

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

KAY IVEY, in her official capacity as
Governor of the State of Alabama,

NATHANIEL LEDBETTER, in his official
capacity as Speaker of the Alabama House of
Representatives,

Plaintiffs,

v.

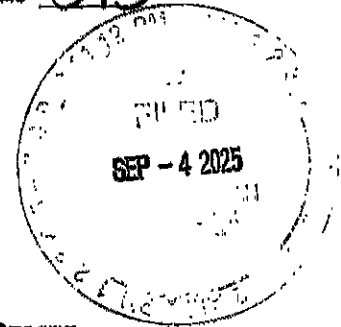
ALABAMA HIGH SCHOOL ATHLETIC
ASSOCIATION,

HEATH HARMON, in his capacity as
Executive Director of the Alabama High
School Athletic Association,

Defendants.

Case No. CV-2025-

373



COMPLAINT FOR DECLARATORY JUDGMENT & INJUNCTIVE RELIEF

Governor Kay Ivey and Speaker of the Alabama House of Representatives Nathaniel Ledbetter file this complaint to prohibit the Alabama High School Athletic Association from denying eligibility to student athletes based solely on their participation under the CHOOSE Act, Alabama's new, universal school-choice law. *See* Ala. Code §§ 16-6J-1 *et seq.* In enacting the CHOOSE Act, Governor Ivey and the Legislature specifically mandated that "nothing" in that Act shall "affect or change the athletic *eligibility* of student athletes" governed by the AHSAA. *Id.* § 16-6J-3(i) (emphasis added). Yet the AHSAA's rules specifically and unlawfully sideline CHOOSE Act students from AHSAA-sanctioned interscholastic athletic events for an entire year solely because they receive CHOOSE Act funds. The AHSAA's rules are thus unlawful. The Court should declare as much and enter an appropriate injunction to enforce state law and allow the affected CHOOSE Act students to begin playing school sports again without further delay.

PARTIES

1. Plaintiff Kay Ivey (“Governor Ivey”) is Governor of the State of Alabama. Governor Ivey is vested with the “supreme executive power of this state” and bears the constitutional duty and power to “take care that the laws be faithfully executed.” Ala. Const. art. V, §§ 113, 120. In addition, the Alabama Code specifically empowers the Governor of Alabama to hire attorneys “to institute, conduct or appear in any court or in any civil . . . case in which the state is interested.” Ala. Code § 36-13-2. Governor Ivey authored and championed the CHOOSE Act in 2024 and then signed it into law after its passage by the Legislature. *See* Ala. Act No. 2024-21 (attached as Exhibit A).

2. Plaintiff Nathaniel Ledbetter (“Speaker Ledbetter”) is an elected member of the Alabama House of Representatives, representing Alabama’s 24th House District. On January 10, 2023, he was elected by his peers to serve as Speaker of the Alabama House of Representatives, the constitutionally recognized presiding officer and leader of the House. Speaker Ledbetter brings this action in his official capacity as Speaker of the House of Representatives to safeguard the Legislature’s duly enacted laws and institutional interests. Because the Legislature is not currently in session and will not reconvene for another four months, Speaker Ledbetter is uniquely situated to act on its behalf to protect its constitutional role and ensure that the CHOOSE Act is given full force and effect.

3. Defendant Alabama High School Athletic Association (“AHSAA”) has its principal place of business in Montgomery County, Alabama. Defendant AHSAA serves as the governing body for interscholastic athletics among its member schools in Alabama.

4. Defendant Heath Harmon is executive director of the AHSAA. In that capacity, Defendant Harmon is charged with enforcing all AHSAA rules.

JURISDICTION AND VENUE

5. Jurisdiction is proper as to declaratory relief because “[c]ourts of record, within their respective jurisdictions, shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.” Ala. Code § 6-2-222; *see generally id.* §§ 6-6-220 *et seq.* (the Alabama Declaratory Judgment Act).

6. Jurisdiction is proper as to equitable relief because the “powers and jurisdiction of circuit courts as to equitable matters or proceedings shall extend to “all civil actions in which a plain and adequate remedy is not provided in the other judicial tribunals” and “such other cases as may be provided by law.” *Id.* § 12-11-31(1), (4).

7. Venue is proper in this court because the defendants’ residence, principal place of business, or principal office is located in Montgomery County, Alabama. *Cf.* Ala. Code §§ 6-3-2, -6, & -7.

FACTS

8. On March 7, 2024, the CHOOSE Act was enacted and signed into law. *See* Ala. Act No. 2024-21 (codified at Ala. Code §§ 16-6J-1 *et seq.*) (attached as Exhibit A).

