

# ALABAMA'S NEW "LET THE KIDS PLAY!" LAW: WHAT PRIVATE AND RELIGIOUS SCHOOLS MUST KNOW ABOUT ATHLETIC ELIGIBILITY RIGHTS FOR CHOOSE STUDENTS

Insights  
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## Alabama's New "Let the Kids Play!" Law: What Private and Religious Schools Must Know About Athletic Eligibility Rights for CHOOSE Students

Alabama recently enacted a law that creates robust enforcement mechanisms to ensure that K-12 students are not denied athletic opportunities just because they are enrolled in the state's school choice program that rolled out last year. The "Let the Kids Play!" Act, which Governor Kaye Ivey signed on April 14 with immediate effect, gives teeth to the CHOOSE Act's athletic-eligibility nondiscrimination provisions and empowers students, their parents, and participating schools to take legal action to block violations of these rules. If you are a private or religious K-12 school that participates in both the CHOOSE program and interscholastic sports, you'll want to read on to learn about what the new law means for your school and your student athletes.

### Quick Background on Alabama's CHOOSE Act

Alabama's CHOOSE Act, enacted in 2024, established refundable tax credits through education savings accounts. Starting with the 2025-2026 academic year, eligible families can use those accounts to help pay for private school tuition and other approved educational expenses for K-12 students.

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When applications first rolled out last year, the state's new school choice program was met with overwhelming demand. As a result, the state nearly doubled the funding for the program. (Read more about [key considerations for private school leaders](#) following the funding boost).

## The Battle Over Interscholastic Sports Eligibility

As schools geared up for the current school year, a new problem emerged for student athletes who had enrolled in the CHOOSE program, transferred schools, and wished to participate in sporting events sanctioned by the Alabama High School Athletic Association (AHSAA).

The AHSAA's [2025-2026 Handbook](#) explicitly stated that funds students received through the CHOOSE program would be deemed financial aid for purposes of a longstanding rule that bars students from athletic participation for one year if they transfer to an AHSAA-member school and receive any financial aid. The association [released a statement](#) on September 4 confirming its stance.

Litigation over the issue swiftly ensued. Governor Ivey and Nathaniel Ledbetter, in his capacity as Speaker of the Alabama House of Representatives, filed suit against the AHSAA, claiming that the athletic association's stance was unlawful because the CHOOSE Act includes antidiscrimination requirements that specifically protect participating students' eligibility in AHSAA-sanctioned athletic events.

Several weeks later, a Montgomery County judge [issued an order](#) that temporarily blocked the AHSAA from "enforcing any rule or policy which makes the acceptance of CHOOSE Act funds the sole determinative factor of eligibility for participation in interscholastic athletic events." By March, lawmakers introduced a bill that would accomplish the same – and then some.

## New Law Bolsters Athletic-Eligibility Protections for CHOOSE Act Participants

The "Let the Kids Play!" Act ([SB 342](#)) immediately gives CHOOSE Act participants – including students, their parents, and participating schools – robust enforcement mechanisms to challenge violations of the law's athletic-eligibility nondiscrimination provisions.

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Specifically, CHOOSE Act participants may now sue any interscholastic athletic association (or its officers, agents, servants, employees, member institutions, or “any other person working in concert with them”) that regulates interscholastic K-12 athletic events, such as the AHSAA or the Alabama Independent School Association, to obtain a court order blocking the association from:

- adopting, enforcing, or implementing any rule or practice that restricts a student’s athletic participation based solely on their status as a CHOOSE Act participating student;
- taking any adverse action against a CHOOSE ACT participant for a student’s court-ordered participation, even if the order is later invalidated; or
- retaliating against a CHOOSE Act participant for advocating or supporting a student’s rights to participate in an athletic activity.

When a participant requests the injunctive relief described above, courts will be required to prioritize allowing athletic participation over preserving the status quo and to apply legal presumptions that heavily favor the student. Courts also will be allowed to award relief regardless of when an alleged violation occurred.

In addition, CHOOSE Act participants will be entitled to:

- sue to recover any actual economic damages proximately caused by any prohibited action taken by the interscholastic athletic association, so long as the suit is brought within two years from the date of the discriminatory, retaliatory, or other prohibited action taken by the athletic association; and
- recover costs and reasonable attorney fees if they prevail in any action brought under SB 342 (prevailing interscholastic athletic associations will be entitled to costs and fees as provided under the Alabama Litigation Accountability Act).

**Note:** Neither the CHOOSE Act nor the “Let the Kids Play!” Act prohibit interscholastic athletic associations from maintaining rules, policies, or practices, including those governing academic eligibility, transfers, or residency, that are applied without regard to whether the student is a CHOOSE Act participating student.

## Impact on Alabama Private and Religious K-12 Schools + Next Steps

If you are an educational service provider that participates in both the CHOOSE program and an interscholastic athletic association, you are now in a much stronger position to ensure that your students are not denied athletic opportunities solely because they participate in the state's school choice program. As a participating school (as defined in the CHOOSE Act), you have the right to take direct legal action, such as requesting court orders to block such discriminatory rules and practices, challenging an association's retaliatory actions, and seeking damages, fees, and costs where appropriate. (CHOOSE Act students, as well as the parents of such students, have the same independent rights.)

To take advantage of these new protections, and to be prepared if disputes arise, you should consider taking the following steps:

- Review athletic association membership documents to identify any potential rules that violate nondiscrimination protections for students enrolled in the CHOOSE program
- Maintain records of eligibility determinations involving CHOOSE students, as well as any related communications with athletic associations
- Establish internal protocols for athletic eligibility disputes, such as designating a point person (such as an athletic director) to monitor issues (and evaluate whether any violations have occurred within the past year, since the new enforcement rights can apply retroactively), escalate potential violations quickly, and coordinate with legal counsel when needed
- Educate students and their families on their independent rights under the law and coordinate with them when issues arise to ensure a consistent enforcement approach

### Conclusion

If you have any questions about how the CHOOSE Act or the Let the Kids Play! Act may affect your school, please contact your Fisher Phillips attorney, the authors of this Insight, any attorney in our [Birmingham office](#), any attorney on our [Education Team](#), or any attorney in our [Sports Industry](#).

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