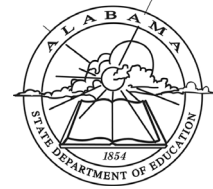




STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.
State Superintendent of Education

September 21, 2026

MEMORANDUM

TO: City and County Superintendents of Education

FROM: Eric G. Mackey *EGM*
State Superintendent of Education

RE: *Healthy Early Development and Screen Time Act*

The Alabama State Department of Education (ALSDE), in collaboration with the Alabama Department of Human Resources (DHR) and the Alabama Department of Early Childhood Education (ADECE), is pleased to share the first resource in the HB 78 Resource Series: Understanding the Law, developed to help early childhood education programs become familiar with the *Healthy Early Development and Screen Time Act* (HB 78).

Effective January 1, 2027, the *Healthy Early Development and Screen Time Act* reflects Alabama's commitment to supporting the healthy development of young children through developmentally appropriate learning experiences. The Act recognizes what early childhood educators have long understood—that young children learn best through responsive relationships, meaningful interactions with caring adults, active play, exploration, and hands-on learning experiences. It also recognizes that technology can be a valuable educational tool when used intentionally, appropriately, and in ways that support, rather than replace, these foundational experiences.

Because HB 78 requires collaboration among ADECE, DHR, and ALSDE, our agencies are working together to ensure consistent implementation across all early childhood education programs covered by the Act. As part of that effort, we have developed this first resource to provide an overview of HB 78, introduce its key requirements, and answer many of the questions programs may have as they prepare for future implementation.

The following documents are attached.

HB 78 At a Glance: Understanding the *Healthy Early Development and Screen Time Act*

HB 78 FAQ: Answers to Common Questions About HB 78

HB 78 Key Terms and Definitions: A Guide to the Language of HB 78

HB 78 Responsibilities by Program Type: Responsibilities Organized by Oversight entity

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As you review these materials, we encourage you to become familiar with the requirements of HB 78 and consider how the Act aligns with your current policies and practices. Additional resources in the HB 78 Resource Series, including screen time standards, healthy screen time guidelines for families, professional development resources, and supporting tools, will be shared with programs prior to the law's effective date.

Our goal is to make implementation as clear, collaborative, and supportive as possible. We recognize the outstanding work taking place in early childhood classrooms and programs across Alabama every day. HB 78 builds upon that work by reinforcing developmentally appropriate practices that foster healthy learning and development for our youngest children.

Thank you for your continued dedication to Alabama's children and families. We appreciate your partnership as we work together to successfully implement the *Healthy Early Development and Screen Time Act*.

EGM:LAK

Attachments

FY26-1022

Healthy Early Development and Screen Time Act At a Glance

Effective: January 1, 2027

Purpose:

The Healthy Early Development and Screen Time Act (Act 2026-169) established a statewide framework for healthy screen time practices in covered early childhood education programs. It directs the Alabama Department of Early Childhood Education (ADECE), in collaboration with the Alabama Department of Human Resources (DHR) and the Alabama State Department of Education (ALSDE), to develop research-based guidelines, screen time standards, and annual training requirements.

Who is covered?

Oversight entity	Covered programs
Alabama Department of Human Resources	*Licensed child care facilities serving children five years of age and younger: day care centers, day care homes, group day care homes, and night care facilities.
Alabama Department of Early Childhood Education	**Prekindergarten programs operating under Article 2.
Alabama State Department of Education & local boards of education	*Public kindergarten programs.

*Also included: any afterschool, extended day, or summer program provided by a covered facility or program.

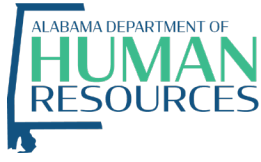
**First Class Pre-K

[Act 2026-169 references: §26-24-60\(3\) and \(5\)](#)

What the law requires

- Research-based guidelines on healthy screen time practices for families of children from birth through five years of age.
- Screen time standards based on current evidence-based research and practices for programs that include:
 - Age-appropriate screen time limits, with no screen time allowed for students under two years of age.
 - Guidelines within the screen time standards for determining high-quality programming.
 - Best practices within the screen time standards for screen use in early education settings identified in Act 2026-169.
- Annual training on screen time standards and alternatives to screen time for teachers and staff members who closely supervise children in each covered licensed child care, prekindergarten, and kindergarten program. The training must meet the requirements of Act 2026-169 and align with the screen time standards.
- Each covered program must implement a screen time policy, which meets the requirements of Act 2026-169 and reflect the screen time standards.

