

## **PTO Bylaws**

**As adopted by the General Body of Members**

**September 1998**

**Revised October 2001**

**Revised March 2003**

### **ARTICLE I: Manor Elementary PTO**

The name of this organization is the Manor Elementary Parent Teacher Organization (PTO), Manor, Texas.

### **ARTICLE II: Articles of Organization**

The articles of organization of a constituent organization include (a) the bylaws of such organization and (b) the articles of organization by Manor Elementary PTO. The organization exists as an unincorporated organization of its members. In the Articles of Organization, the following by-laws shall govern.)

### **ARTICLE III: Purposes**

Section 1. The Objects of the Manor Elementary PTO are:

- a. To promote the welfare of children and youth in home, school, community, and place of worship.
- b. To raise the standards of home life.
- c. To secure adequate laws for the care and protection of children and youth.
- d. To bring into closer relation the home and the school, that parents and teachers may cooperate intelligently in the education of children and youth.
- e. To develop between educators and the general public such united efforts as will secure for all children and youth the highest advantages in physical, mental, social, and spiritual education.

Section 2. The Objects of the Manor Elementary PTO are promoted through an educational program directed toward parents, teachers, and the general public; are developed through conferences, committees, projects and programs; and are governed and qualified by the basic policies set forth in Article IV.

Section 3. The organization is organized exclusively for the charitable, scientific, literary or educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or corresponding section of any future Federal tax code (hereinafter "Internal Revenue Code").

### **ARTICLE IV: Basic Policies**

The following are basic policies of the Manor Elementary PTO:

- a. The organization shall be noncommercial, nonsectarian, and nonpartisan.
- b. The name of the organization or the names of any members in their official capacities shall not be used to endorse or promote a commercial concern or in connection with any partisan interest or for any purpose not appropriately related to promotion of the Objects

of the organization.

c. The organization shall not - directly or indirectly - participate or intervene (in any way, including the publishing or distribution of statements) in any political campaign on behalf of, or in opposition to, any candidate for public office; or devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise.

d. The organization shall work with the schools to provide quality education to children and youth, and shall seek to participate in the decision-making process establishing school policy, recognizing that the legal responsibility to make decisions has been delegated by the people to boards of education.

e. A PTO representative shall make no commitments that bind the group he/she represents when acting on his/her own.

f. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, directors, trustees, officers or other private persons except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III hereof.

g. Notwithstanding any other provision of these articles, the organization shall not carry on any other activities not permitted to be carried on (i) by an organization exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code, or (ii) by an organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code.

a. Upon the dissolution of this organization, after paying or adequately providing for the debts and obligations of the organization, the remaining assets shall be distributed to the parent teacher group that will exist at Manor Elementary. If none is to exist, the PTO's assets shall be given to the school.

i. This PTO shall keep such permanent books of account and records as shall be sufficient to establish the items of gross income, receipts and disbursements of the organization.

## **ARTICLE V: Members and Dues**

Section 1. Any individual who subscribes to the objectives and basic policies of this organization may become a member, subject only to compliance with the provisions of the bylaws. Membership in this PTO shall be made available without regard to race, color, creed or national origin.

Section 2. This PTO shall conduct an annual enrollment of members, but may admit persons to membership at any time.

Section 3. Each member of this PTO shall pay such annual dues to said organization as may be prescribed by the organization. Manor Elementary School teachers and staff shall be honorary members.

Section 4. The amount of such annual dues shall be \$3.00 per member or \$5.00 per family.

Section 5. Only members of the organization shall be eligible to participate in the business meetings or serve in any elected or appointed position.

## **ARTICLE VI: Officers and Their Election**

Section 1. Each officer shall be a member of this PTO.

Section 2. Officers and their election:

- a. The officers of this organization shall consist of a president, three vice-presidents, a secretary, a treasurer, a historian, a parliamentarian, and a teacher representative.
- b. Officers, with the exception of the historian, parliamentarian, executive board advisor, and teacher representative, shall be elected by ballot in the annual meeting (month of April). However, if there is but one nominee for an office, election for that office shall be by voice vote.

The historian, executive board advisor, and the parliamentarian shall be appointed by the president subject to the approval of the newly elected officers.

The selection procedures of the teacher representative shall be determined by the principal.

c. Officers shall assume their official duties following the close of the school year and shall serve a term of one year or until their successors are elected.

a. No officer shall serve in the same office for more than two consecutive terms. One who has served more than one-half of a term shall be credited with having served that term.

a. Upon approval of the general body, co-historians or co-parliamentarians may exist.

f. If agreed upon by the principal and teachers, co-teacher representatives may exist.

Section 3. Nominating Committee:

a. There shall be a nominating committee elected by the general body no later than 30 days prior to the annual meeting (at the March regular meeting). Elections shall be by plurality.

