

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5205

By Delegates Stephens, Campbell, Pritt, and Bell

[Introduced February 05, 2026; referred to the

Committee on Education then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §18-2-47; and to amend said code by adding four new sections, designated
3 §18-5-55, §18-5-56, §18-5-57, §18-5-58, and §18-5-59, ~~all~~ relating to the creation of the
4 West Virginia Balance Act; providing for artificial intelligence standards; setting forth
5 definitions; setting forth a county board of education policy for the use of artificial
6 intelligence; creating definitions for artificial intelligence; providing resources for a student
7 with a technology-related learning difficulty; and creating an AI sandbox course.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-47. Artificial intelligence standards.

1 The State Board of Education shall include artificial intelligence standards in core
2 computer science standards that educate a student on artificial intelligence generally and the
3 appropriate use of artificial intelligence as a tool. This shall be done in accordance with the code
4 section set forth in §18-5-55 of this code.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-55. West Virginia Balance Act.

1 (a) As used in this section:
2 (1) "Instructional technology" means technology a student uses in connection to the
3 student's public education, including:
4 (A) An electronic device;
5 (B) A digital tool; or
6 (C) A digital application.
7 (2) "Public school" means a school under the control of:
8 (A) A school district;
9 (B) A public charter school; or

10 (C) The West Virginia School for the Deaf and the Blind.

11 (3) "Screen-time" means the time a student spends using an electronic device with a
12 screen in a classroom setting when the use of the electronic device does not involve direct
13 instruction, guidance, or interaction with:

14 (A) A teacher;

15 (B) An instructor; or

16 (C) Other designated educational personnel.

17 (4) "Screen-time" does not include school work or instruction for an online student.

18 (b) Before a county board of education allows a public school to use an instructional
19 technology in the classroom, the county board of education shall ensure that instructional
20 technology is:

21 (1) Designed specifically for instructional use;

22 (2) Absent of design features that:

23 (A) Interfere with learning;

24 (B) Distract from instruction; or

25 (C) Reduce academic focus;

26 (3) Supported by evidence, data, or demonstrated educational value appropriate to the
27 grade level;

28 (4) Safe for a student's physical, cognitive, and emotional development;

29 (5) Effective in supporting student learning outcomes;

30 (6) Not used as a substitute for direct instruction;

31 (7) Intentionally integrated into instruction to enhance student learning outcomes; and

32 (8) Compliant with state standards and law.

33 (c) A county board of education shall select, deploy, and monitor instructional technology in
34 accordance with the requirements of this section.

35 (d) A county board of education shall:

36 (1) Minimize non-essential screen-time;
37 (2) Prioritize purposeful engagement with instructional technology that directly supports
38 instructional goals;
39 (3) Adopt internal monitoring and accountability policies to ensure compliance with the
40 requirements of this section;
41 (4) Provide training to faculty and staff on the requirements of this section;
42 (5) Provide to a student's parent access to a list of all digital tools and applications used in
43 the student's classroom;
44 (6) Upon request, provide to a student's parent access to the student's:
45 (A) School issued electronic device;
46 (B) Account credentials; and
47 (C) Browsing history.
48 (7) Provide to a parent of a student enrolled at the county board of education:
49 (A) The option to receive an alert when the student attempts to access material flagged as
50 sensitive material; and
51 (B) Resources to help supervise the student's use of instructional technology in the home;
52 and
53 (8) Before July 1, 2027:
54 (A) Adopt the model policy described in this section; or
55 (B) Adopt an amended version of the model policy described in this section, that includes:
56 (i) A balanced instructional technology use policy that is safe, lawful, effective, and
57 intentional;
58 (ii) A resource plan for students who demonstrate a pattern of difficulty learning through
59 technology-based instruction;
60 (iii) A requirement of transparency with parents regarding instructional technology use;
61 (iv) An artificial intelligence use policy consistent with the model artificial intelligence use

62 policy; and

63 (v) A grade-level framework based on the grade-level framework described in this section.