[Act 2026-169 references: §§26-24-61 through 26-24-65; §§16-40-15 and 38-7-7.1](#)



What may not happen

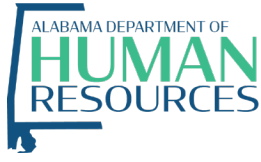
- Screen time may not be allowed for students under two years of age.
- Screen-based media may not be unreasonably used as a substitute for teacher-led instruction, reading, hands-on learning, or outdoor play.
- Background television and passive screen time are prohibited.
- Screen-based media use must not occur without active staff supervision.
- Screen-based media may not be used outside the screen time standards established by the ADECE in collaboration with DHR and ALSDE.

Act 2026-169 references: §26-24-62(a)-(b); §26-24-63(1)

Exceptions to screen time requirements

- Screen time of a student acting pursuant to the student's Individualized Education Program, Section 504 plan, or Individualized Health Plan.
- Screen time by a kindergarten student necessary to complete required diagnostic tests and assessments.
- Screen time by a student enrolled in classes offered as part of a virtual school or virtual program approved by a local board of education.

Act 2026-169 references: §26-24-62(c)



Healthy Early Development and Screen Time Act

Answers to Frequently Asked Questions

1. Why was Act 2026-169 created?

The Legislature found that birth through five years of age is a critical period of brain development, language acquisition, and social-emotional growth. Act 2026-169 cites research associating excessive screen exposure in young children with developmental concerns and states the intent to provide parents, caregivers, and educators with research-based guidelines and standards regarding screen time to safeguard children's healthy development.

[Act 2026-169 references: Section 1\(b\)](#)

2. Who does Act 2026-169 apply to?

Act 2026-169 applies to "early childhood education programs," defined as: licensed child care facilities serving children five years of age and younger; prekindergarten programs operating under Article 2; and public kindergarten programs. The term also includes any afterschool, extended day, or summer program provided by one of those covered facilities or programs.

[Act 2026-169 references: §26-24-60\(3\)](#)

3. Which programs fall under each oversight entity?

The Alabama Department of Early Childhood Education (ADECE) monitors prekindergarten programs operating under Article 2. The Alabama Department of Human Resources (DHR) monitors licensed day care centers, day care homes, group day care homes, and night care facilities that serve children five years of age and younger. The Alabama State Department of Education (ALSDE), with assistance from local school principals, monitors public kindergarten compliance with policies adopted by local boards of education.

[Act 2026-169 references: §26-24-65; §§16-40-15 and 38-7-7.1](#)

4. Does the law apply to all prekindergarten programs?

No. The Act 2026-169 specifically identifies "prekindergarten programs operating under Article 2," most commonly referred to as First Class Pre-K. The Act does not state that every prekindergarten program in Alabama is covered.

[Act 2026-169 references: §26-24-60\(3\)a.2](#)

5. Does the law apply to after-school or summer programming?

Yes, when the afterschool, extended day, or summer program is provided by a covered facility or program. The statutory definition does not separately list before-school programs.

[Act 2026-169 references: §26-24-60\(3\)b](#)

6. What types of technology are addressed?

The Act uses the term "screen-based media," meaning visual media devices including, but not limited to, televisions, computers, smart phones, and tablets.

[Act 2026-169 references: §26-24-60\(6\)](#)

7. What counts as screen time?

"Screen time" means time spent using screen-based media. It does not include live, interactive video communication, such as a video call with a child's family.

[Act 2026-169 references: §26-24-60\(7\)](#)

8. What does the law prohibit or restrict?

Act 2026-169 prohibits background television and passive screen time. It also provides that screen-based media may not be unreasonably used as a substitute for teacher-led instruction, reading, hands-on learning, or outdoor play; must meet the developed screen time standards; and must be actively supervised by staff. The standards must provide that no screen time may be allowed for students under two years of age.

[Act 2026-169 references: §26-24-62\(a\)-\(b\); §26-24-63\(1\)](#)

9. Does Act 2026-169 prohibit all screen use for children age two and older?

No. Act 2026-169 requires the agencies to develop age-appropriate time limits, standards, and best practices. It does not itself state a specific daily time limit for children age two and older. Covered screen use must meet the standards that will be developed and must be actively supervised.

[Act 2026-169 references: §26-24-62\(a\); §26-24-63](#)

10. What exceptions are included in Act 2026-169?

The article does not apply to screen time of a student acting pursuant to the student's Individualized Education Program, Section 504 plan, or Individualized Health Plan; screen time by a kindergarten student necessary to complete required diagnostic tests and assessments; or screen time by a student enrolled in classes offered as part of a virtual school or virtual program approved by a local board of education.

[Act 2026-169 references: §26-24-62\(c\)](#)

11. What standards must be developed?

The ADECE, in collaboration with the DHR and the ALSDE, must develop evidence-based screen time standards that include age-appropriate limits, guidelines for high-quality programming, and best practices. In evaluating high-quality programming, the agencies must consider the target audience and age appropriateness, pacing with a preference for slow-paced programming, whether the programming is free of violence, and whether it is free of advertising the ADECE determines is harmful to children.