The committee shall be composed of five members. One alternate shall be elected to serve in the event a member is unable to serve. The committee shall elect its own chairman immediately following the meeting.

b. The nominating committee shall nominate an eligible person for each office to be filled and report its nominees at the annual (regular) meeting (in April), at which time additional nominations may be made from the floor.

c. Only those persons who have signified their consent to serve if elected shall be nominated for or elected to such office.

d. No member shall automatically serve on this committee because of his office in the unit or position in the school system.

e. The president does not serve as a member of this committee, nor does he appoint any member of the committee.

Section 4. Vacancies

a. A vacancy occurring in any elected office shall be filled for the unexpired term by a person elected by a majority vote of the executive board, notice of such election having been given.

b. In case a vacancy occurs in the office of president, the 1st vice-president shall serve notice of the election.

Section 5. Reason to remove

By two-thirds vote of the executive board an officer or chairman may be removed from office for failure to perform duties. An officer or chairman who misses three consecutive meetings without just cause may be removed from office.

## **ARTICLE VII: Duties of Officers**

Section 1. The president shall:

- a. coordinate the work of the officers and committees of the organization in order that the Objects may be promoted;
- b. confirm that a quorum is present before conducting any business at any meeting of the organization;
- c. preside at all meetings of the organization;
- d. appoint the historian and parliamentarian, subject to approval of the newly elected officers;
- e. appoint chairmen of special committees subject to approval of executive board;
- f. be authorized to sign on bank accounts; (Two of three authorized signatures shall be required on all checks.)
- g. call a meeting of the officers for the purpose of selecting standing committee chairmen;
- h. be a member *ex-officio* of all committees except the nominating committee; and,
- i. perform such other duties as may be prescribed in these bylaws or assigned by the organization.

Section 2. A. The first vice-president shall:

- a. act as aide to the president;
- b. shall preside in the absence of the president;
- c. perform other duties as assigned by the president or organization; and,
- d. oversee membership, including maintaining the membership list.
- e. be authorized to sign on bank accounts; (Two of three authorized signatures shall be required on all checks.)

B. The second vice-president shall:

- a. act as aide to the president;
- b. shall preside in the absence of the president and first vice-president;
- c. perform other duties as assigned by the president or organization; and,
- d. oversee programs.

C. The third vice-president shall:

- a. act as aide to the president;
- b. shall preside in the absence of the president, first vice-president, and second vice-president;
- c. perform other duties as assigned by the president or organization; and,
- d. oversee fundraising.

Section 3. The secretary shall:

- a. record the minutes of all meetings of the organization and its executive board;
- b. have a current copy of the bylaws; and,
- c. perform other duties as assigned by the president or organization.

Section 4. The treasurer shall:

- a. have custody of all the funds of the organization;
- b. keep books of account and records including bank statements, receipts, budgets, invoices, paid receipts and canceled checks for five years;
- c. make disbursements as authorized by the president, executive board, or organization in accordance with the budget adopted by the organization;

- d. sign on bank accounts (two of three authorized signatures shall be required on all checks);
- e. present a financial statement at general meetings, executive board meetings, and at other times when requested by the organization or executive board;
- f. make a full report at the meeting at which new officers assume their duties (usually the annual meeting);
- g. be responsible for the maintenance of such books of account and records as conform to the requirements of Article IV, Sect. i of these bylaws; and,
- h. submit books to the auditing committee as requested;

Section 5. The historian(s) shall act as custodian of all records and materials pertinent to the history of the organization and shall compile and keep a record of events and activities to be presented as the official history to the general body for adoption at the annual meeting. The historian(s) shall also coordinate with the secretary to ensure that appropriate items are published in newspapers, school newsletter, etc.

Section 6. The parliamentarian(s) shall attend all meetings of the organization and shall advise on matters of parliamentary procedure when requested.

Section 7. The executive board advisor shall be available to the executive board to answer questions and provide advice. The executive board advisor should have served on the executive board in the prior year.

Section 8. The teacher representative shall attend executive board meetings and general body meetings. He/she will then report P.T.O. activities to school staff and teachers.

Section 9. All officers shall:

- a. submit a plan of work to the executive board for approval (either written or oral);
- b. perform the duties outlined in these bylaws and those assigned from time to time; and,
- c. deliver to their successors or the president all official materials within 15 days following the date at which their successors assume their duties.

## **ARTICLE VIII: Meetings**

Section 1. Regular meetings of the organization shall be held six times a school year as determined by the executive board and Principal. Time and date to be established by executive board at its first meeting of the year. Five days notice shall be given if change of date is needed.

Section 2. Special meetings of the organization may be called by the president or by a majority of the executive board, five days notice having been given.

Section 3. The election meeting shall be held at the last meeting of the school year.

Section 4. The annual meeting shall be held at the last meeting of the school year.

