

SB342 INTRODUCED



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

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4 SYNOPSIS:

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

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

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

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

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

25 This bill would also provide for legislative
26 findings.



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A BILL

TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

§16-6J-10

(a) The Legislature finds and declares the following:

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

a. The CHOOSE Act participant may seek a temporary



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

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

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

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

(d) In addition to any relief sought pursuant to subsection (c), a CHOOSE Act participant may bring a civil action against an interscholastic athletic association to recover the CHOOSE Act participant's actual economic damages 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.