

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 863

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

5125S.07P

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to statewide activities associations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 167, RSMo, is amended by adding thereto
2 one new section, to be known as section 167.795, to read as
3 follows:

**167.795. 1. For purposes of this section, the
2 following terms mean:**

**(1) "Activities association", any nonprofit statewide
4 organization that satisfies the following criteria:**

**(a) The organization facilitates interscholastic
6 activities for secondary school students, including, but not
7 limited to, interscholastic athletic activities;**

**(b) More than fifty percent of the activities
9 facilitated by the organization are interscholastic athletic
10 activities; and**

**(c) The organization's members include at least one
12 public school or school district that pays any fees to such
13 association, including, but not limited to, activity
14 participation fees, tournament registration fees, membership
15 fees, or any other fees or payments relating to membership**

16 in the organization or participation in any activities
17 facilitated by the organization;

18 (d) The term "activities association" does not include
19 organizations that do not facilitate interscholastic
20 athletic activities. Such organizations may include, but
21 are not limited to, career and technical student
22 organizations, academic honor societies, service
23 organizations, leadership organizations, or other student
24 clubs or organizations that do not facilitate
25 interscholastic athletic activities;

26 (2) "Department", the department of elementary and
27 secondary education;

28 (3) "Public school", as defined in section 160.011.
29 The term shall be construed to include a charter school.

30 2. Notwithstanding any provision of law to the
31 contrary, beginning in the 2027-28 school year and
32 continuing in all subsequent school years, appeals of
33 decisions made by an activities association may be heard as
34 provided in subsection 3 of this section by the
35 "Interscholastic Athletic Oversight Commission", which is
36 hereby established. The oversight commission shall consist
37 of five members appointed by the governor, by and with the
38 advice and consent of the senate. The term of office of
39 each member shall be four years, except that of the initial
40 appointed members, two members shall serve terms of two
41 years and three members shall serve terms of four years. At
42 the expiration of the term of each member, the governor, by
43 and with the advice and consent of the senate, shall appoint
44 a successor. If the general assembly is not in session at
45 the time for making an appointment, the governor shall make
46 a temporary appointment as in the case of a vacancy.

47 3. The oversight commission shall hear appeals after
48 the activities association's appeals process has been
49 exhausted. The appealing party is entitled to file an
50 appeal directly with the oversight commission without first
51 exhausting the activities association's appeals process.
52 The oversight commission shall hear only the following
53 appeals:

54 (1) Appeals relating to eligibility due to transfers
55 of students deemed to be for athletic purposes; and

56 (2) Appeals relating to contests and contest
57 procedures.

58 4. The oversight commission may make recommendations
59 to an activities association for rule changes to be
60 considered through the activities association's rulemaking
61 procedures.

62 5. An activities association shall prepare an annual
63 report and present to a house committee to be chosen by the
64 speaker of the house of representatives within the first
65 thirty days of the legislative session and a senate
66 committee to be chosen by the president pro tempore of the
67 senate within the first thirty days of the legislative
68 session.

69 6. The oversight commission is established within the
70 department for the purposes of hearing the appeals. The
71 department shall provide sufficient administrative and
72 financial personnel to support the work of the oversight
73 commission, and shall promulgate rules concerning the
74 timelines and procedural rules for the oversight
75 commission's appeals process.

76 7. If the oversight commission is named as a defendant
77 in any court action arising from or relating to a decision
78 of the oversight commission, the attorney general shall

79 represent the oversight commission and the state shall be
80 responsible for all attorney's fees, costs, and damages
81 incurred.

82 8. The oversight commission may hold meetings in
83 person or through remote communication methods, such as
84 teleconference, video conference, or other comparable
85 virtual communication platforms.

86 9. All decisions made by the oversight commission are
87 final and not subject to further appeal. An activities
88 association shall adhere to and implement all decisions
89 involving such activities association made by the oversight
90 commission.

91 10. The department shall promulgate rules as necessary
92 to implement a fair and timely appeals process, including
93 timelines and procedural rules for an appeal to be heard by
94 the oversight commission. Any rule or portion of a rule, as
95 that term is defined in section 536.010, that is created
96 under the authority delegated in this section shall become
97 effective only if it complies with and is subject to all of
98 the provisions of chapter 536 and, if applicable, section
99 536.028. This section and chapter 536 are nonseverable and
100 if any of the powers vested with the general assembly
101 pursuant to chapter 536 to review, to delay the effective
102 date, or to disapprove and annul a rule are subsequently
103 held unconstitutional, then the grant of rulemaking
104 authority and any rule proposed or adopted after August 28,
105 2026, shall be invalid and void.

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