

**SB342 ENGROSSED**



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



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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



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29 nondiscrimination provision that states, "Nothing in the  
30 CHOOSE Act shall affect or change the athletic eligibility of  
31 student athletes governed by the Alabama High School Athletic  
32 Association or similar association."

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

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

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

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

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

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

56 (3) INTERSCHOLASTIC ATHLETIC ASSOCIATION. An



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57 association that regulates interscholastic K-12 athletic  
58 events, including the Alabama High School Athletic  
59 Association, the Alabama Independent School Association, or  
60 any similar association. The term also includes any of the  
61 association's officers, agents, servants, employees, member  
62 institutions, and any other person working in concert with  
63 them.

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

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

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



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85 eligibility.

86 c. Retaliation against a CHOOSE Act participant for  
87 advocacy or support of a CHOOSE Act student's participation in  
88 an athletic activity pursuant to paragraph a. or Section  
89 16-6J-3(i).

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

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

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

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



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

116           (d) In addition to any relief sought pursuant to  
117 subsection (c), a CHOOSE Act participant may bring a civil  
118 action against an interscholastic athletic association to  
119 recover the CHOOSE Act participant's actual economic damages  
120 proximately caused by any action enumerated in subdivision  
121 (c) (1) taken by the interscholastic athletic association,  
122 provided such civil action shall be brought within two years  
123 from the date of the action at issue.

124           (e) Venue for an action brought pursuant to this  
125 section shall be proper in the circuit court of the county in  
126 which the CHOOSE Act participant resides, attends school,  
127 operates a school, or in the Circuit Court of Montgomery  
128 County.

129           (f) In an action brought pursuant to this section, the  
130 court may award costs and reasonable attorney fees to a  
131 prevailing CHOOSE Act participant. The court may award costs  
132 and reasonable attorney fees to a prevailing interscholastic  
133 athletic association as provided in the Alabama Litigation  
134 Accountability Act.

135           Section 2. This act shall become effective immediately.



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138 Senate

139 Read for the first time and referred .....05-Mar-26  
140 to the Senate committee on Finance  
141 and Taxation Education  
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143 Read for the second time and placed .....19-Mar-26  
144 on the calendar:  
145 0 amendments  
146  
147 Read for the third time and passed .....31-Mar-26  
148 as amended  
149 Yeas 30  
150 Nays 2  
151 Abstains 0  
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153

Patrick Harris,  
Secretary.

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