64 (C) For the policy the county board of education adopts in accordance with this section,

65 submit to the state board:

66 (i) The finalized policy; and

67 (ii) A statement confirming the county board of education held a public hearing in
68 accordance with this section.

69 (9) Before a county board of education adopts a policy in accordance with this section, a
70 county board of education governing board shall hold a public meeting to discuss the proposed
71 policy that:

72 (A) Allows for public comment; and

73 (B) Complies with the requirements of the Open and Public Meetings Act.

74 (10) The state board shall:

75 (A) Create a model policy on balanced technology use in the classroom that:

76 (i) Prioritizes developmental appropriateness and age-based limits on screen exposure;

77 (ii) Requires transparency with parents regarding instructional technology use;

78 (iii) Prohibits instructional technology practices that undermine student safety, privacy, or
79 wellbeing;

80 (iv) Requires regular review of instructional technology to ensure compliance with the
81 requirements listed in this section;

82 (v) Promotes educator modeling of appropriate and responsible technology use; and

83 (vi) Emphasizes the use of adaptive technologies to support competency-based
84 instruction;

85 (vii) Include, as part of the model policy described in this section, the model artificial
86 intelligence use policy described in this section.

87 (B) Post the model policy described in this section on the state Board's website before

88 December 1, 2026, and include in the model policy described in this section the following grade-
89 level frameworks:

90 (i) For grades kindergarten through 3:

91 (I) Prohibiting a student from taking home school-owned instructional technology;

92 (II) Prohibiting a required ratio of one electronic device to one student;

93 (III) Prohibiting all screen-time in the classroom except for introduction of state
94 kindergarten through grade 5 computer science standards and preparation for, and administration
95 of, a standards assessment;

96 (IV) Emphasizing hands-on, print-based, and developmentally appropriate learning
97 exercises; and

98 (V) Prohibiting homework that requires access to the internet or instructional technology;

99 (ii) For grades 4 and 5:

100 (I) Prohibiting a required ratio of one electronic device to one student;

101 (II) Balancing the use of an instructional technology with instruction through teacher-led,
102 print-based, and analog methods;

103 (III) Limiting the use of instructional technology to only instances with direct teacher
104 supervision for a defined academic purpose; and

105 (IV) Limiting access to the internet through filters consistent with age-appropriate
106 standards;

107 (iii) For grades 6, 7, and 8:

108 (I) Balancing the use of an instructional technology with instruction through teacher-led,
109 print-based, and analog methods; and

110 (II) Limiting access to the internet through filters consistent with age-appropriate
111 standards; and

112 (iv) For high school:

113 (I) Balancing the use of an instructional technology with instruction through teacher-led,

114 print-based, and analog methods; and

115 (II) Limiting access to the internet through filters consistent with age-appropriate
116 standards;

117 (C) For a county board of education that fails to adopt or create a policy in accordance with
118 this section, declare the model policy described in this section as the default policy for that county
119 board of education; and

120 (D) Adopt a method for evaluating and measuring the effectiveness of the requirements
121 listed in this section.

122 (11) The frameworks described in this section do not apply to:

123 (A) A course where instructional technology is integral to the subject matter of the course
124 or specialty class;

125 (B) Instruction or equipment related to:

126 (i) Online district and charter schools; and

127 (ii) The Statewide Online Education Program created in this section;

128 (C) A course or instruction designed to meet core technology standards the state board
129 creates under this section;

130 (D) An AI sandbox course as that term is defined in this section; or

131 (E) Instructional technology use consistent with a student's IEP or 504 plan.

132 (e) Upon the adoption of the policy required under this section, a county board of education
133 shall submit a report to the state board, detailing:

134 (1) The specifics of the policy the county board of education adopts;

135 (2) The county board of education's plan for:

136 (A) Professional development of faculty and staff related to the adoption of the policy; and

137 (B) Monitoring compliance with the new policy;

138 (C) Use of instructional technology in the classroom;

139 (D) Monitoring and compliance of a public school within the county board of education's

140 jurisdiction; and

141 (E) Implementation efforts and outcomes.

