

SB342 ENROLLED



1 SB342
2 QNPE245-3
3 By Senator Chambliss
4 RFD: Finance and Taxation Education
5 First Read: 05-Mar-26



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1 Enrolled, An Act,

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4 Relating to educational choice; to add Section 16-6J-10
5 to the Code of Alabama 1975, to provide enforcement mechanisms
6 for the CHOOSE Act's prohibition of discrimination against
7 CHOOSE Act participating students with respect to eligibility
8 for K-12 interscholastic athletics; to provide a right of
9 action for CHOOSE Act participants for violations, regardless
10 of when the alleged violation occurred; to permit courts to
11 award reasonable attorney fees; and to provide for legislative
12 findings.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 §16-6J-10

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

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

22 (2) Recognizing the importance of interscholastic
23 athletics, the CHOOSE Act contains an athletic-eligibility
24 nondiscrimination provision that states, "Nothing in the
25 CHOOSE Act shall affect or change the athletic eligibility of
26 student athletes governed by the Alabama High School Athletic
27 Association or similar association."

28 (3) Interscholastic athletics are a vital part of a



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29 complete education, promoting teamwork, discipline,
30 leadership, personal growth, and community engagement.
31 Participation in interscholastic athletics, like participation
32 in other extracurricular activities, improves students'
33 academic performance, school engagement, and social outcomes.

34 (4) Denying CHOOSE Act participating students the
35 opportunity to participate in interscholastic athletics based
36 solely on his or her status as a CHOOSE Act participating
37 student undermines the CHOOSE Act's promise of meaningful
38 educational choice.

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

44 (b) For purposes of this section, the following terms
45 have the following meanings:

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

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

51 (3) INTERSCHOLASTIC ATHLETIC ASSOCIATION. An
52 association that regulates interscholastic K-12 athletic
53 events, including the Alabama High School Athletic
54 Association, the Alabama Independent School Association, or
55 any similar association. The term also includes any of the
56 association's officers, agents, servants, employees, member



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57 institutions, and any other person working in concert with
58 them.

59 (c) (1) A CHOOSE Act participant may bring a civil
60 action against an interscholastic athletic association to
61 enjoin any of the following actions by an interscholastic
62 athletic association:

63 a. Adoption, enforcement, or implementation of a rule
64 or other policy or practice that limits or impedes
65 participation of a CHOOSE Act student in an athletic activity
66 when the determinative factor is his or her status as a CHOOSE
67 Act participating student. This paragraph does not preclude
68 rules, policies, or practices of an interscholastic athletic
69 association, including those governing academic eligibility,
70 transfers, or residency, that are applied without regard to
71 whether the student is a CHOOSE Act participating student.

72 b. Punishment of, or any adverse action against, a
73 CHOOSE Act participant for a CHOOSE Act student's
74 participation in an athletic activity pursuant to a court
75 order, even if the court order is later vacated, stayed,
76 reversed, or found to lack justification, if the court order
77 was issued pursuant to paragraph a. or to enforce the
78 prohibition in Section 16-6J-3(i) prohibiting discrimination
79 against CHOOSE Act students with respect to athletic
80 eligibility.

81 c. Retaliation against a CHOOSE Act participant for
82 advocacy or support of a CHOOSE Act student's participation in
83 an athletic activity pursuant to paragraph a. or Section
84 16-6J-3(i).



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

87 a. The CHOOSE Act participant may seek a temporary
88 restraining order, preliminary injunction, permanent
89 injunction, or any combination thereof, pursuant to the
90 principles of equity governing such forms of relief, provided
91 a court shall prioritize allowing participation in an athletic
92 activity by a CHOOSE Act student over preservation of the
93 status quo.

94 b. Upon presenting sufficient evidence that an
95 interscholastic athletic association has taken or will likely
96 take an action enumerated in subdivision (1), a CHOOSE Act
97 participant shall be conclusively presumed to have established
98 irreparable harm, that the CHOOSE Act participant has no
99 adequate remedy at law, and that the requested injunction
100 would serve the public interest.

101 c. Upon presenting sufficient evidence that an
102 interscholastic athletic association has taken or will likely
103 take an action enumerated in subdivision (1), a CHOOSE Act
104 participant shall be presumed to have established that the
105 balance of the hardships favors issuance of an injunction
106 unless the interscholastic athletic association establishes
107 otherwise by clear and convincing evidence.

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

111 (d) In addition to any relief sought pursuant to
112 subsection (c), a CHOOSE Act participant may bring a civil



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113 action against an interscholastic athletic association to
114 recover the CHOOSE Act participant's actual economic damages
115 proximately caused by any action enumerated in subdivision
116 (c)(1) taken by the interscholastic athletic association,
117 provided such civil action shall be brought within two years
118 from the date of the action at issue.

119 (e) Venue for an action brought pursuant to this
120 section shall be proper in the circuit court of the county in
121 which the CHOOSE Act participant resides, attends school,
122 operates a school, or in the Circuit Court of Montgomery
123 County.

124 (f) In an action brought pursuant to this section, the
125 court may award costs and reasonable attorney fees to a
126 prevailing CHOOSE Act participant. The court may award costs
127 and reasonable attorney fees to a prevailing interscholastic
128 athletic association as provided in the Alabama Litigation
129 Accountability Act.

130 Section 2. This act shall become effective immediately.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB342

Senate 31-Mar-26

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 09-Apr-26

By: Senator Chambliss