

HB563 INTRODUCED



1 HB563
2 NR4SW8J-1
3 By Representative Garrett
4 RFD: Ways and Means Education
5 First Read: 03-Mar-26



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SYNOPSIS:

Under existing law, the CHOOSE Act establishes a refundable educational savings account for the parents of participating students.

Also under existing law, the CHOOSE Act contains an athletic-eligibility nondiscrimination provision, stating that nothing in the CHOOSE Act shall affect or change the athletic eligibility of student athletes governed by an interscholastic athletic association.

This bill would establish enforcement mechanisms for the CHOOSE Act's athletic-eligibility nondiscrimination provision.

This bill would provide a private right of action for a CHOOSE Act participant to pursue injunctive relief or damages for an action taken by an interscholastic athletic association that is based solely on his or her status as a CHOOSE Act participating student.

This bill would permit courts to award reasonable attorney fees to a prevailing CHOOSE Act participant.

This bill would also provide for legislative findings.



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29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to educational choice; to add Section 16-6J-10
34 to the Code of Alabama 1975, to provide enforcement mechanisms
35 for the CHOOSE Act's prohibition of discrimination against
36 CHOOSE Act participating students with respect to eligibility
37 for K-12 interscholastic athletics; to provide a right of
38 action for CHOOSE Act participants for violations, regardless
39 of when the alleged violation occurred; to permit courts to
40 award reasonable attorney fees; and to provide for legislative
41 findings.

42 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

43 Section 1. Section 16-6J-10 is added to the Code of
44 Alabama 1975, to read as follows:

45 §16-6J-10

46 (a) The Legislature finds and declares the following:

47 (1) The CHOOSE Act was enacted to expand educational
48 opportunity in Alabama and enhance the ability of Alabama
49 parents to choose the K-12 educational setting that best meets
50 the needs of their children.

51 (2) Recognizing the importance of interscholastic
52 athletics, the CHOOSE Act contains an athletic-eligibility
53 nondiscrimination provision that states, "Nothing in the
54 CHOOSE Act shall affect or change the athletic eligibility of
55 student athletes governed by the Alabama High School Athletic
56 Association or similar association."



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57 (3) Interscholastic athletics are a vital part of a
58 complete education, promoting teamwork, discipline,
59 leadership, personal growth, and community engagement.
60 Participation in interscholastic athletics, like participation
61 in other extracurricular activities, improves students'
62 academic performance, school engagement, and social outcomes.

63 (4) Denying CHOOSE Act participating students the
64 opportunity to participate in interscholastic athletics based
65 solely on his or her status as a CHOOSE Act participating
66 student undermines the CHOOSE Act's promise of meaningful
67 educational choice.

68 (5) It is essential to provide robust mechanisms to
69 enforce the CHOOSE Act's athletic-eligibility
70 nondiscrimination provision and otherwise ensure that a
71 student's CHOOSE Act status does not limit his or her ability
72 to participate in interscholastic athletics.

73 (b) For purposes of this section, the following terms
74 have the following meanings:

75 (1) CHOOSE ACT PARTICIPANT. A CHOOSE Act student, the
76 parent of such a student, or a participating school.

77 (2) CHOOSE ACT STUDENT. A participating student,
78 regardless of whether he or she has begun receiving services
79 from an education service provider.

80 (3) INTERSCHOLASTIC ATHLETIC ASSOCIATION. An
81 association that regulates interscholastic K-12 athletic
82 events, including the Alabama High School Athletic
83 Association, the Alabama Independent School Association, or
84 any similar association. The term also includes any of the



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85 association's officers, agents, servants, employees, member
86 institutions, and any other person working in concert with
87 them.

88 (c) (1) A CHOOSE Act participant may bring a civil
89 action against an interscholastic athletic association to
90 enjoin any of the following actions by an interscholastic
91 athletic association:

92 a. Adoption, enforcement, or implementation of a rule
93 or other policy or practice that limits or impedes
94 participation of a CHOOSE Act student in an athletic activity
95 based solely on his or her status as a CHOOSE Act
96 participating student.

97 b. Punishment of, or any adverse action against, a
98 CHOOSE Act participant for a CHOOSE Act student's
99 participation in an athletic activity pursuant to a court
100 order, even if the court order is later vacated, stayed,
101 reversed, or found to lack justification, if the court order
102 was issued pursuant to paragraph a. or to enforce the
103 prohibition in Section 16-6J-3(i) prohibiting discrimination
104 against CHOOSE Act students with respect to athletic
105 eligibility.

106 c. Retaliation against a CHOOSE Act participant for
107 advocacy or support of a CHOOSE Act student's participation in
108 an athletic activity pursuant to paragraph a. or Section
109 16-6J-3(i).

110 (2) The following rules shall govern an action for
111 injunctive relief brought pursuant to this subsection:

112 a. The CHOOSE Act participant may seek a temporary



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113 restraining order, preliminary injunction, permanent
114 injunction, or any combination thereof, pursuant to the
115 principles of equity governing such forms of relief, provided
116 a court shall prioritize allowing participation in an athletic
117 activity by a CHOOSE Act student over preservation of the
118 status quo.

119 b. Upon presenting sufficient evidence that an
120 interscholastic athletic association has taken or will likely
121 take an action enumerated in subdivision (1), a CHOOSE Act
122 participant shall be conclusively presumed to have established
123 irreparable harm, that the CHOOSE Act participant has no
124 adequate remedy at law, and that the requested injunction
125 would serve the public interest.

126 c. Upon presenting sufficient evidence that an
127 interscholastic athletic association has taken or will likely
128 take an action enumerated in subdivision (1), a CHOOSE Act
129 participant shall be presumed to have established that the
130 balance of the hardships favors issuance of an injunction
131 unless the interscholastic athletic association establishes
132 otherwise by clear and convincing evidence.

133 (3) Under this subsection, a court may award relief
134 regardless of when the action described in subdivision (1) was
135 taken by the interscholastic athletic association.

136 (d) In addition to any relief sought pursuant to
137 subsection (c), a CHOOSE Act participant may bring a civil
138 action against an interscholastic athletic association to
139 recover the CHOOSE Act participant's actual economic damages
140 proximately caused by any action enumerated in subdivision



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141 (c) (1) taken by the interscholastic athletic association,
142 provided such civil action shall be brought within two years
143 from the date of the action at issue.

144 (e) Venue for an action brought pursuant to this
145 section shall be proper in the circuit court of the county in
146 which the CHOOSE Act participant resides, attends school,
147 operates a school, or in the Circuit Court of Montgomery
148 County.

149 (f) In an action brought pursuant to this section, the
150 court may award costs and reasonable attorney fees to a
151 prevailing CHOOSE Act participant. The court may award costs
152 and reasonable attorney fees to a prevailing interscholastic
153 athletic association as provided in the Alabama Litigation
154 Accountability Act.

155 Section 2. This act shall become effective immediately.