 *provides administrators visibility into platform usage; and (iii) prohibits the use of school or student data for*  
 24 *model training outside of the school division's control.*25 *"Division-managed environment" means use of an AIS that is administered within and by a school*  
 26 *division through role-based access controls, administrative oversight, audit logging, and configurable*  
 27 *moderation, consistent with school board policy.*28 *"Pilot Program" means the AIS Innovation in Education Pilot Program established pursuant to*  
 29 *subsection D.*30 B. The Department, in consultation with local school divisions and other relevant stakeholders, shall (i)  
 31 compile information on current uses of artificial intelligence systems for student instruction in public schools  
 32 in the Commonwealth and (ii) establish and post in a publicly accessible location on its website guidance for  
 33 the safe, ethical, and equitable use of an AIS in instructional settings in public elementary and secondary  
 34 schools. Such guidance shall:

35 1. Address:

36 a. Student data privacy and security in general and in the context of artificial intelligence systems,  
 37 including compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and  
 38 the Children's Online Privacy Protection Act (15 U.S.C. § 6501 *et seq.*), and any other applicable federal and  
 39 state laws relating to student privacy;

40 b. Resources and training for teachers;

41 c. Transparency and explicability of the use of an AIS in instructional settings;

42 d. Data privacy agreements with the applicable school division that prohibits the use of any division-level  
 43 or student data for training or improving any external AIS models;44 e. Best practices for (i) guarding against bias and discrimination in the use of any AIS; (ii) developing  
 45 clear protocols for AIS use by teachers and students in public elementary and secondary schools and  
 46 embedded professional development resources designed to strengthen educator literacy in the ethical,  
 47 responsible, and effective use of an AIS, including prohibitions on relying solely on an AIS to make certain  
 48 high-stakes decisions, as defined by the Department; and (iii) ensuring the accessibility of and equitable  
 49 access to AIS resources in the school setting; and50 f. How school divisions can ensure that any approved use of an AIS in instruction aligns with the  
 51 Standards of Learning and supports use of high-quality instructional materials;52 2. Include suggestions for functional guardrails that prioritize the use of division-managed AIS platforms  
 53 operated within division-managed environments; and54 3. Ensure that any approved use of an AIS in instruction provides teachers with access to transcripts of  
 55 student interactions with an AIS and allows teachers and administrators to monitor use through dashboards,  
 56 automated alerts, and audit logs.

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

59 D. With such funds as are appropriated for such purpose, the Department shall establish and oversee the  
60 AIS Innovation in Education Pilot Program for the purpose of funding, evaluating, and scaling safe and  
61 innovative uses of an AIS in public elementary and secondary schools by providing support to school  
62 divisions in piloting AIS applications for instruction, tutoring, student engagement, operational efficiency,  
63 and teacher support. In establishing and overseeing the Pilot Program, the Department shall:

64 1. Develop guidelines for the administration of the Pilot Program;

65 2. In selecting school divisions for participation in the Pilot Program, prioritize proposals from school  
66 divisions serving diverse student populations, including high-poverty, rural, and under-resourced school  
67 divisions;

68 3. Require each school division selected for participation in the Pilot Program to (i) include professional  
69 development for educators on AIS literacy and responsible use and (ii) develop and submit evaluation plans  
70 for measuring the impact of AIS use on student learning, teacher workload, and equity outcomes; and

71 4. Submit to the Chairs of the House Committee on Education and the Senate Committee on Education  
72 and Health by December 1 of each year a report on the Pilot Program established pursuant to this  
73 subsection, which shall include, as applicable, (i) a description of projects funded and implemented in school  
74 divisions participating in the Pilot Program; (ii) a description and evaluation of the effectiveness, safety,  
75 equity, risks, and adverse impacts of the outcomes of individual school divisions participating in the Pilot  
76 Program and across all participating school divisions as a whole; and (iii) recommendations regarding the  
77 expansion or regulation of AIS use in public schools in the Commonwealth.

78 **2. That the provisions of subsection D of § 22.1-20.2:1 of the Code of Virginia, as created by this act,**  
79 **shall expire on July 1, 2030.**