[Act 2026-169 references: §26-24-63](#)

12. What professional development is required?

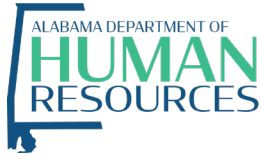
The agencies must develop training on the screen time standards and alternatives to screen time. The training may be tailored to each type of early childhood education program. Each teacher and staff member who closely supervises children must complete the training modules annually.

[Act 2026-169 references: §26-24-64](#)

13. Will programs need a screen time policy?

Yes. Prekindergarten programs operating under Article 2 shall implement and abide by the screen time policy established in the Alabama First Class Pre-K Guidelines (ADECE). Licensed child care facilities (DHR) must implement and abide by a compliant policy as a condition of licensing. Local boards of education (ALSDE) must adopt a kindergarten screen time policy no later than the 2027-2028 school year.

[Act 2026-169 references: §26-24-65\(b\); §§16-40-15 and 38-7-7.1](#)



14. How will compliance be monitored?

DHR will monitor licensed child care facilities, including review during inspections. The Secretary of the ADECE will monitor covered prekindergarten programs as deemed necessary. Public kindergarten compliance will be monitored by the local school principal.

[Act 2026-169 references: §26-24-65; §38-7-7.1](#)

15. What happens when a program or staff member is not in compliance?

For covered prekindergarten and licensed child care programs, the Act prioritizes additional training for relevant noncompliant staff. Continued noncompliance may lead to a corrective action plan. For kindergarten, the principal must first provide additional training; continued noncompliance is treated as a violation of the Alabama Educator Code of Ethics and may lead to disciplinary action, including corrective action, with approval from the local superintendent.

[Act 2026-169 references: §26-24-65\(b\); §§16-40-15 and 38-7-7.1](#)

16. What guidance will be available to families and the public?

ADECE, in collaboration with DHR and ALSDE, must develop research-based guidelines for healthy screen time practices for children from birth through five years of age and publish the guidelines on its website at no cost to the public. The guidelines must emphasize play, reading, physical activity, caregiver-child interaction, risks of excessive screen time, and strategies for screen-time-free routines in the home.

[Act 2026-169 references: §26-24-61](#)

17. When does Act 2026-169 take effect?

The Act becomes effective January 1, 2027.

[Act 2026-169 references: Section 5; §16-40-15](#)

18. What should programs do now?

Programs are encouraged to become familiar with the requirements of Act 2026-169 by reviewing the legislation in its entirety, along with the accompanying Act 2026-169 Responsibilities of Programs, Frequently Asked Questions (FAQ), and Key Terms and Definitions documents. As you review these resources, begin considering how the requirements of Act 2026-169 may align with your current practices and identify any areas that may require updates. Programs should continue to watch for screen time standards, healthy screen time guidelines for families, professional development guidance, and supporting resources, which will be released prior to the Act's effective date of January 1, 2027.

[Act 2026-169 references: §§26-24-61 through 26-24-65; Sections 3-5](#)

Healthy Early Development and Screen Time Act

Key Terms and Definitions

Important to note:

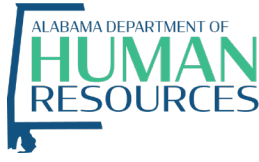
The first seven definitions are taken directly from or closely reflect the language in § 26-24-60. Additional definitions have been included to clarify terms used throughout this guidance and to support consistent implementation of the Healthy Early Development and Screen Time Act.

Terms from Act 2026-169

Term	Meaning in Act 2026-169	Reference
Adult-supervised use	Media engagement in which a parent, guardian, or caregiver is actively present and guiding and discussing the media content.	§26-24-60(1)
Early childhood education program	A licensed child care facility serving children five years of age and younger; a prekindergarten program operating under Article 2*; or a public kindergarten program. The term also includes any afterschool, extended day, or summer program provided by one of those covered facilities or programs. *First Class Pre-K	§26-24-60(3)
High-quality programming	Screen-based media programs and platforms used in early childhood education programs that are age-appropriate, use a slow pace, are free of violence, and are free of advertisements determined to be harmful to children.	§26-24-60(4)
Licensed child care facility	A day care center, day care home, group day care home, or night care facility, as defined in Section 38-7-2.	§26-24-60(5)
Screen-based media	Visual media devices including, but not limited to, televisions, computers, smart phones, and tablets.	§26-24-60(6)
Screen time	Time spent using screen-based media. The term does not include live, interactive video communication, such as a video call with a child's family.	§26-24-60(7)
Passive screen time	A term used in the HB 78's prohibition on "background television and passive screen time."	§26-24-62(b)
Screen time standards	Standards to be developed by ADECE, in collaboration with DHR and ALSDE, based on current evidence-based research and practices. The standards must include age-appropriate screen time limits, guidelines for determining what constitutes high-quality programming, and best practices for screen time in early childhood education programs	§26-24-63