142 (f) A county board of education that changes the policy after submitting the report
143 described in this section shall submit the updated policy to the state board.

144 (g) As a condition of receiving state funds allocated for digital literacy, computer science, or
145 educational technology programs, a county board of education shall certify to the state board that
146 the county board of education has adopted and is implementing:

147 (1) A policy on balanced technology use in the classroom in accordance with this section;

148 (2) A resource program for students demonstrating a pattern of difficulty with technology-
149 related learning in accordance with this section; and

150 (3) An artificial intelligence use policy consistent with the model artificial intelligence use
151 policy described in this section.

152 (h) The state board may withhold or delay the distribution of funds described in this section
153 to a county board of education that fails to meet the requirements of this section until the county
154 board of education demonstrates compliance.

155 (i) In accordance with the Administrative Rulemaking Act, the state board shall make rules
156 to implement the provisions of this section.

§18-5-56. Resources for a student with a technology-related learning difficulty.

1 (a) As used in this section:

2 (1) "Instructional technology" means the same as that term is defined in this section.

3 (2) "Technology-related learning difficulty" means a condition where a student experiences
4 a pattern of difficulty learning through the use of instructional technology.

5 (3) "Technology-related learning difficulty" does not include a temporary or situational
6 difficulty with technology use that is unrelated to a learning need that is:

7 (A) Diagnosed; or

8 (B) Identifiable.

9 (b) A county board of education shall create a resource plan on how to accommodate a
10 student that demonstrates a technology-related learning difficulty.

11 (c) A county board of education may:
12 (1) Provide additional resources and accommodations to a student that demonstrates a
13 technology-related learning difficulty, including:

14 (A) Access to printed materials;
15 (B) Alternative assignment formats;
16 (C) Access to a technology resource center;
17 (D) Access to an educational professional with expertise in technology and technology-
18 related learning difficulties; and

19 (E) Extra time for technology-based tasks; and
20 (F) Provide a student with a technology-related learning difficulty access to alternative
21 learning pathways, including:
22 (i) Hands-on, project-based learning;
23 (ii) Book-based curriculum; and
24 (iii) Verbal instruction.

§18-5-57. Artificial Intelligence definitions.

1 (a) As used in this part:
2 (1)"Artificial intelligence" means a machine-based system that can, for a given set of
3 human-defined objectives, make predictions, recommendations, or decisions influencing real or
4 virtual environments.

5 (2)"Artificial intelligence sandbox course" or "AI sandbox course" means a high school
6 course offered to a student enrolled in a county board of education focused on artificial intelligence
7 technologies that:

8 (A) Operates within a secure and controlled digital environment; and
9 (B) Provides a student with supervised opportunities to apply artificial intelligence

10 technologies through hands-on:

11 (i) Learning;

12 (ii) Experimentation; and

13 (iii) Application of the instructional material.

14 (3) "Artificial intelligence tool" or "AI tool" means software or a system that generates

15 outputs, predictions, or recommendations through:

16 (A) Machine learning;

17 (B) Natural language processing; or

18 (c) Other artificial intelligence techniques.

§18-5-58. Artificial Intelligence use policy.

1 (a) As used in this section, "high-stakes determination" means a decision regarding a
2 student's:

3 (1) Placement;

4 (2) Discipline;

5 (3) Academic progression; or

6 (4) Eligibility for a program or service.