Section 5. 15 members shall constitute a quorum for the transaction of business in any meeting of this organization.

## **ARTICLE IX: Executive Board**

Section 1. The executive board shall consist of the officers of the organization and the chairmen of standing committees. The principal of the school or a representative appointed by him shall be a member ex-officio of the executive board.

Section 2. A PTO member shall not serve as a voting member of a constituent organization's board on the local, council, district, region, state or national levels while serving as a paid

employee of, or under contract to, that constituent organization.

Section 3. The duties of the executive board shall be to:

- a. transact necessary business in the intervals between organization meetings and such other business as may be referred to it by the organization;
- a. create standing and special committees;
- c. approve the plans of work of all officers and committee chairmen;
- d. present a report at the regular meetings of the organization;
- e. appoint an auditing committee consisting of not less than three members at least 30 days before the annual meeting, to audit the treasurer's accounts;
- f. to prepare and submit a budget for the year to the organization for adoption;
- g. approve routine bills within the limits of the budget; and,
- h. fill vacancies of officers and chairmen.
- i. leave \$500.00 in the budget for the following year.

Section 4. Meetings.

- a. Regular meetings of the executive board shall be held prior to each regular organization meeting, the time to be fixed by the board at its first meeting of the year.
- b. A majority of the executive board members shall constitute a quorum.
- c. Special meetings of the executive board may be called by the president or by a majority of the members of the board, five days notice being given.

#### **ARTICLE X: Standing and Special Committees**

Section 1. Only members of the organization shall be eligible to serve in any elective or appointive position.

Section 2. The executive board may create such standing committees as it may deem necessary to promote the Objects and carry on the work of the organization. The term of each chairman shall be one (1) year or until the selection of a successor.

Section 3. The newly elected president shall call a meeting of the officers for the purpose of selecting standing committee chairmen.

Section 4. No chairman shall serve in the same office for more than two consecutive terms. One who has served more than one-half of a term shall be credited with having served that term.

Section 5. The chairman of each standing committee shall present a plan of work (either written or oral) to the executive board for approval. No committee work shall be undertaken without the consent of the executive board.

Section 6. The president shall have the power to appoint special committees subject to the approval of the executive board.

Section 7. The president shall be a member ex-officio of all committees except the nominating committee.

## **ARTICLE XI: Fiscal Year**

Section 1. The fiscal year of this organization shall begin June 1 and end May 31.

Section 2. An auditing committee consisting of not less than three (3) members shall be appointed by the executive board at least thirty (30) days before the last meeting of the year.

Section 3. The audit committee report shall be adopted by the organization.

## **ARTICLE XII: Parliamentary Authority**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the PTO in all cases in which they are applicable and in which they are not in conflict with these bylaw.

## **ARTICLE XIII: Amendments**

These bylaws may be amended at any regular meeting of the organization, provided a quorum is present, by a two-thirds vote of the members present and voting. Notice of the proposed amendment shall have been given at the previous regular meeting or 30 days prior to the meeting at which the amendment is voted upon. A committee may be appointed to submit a revised set of bylaws as a substitute for the existing bylaws only by a majority vote at a meeting of the organization, or by a two-thirds vote of the executive board. The revised set of by-laws shall be presented to the Executive Board to be reviewed prior to being submitted to the general body. The requirement for adoption of a revised set of bylaws shall be the same as in the case of an amendment.

## **APPENDIX**

1. In an incorporated organization the individual has additional protection for his personal assets against any law suits. The corporation entity provides this protection. In an unincorporated organization there is a greater potential for each and every member to be sued because there is no corporation entity. A lawyer or the office of the Secretary of State should be contacted for detailed information on the steps necessary to become an incorporated PTO unit.

2. With regard to any age requirement for election as an officer of the PTO, the Texas PTA bylaw appendix states that, "The counsel of the Texas PTA has advised us that in his opinion:

"(a) In Texas the not-for-profit corporation laws do not specify an age qualification for persons who can serve as directors (members of the board of managers, etc.) of corporations."

"(b) Where there is no specification in the state corporation laws, a person should no be deemed to be eligible to serve as an officer unless the person is at an age at which he is competent to make contracts. Texas law does not specify at what age a person is competent to make contracts."

We shall consider this reference when addressing any questions regarding an age requirement.

3. The parliamentarian has the same duty as the presiding officer to maintain a position of impartiality and therefore does not vote on any question except in the case of a ballot vote. If a member feels that he cannot properly forego his right to vote in order to serve as parliamentarian, he should not accept that position. See the current edition of Robert's Rules of Order Newly Revised, page 458.

4. It is suggested that the quorum be set to reflect the number of members who could reasonably be expected at any business meeting. This should be a specific number (not percentage) of the total membership.

5. In order to change the fiscal year, use an IRS form 1128 "Application for Changing Accounting Period". (There is a substantial fee to IRS to change this.)