Additional Key Terms for Implementation

Active media use	When children actively think, respond, create, communicate, solve problems, or interact with an educator while using technology. Technology is used to support learning through conversation, exploration, creativity, or hands-on activities before, during, or after screen use.
Background television	Any television, video, or other screen-based media that is on when no one is actively watching or using it. Even when children are not paying attention, background television can distract from play, conversation, learning, and interactions with others.
Guidelines	Research-based guidelines on healthy screen time practices for children from birth through five years of age will provide information for families and caregivers and will be available at no cost on the ADECE website.
Pacing	The speed at which information, pictures, sounds, and activities are presented in digital media.



Healthy Early Development and Screen Time Act Responsibilities by Program Type

Use this section to identify your path.

Act 2026-169 assigns implementation and compliance responsibilities according to the entity that oversees the covered program. The requirements below are limited to what appears in the Healthy Development and Screen Time Act.

Requirements that apply across all covered program types

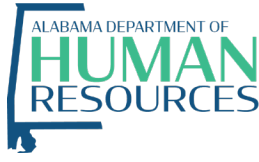
- No screen time may be allowed for students under two years of age.
- Screen-based media may not be unreasonably used as a substitute for teacher-led instruction, reading, hands-on learning, or outdoor play.
- Screen-based media must meet the screen time standards developed for their program type and must be actively supervised by staff.
- Background television and passive screen time are prohibited.
- Teachers and staff members who closely supervise children must complete annual training modules.
- The statutory non-application provisions for IEPs, Section 504 plans, Individualized Health Plans, required kindergarten diagnostics and assessments, and approved virtual programs remain in effect.

[Act 2026-169 references: §§26-24-62 through 26-24-64](#)

Alabama Department of Human Resources (DHR) Licensed Child Care Facilities

- Covered facilities also include: day care centers, day care homes, group day care homes, and night care facilities serving children five years of age and younger.
- Any afterschool, extended day, or summer program provided by the covered facility is included.
- Staff who supervise children must undergo the training established under Act 2026-169.
- DHR must review compliance during inspections under Section 38-7-11.
- Each facility must implement and abide by a screen time policy meeting Act 2026-169 as a condition of licensing.
- If a facility is not in compliance, DHR must prioritize additional training through the Alabama Department of Early Childhood Education with noncompliant staff members. If noncompliance continues, DHR may adopt or enforce a corrective action plan.
- DHR must incorporate a compliant screen time policy into minimum standards for licensing and approving covered facilities.

[Act 2026-169 references: §26-24-60\(3\) and \(5\); §26-24-65\(a\)\(1\); §38-7-7.1](#)



Alabama Department of Early Childhood Education (ADECE): Prekindergarten programs operating under Article 2*

- The Secretary of the Alabama Department of Early Childhood Education will incorporate a screen time policy into the Alabama First Class Pre-K guidelines. Each covered prekindergarten program must implement and abide by that policy, which must meet the requirements of Act 2026-169 and reflect the screen time standards.
- Prekindergarten teachers must annually complete the required training.
- The Secretary may monitor compliance as deemed necessary.
- When a program is not in compliance, ADECE must prioritize additional training with relevant staff members. If noncompliance continues, the ADECE may establish or enforce a corrective action plan.
- Any afterschool, extended day, or summer program provided by the covered prekindergarten program is included in the Act 2026-169's definition of an early childhood education program.

Act 2026-169 references: §26-24-60(3); §26-24-65(a)(2) and (b)

*First Class Pre-K Programs

Alabama State Department of Education (ALSDE) and Local Boards: Public Kindergarten Programs

- No later than the 2027-2028 school year, each local board of education must adopt a screen time policy providing guidance on appropriate use of screen-based media in kindergarten classrooms. Each covered kindergarten program must implement and abide by that policy, which must meet the requirements of Act 2026-169 and reflect the screen time standards.
- The policy must meet the Act 2026-169 requirements with respect to kindergarten classrooms.
- Kindergarten teachers are required to annually complete the screen time training, as well as those that closely monitor children.
- The local school principal monitors compliance.
- For an initial instance of teacher noncompliance, the principal must provide additional training.
- Continued noncompliance is considered a violation of the Alabama Educator Code of Ethics, and the principal may proceed with disciplinary action adopted by the Alabama State Department of Education, including corrective action, with approval from the local superintendent.
- Any afterschool, extended day, or summer program provided by the covered public kindergarten program is included.

Act 2026-169 references: §26-24-60(3); §26-24-65(a)(3); §16-40-15