7 (b) The state board shall publish and maintain a model artificial intelligence use policy that:

8 (1) Encourages and supports educator instruction through the use of AI tools;

9 (2) Complies with the requirements of the model policy on balanced technology use in the

10 classroom described in the West Virginia Balance Act;

11 (3) Encourages a reduction in student and educator workload through the use of AI tools;

12 (4) Requires educators to only use AI tools a county board of education approves;

13 (5) Requires educators to retain professional judgment and instructional responsibility

14 when using AI tools in the educator's classroom;

15 (6) Prohibits educators from using generative artificial intelligence to independently grade

16 student work or issue high-stakes determinations;

17 (7) Requires a student to produce work that reflects the student's:
18 (A) Knowledge;
19 (B) Skill; and
20 (C) Understanding;
21 (8) Prohibits a student from using generative artificial intelligence to complete academic
22 work unless an educator authorizes the use for a specific instructional purpose;
23 (9) Ensures that all AI tools available to a student meet developmental expectations and
24 align with digital literacy standards for each grade level;
25 (10) When the school or an educator uses generative artificial intelligence for instruction,
26 assessment, or activities in the classroom, requires the school or educator to provide a link to the
27 county board of education's metadata dictionary;
28 (11) Identifies the purpose of each approved AI tool and describes to a student how to use
29 the AI tool;
30 (12) Ensures that AI tools do not expose a student to content that is:
31 (A) Harmful;
32 (B) Manipulative; or
33 (C) Inappropriate;
34 (13) Prohibits the use of AI tools for any practice that threatens student safety or wellbeing,
35 including:
36 (A) Biometric surveillance; or
37 (B) Psychological profiling;
38 (14) Requires educators to communicate assignment-specific guidance on the
39 expectations regarding the use of AI tools.
40 (c) A county board of education shall produce and adopt an artificial intelligence use policy
41 based on the model policy.
42 (d) After adopting the policy, a county board of education shall:

43 (1) Submit the adopted policy to the state board for review and approval;
44 (2) Provide training to educators and staff on the policy;
45 (3) Ensure compliance to the policy at each school within the county board of education;
46 (4) Review the policy at least once every two years; and
47 (5) Update the policy as needed.
48 (e) To inform the policy a county board of education adopts, a county board of education
49 may create and distribute the following artificial intelligence resources:
50 (1) A vision or guidance document;
51 (2) An artificial intelligence framework; or
52 (3) Artificial intelligence best practices.
53 (f) The state board shall:
54 (1) Declare the model policy as the default policy for a county board of education;
55 (A) That fails to adopt a policy; or
56 (B) Whose policy the state board does not approve; and
57 (2) Make rules in accordance with the Administrative Rulemaking Act, to establish:
58 (A) Standards for a county board of education compliance under this section;
59 (B) Timelines and procedures for a county board of education policy submission; and
60 (C) Guidance for county board of education implementation and educator training.

<u>§18-5-59.</u>	<u>Artificial</u>	<u>intelligence</u>	<u>--</u>	<u>Sandbox</u>	<u>course.</u>
1	(a) <u>A county board of education may offer an AI sandbox course to a student in grades 9</u>				
2	<u>through 12 to provide instructional opportunities aligned with workforce development needs in</u>				
3	<u>emerging fields, including:</u>				
4	(1) <u>Artificial intelligence;</u>				
5	(2) <u>Data science;</u>				
6	(3) <u>Digital design; and</u>				
7	(4) <u>Other related disciplines.</u>				

8 (b) A county board of education shall:

9 (1) Limit the delivery of an AI sandbox course to career and technical education courses or
10 focused campuses;

11 (2) Ensure that all activities related to the teaching of an AI sandbox course incorporate
12 safeguards to protect students, including:

13 (A) Compliance with federal data privacy laws;

14 (B) Compliance with Student Privacy and Data Protection; and

15 (C) Ethical use guidelines the state board establishes.

16 (c) A county board of education may not require a student to participate in an AI sandbox
17 course.

18 (d) The state board shall establish ethical use guidelines for a county board of education to
19 use during the AI sandbox course's:

20 (1) Creation;

21 (2) Implementation; and

22 (3) Delivery.

NOTE: The purpose of this bill is to create the West Virginia Balance Act. The bill provides for artificial intelligence standards. The bill sets forth definitions. The bill sets forth a county board of education policy for the use of artificial intelligence. The bill creates definitions for artificial intelligence. The bill provides resources for a student with a technology-related learning difficulty. Finally, the bill creates an AI sandbox course.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.