9. The CHOOSE Act establishes a refundable income tax credit, administered through Education Savings Accounts (“ESAs”), which are designed to make direct payments to eligible education service providers on behalf of parents of eligible K–12 students approved as CHOOSE Act “participating students.” *See id.* §§ 16-6J-3, -6(b)(4).

10. CHOOSE Act funds may be used to cover a broad range of qualifying educational expenses, including, but not limited to, tuition, fees, and related costs at participating schools. *See id.* § 16-6J-2(10) (definition of “qualifying educational expenses”).

11. As to CHOOSE Act participating students' involvement in interscholastic athletics, the CHOOSE Act specifically provides: "*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." Ala. Code § 16-6J-3(i) (emphasis added).

12. Defendant AHSAA's bylaws (the "AHSAA Bylaws") state in relevant part: "A student that transfers to a member school and receives any financial aid or financial assistance shall remain ineligible at that school for one year." AHSAA 2025–26 Handbook, at p.68, Rule VI, § 7 (attached as Exhibit B). This rule will be referred to as the AHSAA's financial-aid rule.

13. Notwithstanding the CHOOSE Act's antidiscrimination mandate, Defendant AHSAA amended the financial-aid rule to include "**School Choose Act funds**" as an example of financial aid or financial assistance that will render a student ineligible to participate in AHSAA-sanctioned athletic events for one year. *Id.* (emphasis added).

14. Other provisions of the AHSAA 2025-26 Handbook similarly indicate that the AHSAA will disqualify CHOOSE Act participating students from AHSAA-sanctioned interscholastic athletic events based solely on their status as CHOOSE Act participating students. *See* Exhibit B at pg. 82 (AHSAA 2025-26 Handbook, Question and Answer 8); *id.* at pg. 42, Rule II, § 19 (Note to "Eligibility Rule Application" rule).

15. These provisions effectively render any CHOOSE Act participating student who transfers to a participating school under the CHOOSE Act ineligible to participate in interscholastic athletics for an entire year, solely because the student's family exercised a tax credit opportunity granted under State law and utilized CHOOSE Act ESA funds to pay for qualifying educational expenses.

16. Upon information and belief, Defendant AHSAA, through its officers, directors, employees, and/or agents, has confirmed its intent to enforce these restrictions against CHOOSE Act participating students, thereby denying otherwise eligible students the opportunity to participate in interscholastic athletics for an entire year.

17. Specifically, AHSAA's Executive Director, Heath M. Harmon, issued a memorandum stating that student-athletes who transfer to an AHSAA member school and utilize ESA funds under the CHOOSE Act will be required to sit out for one year before competing in school athletics. *See Jakob Gulrey, AHSAA rule could sideline students using school choice funds in Alabama*, Trussville Tribune, Aug. 29, 2025, available at <https://www.cbs42.com/trussville-tribune/ahsaa-rule-could-sideline-students-using-school-choice-funds-in-alabama> (last visited Sept. 4, 2025).

18. Enforcement of AHSAA's financial aid rule as currently written would deprive affected students of invaluable and irreplaceable experiences and competitive opportunity that cannot be recovered once lost.

19. Defendant AHSAA's bylaws and other policies violate the CHOOSE Act insofar as they deny athletic eligibility to CHOOSE Act participating students solely based on their status as CHOOSE Act participating students.

COUNT I – DECLARATORY JUDGMENT

20. Plaintiffs restate and re-allege each of the allegations contained in paragraphs 1-17 as if fully set forth herein.

21. This action presents an actual, present, and justiciable controversy between Plaintiffs and Defendants concerning the validity and enforceability of the AHSAA Bylaws and any other AHSAA policies insofar as the AHSAA Bylaws and other policies deny athletic

29. Plaintiffs have no adequate remedy at law.

30. Any hardship imposed on Defendants by a TRO or injunction will not unreasonably outweigh the benefit accruing to the Plaintiffs.

PRAYER FOR RELIEF

Plaintiffs respectfully requests that this Honorable Court enter an Order:

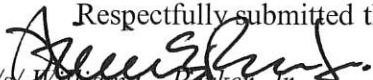
A. Declaring that the CHOOSE Act precludes AHSAA from imposing athletic ineligibility based solely on a student's status as a CHOOSE Act participating student;

B. Declaring that the AHSAA Bylaws or other policies, insofar as they purport to impose such ineligibility, are invalid, void, and unenforceable;

C. Granting a temporary restraining order and/or a preliminary and/or final injunction enjoining AHSAA, its officers, agents, members, and anyone acting in concert with such persons or entities, from denying or restricting athletic eligibility to student-athletes based on their status as CHOOSE Act participating students; and

D. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted this the 4th day of September, 2025.


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Defendants to be served by commercial carrier at the following addresses:

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