



Before the Policy: Two Questions Every Virginia Superintendent Should Be Able to Answer.

HB 1186 requires every Virginia school board to establish, implement, and enforce policies governing the use of artificial intelligence (AI) in instructional settings. Those policies must align with guidance the Virginia Department of Education (VDOE) is developing and will publish in July 2026.

However, it is not yet available. While that guidance is in development, there is foundational work that costs nothing and requires no outside expertise. It begins with two questions directed to the right people inside your division. The answers establish a factual baseline for understanding your division's current position under HB 1186.

Neither answer is a crisis. What you are doing is replacing uncertainty with information, and information is the only thing you can act on. Divisions that know where they stand before VDOE guidance arrives will move faster and more confidently when it does.

Question One:

What AI systems are currently active in our schools?

Ask your technology director to produce a list of every software platform currently licensed or deployed across the division that uses artificial intelligence in any form – this includes tools purchased specifically for AI features and tools where AI has been added to something licensed for a different purpose.

The list should capture, for each tool: what it does, which students and staff use it, where student or staff data is processed and stored (division-managed, vendor cloud, or unknown), whether there is a signed data privacy agreement on file, and who authorized its use.

Two things typically surface when divisions do this for the first time.

The first discovery is typically tools that central administration did not know were active. Building-level adoption of educational technology happens routinely and doesn't always get reported back to the central technology office, which means central administration is often the last to know.

The second is tools approved in their original form that have since added AI features through routine software updates. A platform approved in 2022 may have added generative AI capabilities in a 2024 or 2025 update. The original approval did not cover those features, and in most cases, no one flagged that the terms had changed.

This inventory will also be required if any system moves forward for state-level review or registration.

Question Two:

Do our vendor agreements contain the specific language HB 1186 requires?

HB 1186 requires that any approved AI platform used in instruction come with a data privacy agreement that prohibits the vendor from using division-level or student data to train or improve external AI models.

Pull the agreements on file for the tools your inventory identified and look for one specific clause. If that prohibition is not explicitly present, not implied by a general privacy clause, not covered by a FERPA acknowledgment, not buried in a broad data security statement, the agreement does not meet HB 1186 expectations. Identify which agreements are deficient.

Many agreements signed before 2024 do not contain this language. The concept of AI model training as a specific data use category was not standard in K-12 data privacy agreements until recently.

This does not require immediate action. It requires a record. When each agreement comes up for renewal, the required language becomes a condition of that renewal. That is a manageable process.

The questions cost nothing. The answers are worth knowing.

Two Questions Answered. Then What?

Document what you find. A simple spreadsheet with one row per AI tool is sufficient: tool name, vendor, student-facing or staff-only, data privacy agreement on file (yes/no), agreement contains AI training prohibition (yes/no/unknown), who approved it, and the renewal date. That document becomes your baseline and your evidence of due diligence.

Flag the gaps, not the violations. If agreements are missing the required language, note the renewal date and calendar a review. If tools are running without any approval record, note them for a technology committee conversation. You are not conducting an investigation. You are building a map.

Hold the map until guidance arrives. VDOE is required to publish AI safety guidance in July 2026. When that guidance drops, the map you have built tells you immediately which tools are compliant as-is, which need contract amendments, and which need to be replaced or removed. Divisions without the map will spend weeks reconstructing what you already have.

This document is intended as a starting point for internal review, not a comprehensive interpretation of the law or its future guidance.

This analysis is provided for informational purposes only by Strategic AI Link (SAIL), an independent AI compliance consultancy based in Virginia Beach, Virginia. It does not constitute legal advice. School divisions should consult legal counsel for division-specific compliance decisions. · HB 1186 School Division Compliance · Strategic AI Education LLC · April 2026