

Rogers-Herr Middle School PTA Bylaws

911 W. Cornwallis Road, Durham, NC 27707
Employer Identification Number 561-984430

*** This local PTA shall include in its bylaws provisions corresponding to the provisions of NC PTA bylaws identified by the double star (**). See Section 4.17 below.*

****Article I. Name**

The name of this association is the Rogers-Herr Middle School PTA in Durham, NC. PTA District 3.

It is a local PTA/PTSA unit organized under the authority of the North Carolina Congress of Parents and Teachers (hereinafter "NC PTA"), a branch of the National Congress of Parents and Teachers (National PTA).

****Article II. Purposes**

Section 2.01 The Purposes of the Rogers-Herr Middle School PTA, in common with those of the National PTA and the NC PTA 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 2.02 The Purposes of the National PTA, the NC PTA, and the Rogers-Herr Middle School PTA are promoted through an advocacy and 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 III.

Section 2.03 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 referred to as "Internal Revenue Code").

****Article III. Basic Policies**

The following are basic policies of the Rogers-Herr Middle School PTA in common with those of the National PTA and the NC PTA:

- (a) The organization shall be noncommercial, nonsectarian, and nonpartisan.
- (b) The organization shall work with the schools and community to provide quality education for all 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, state education authorities, and local education authorities.
- (c) The organization shall work to promote the health and welfare of children and youth and shall seek to promote collaboration between parents, schools, and the community at large.
- (d) 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 II hereof.
- (e) 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.
- (f) 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 one or more nonprofit funds, foundations, or organizations that have established their tax-exempt status under Section 501(c)(3) of the Internal Revenue Code and whose purposes are in accordance with those of National PTA.
- (g) The organization or members in their official capacities shall not, directly or indirectly, participate or intervene (in any way, including the publishing or distributing 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.
- (h) The organization or members in their official capacities shall not endorse a commercial entity or engage in activities not related to promoting the purposes of the organization.

****Article IV. Relationship with National PTA and North Carolina PTA**

****Section 4.01** This local PTA shall be organized and chartered under the authority of the NC PTA in the area in which this local PTA functions, in conformity with such rules and regulations, not in conflict with the National PTA Bylaws, as the NC PTA may in its bylaws prescribe. The NC PTA shall issue to this local PTA an appropriate charter evidencing the due organization and good standing of this local PTA.

A local PTA in good standing is one that:

- (a) Adheres to the Purposes and basic policies of the PTA
- (b) Remits the national portion of the dues through the state PTA to reach the national office by dates designated by the National PTA
- (c) Has bylaws approved according to the procedures of its state
- (d) Meets other criteria as may be prescribed by the individual state PTA.

****Section 4.02** The articles of organization of this local PTA include

- (a) the bylaws of such organization
- (b) the certificate of incorporation or articles of incorporation of such organization (in cases in which the organization is a corporation) or the articles of association by whatever name (in cases in which the organization exists as an unincorporated association).

****Section 4.03** This local PTA shall adopt such bylaws for the government of the organization as may be approved by the NC PTA. Such bylaws shall not be in conflict with the Bylaws of the National PTA or the Bylaws of the NC PTA. These bylaws shall be reviewed and readopted, at least every four years.

****Section 4.04** The adoption of an amendment to any provision of the National PTA Bylaws shall serve automatically and without the requirement of further action by this local PTA to amend corresponding bylaws. This local PTA shall promptly incorporate such amendments in its bylaws.

****Section 4.05** The adoption of an amendment to any provision of the NC PTA Bylaws shall serve automatically and without the requirement of further action by this local PTA to amend corresponding bylaws. This local PTA shall promptly incorporate such amendments in its bylaws.

****Section 4.06** When there is an increase in dues at the National and/or State level, the local unit may increase its dues by the increased amount only without an amendment to the local PTA bylaws.

****Section 4.07** Bylaws of this local PTA shall include an article on amendments.

****Section 4.08** Bylaws of this local PTA shall include a provision establishing a quorum.

****Section 4.09** Each officer or board member of this local PTA shall be a member of this local PTA.

****Section 4.10** The bylaws of this local PTA shall prohibit voting by proxy.

****Section 4.11** A PTA member shall not serve as a voting member of this local PTA's board while serving as a paid employee of, or under contract to this local PTA.

****Section 4.12** Only members of this local PTA who have paid dues for the current membership year may participate in the business of this local PTA.

****Section 4.13** This local PTA shall collect dues from its members and shall remit a portion of such dues to the NC PTA as provided in Article V hereof.

****Section 4.14** This local PTA 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, including, specifically, the number of its members, the dues collected from its members, and the amounts of dues remitted to the NC PTA. Such books of account and records shall at all reasonable times be open to inspection by an authorized representative of the NC PTA or, where directed by the committee on state and national relationships, by a duly authorized representative of the National PTA.

****Section 4.15** The charter of this local PTA shall be subject to withdrawal and the status of such organization as a local PTA unit shall be subject to termination, in the manner and under the circumstances provided in the bylaws of the NC PTA.

****Section 4.16** This local PTA is obligated, upon withdrawal of its charter by the NC PTA

- (a) To yield up and surrender all its books and records and all of its assets and property to the NC PTA or to such agency as may be designated by the NC PTA or to another local PTA organized under the authority of the NC PTA
- (b) To cease and desist from the further use of any name that implies or connotes association with the National PTA or the NC PTA or status as a constituent organization of the National PTA; and
- (c) To carry out promptly, under the supervision and direction of the NC PTA, all proceedings necessary or desirable for the purpose of dissolving the Rogers-Herr Middle School PTA.

****Section 4.17** This local PTA shall include in its bylaws provisions corresponding to the provisions of NC PTA bylaws identified by the double star (**)

****Section 4.18** A local PTA may dissolve and conclude its affairs in the following manner:

- (a) The executive committee (or body that under its bylaws manages the affairs of the local PTA) shall adopt a resolution recommending that the local PTA be dissolved and directing that the question of such dissolution be submitted to a vote of a special meeting of members having voting rights. Written or printed notice stating that the purpose of such meeting is to consider the advisability of dissolving the local PTA shall be given to each member entitled to vote at such meeting at least thirty (30) days prior to the date of such meeting.
- (b) Written notice of the adoption of such resolution, accompanied by a copy of the notice of the special membership meeting of the association, shall be sent by registered mail to the president of the NC PTA at least twenty (20) days prior to the special meeting.
- (c) Only those persons who were members in good standing of the local PTA on the date of adoption of the resolution, and who continue to be members in good standing on the date of the special meeting, shall be entitled to vote on the question of dissolution.
- (d) Approval of dissolution of the local PTA shall require the affirmative vote of at least two-thirds of the members present and entitled to vote at the special meeting, a quorum being present.

****Article V. Membership and Dues**

****Section 5.01** Every individual who is a member of this local PTA is, by virtue of that fact, a member of the National PTA and of the NC PTA by which this local PTA is chartered, and is entitled to all benefits of such membership.

****Section 5.02** Membership in this local PTA shall be open, without discrimination, to anyone who believes in and supports the mission and purposes of National PTA.

****Section 5.03** This local PTA shall conduct an annual enrollment of members, but may admit individuals to membership at any time.

****Section 5.04** Each member of this local PTA shall pay annual dues to said organization as may be prescribed by the organization. The amount of such annual dues shall include the portion payable to the NC PTA ? the "state portion" ? and the portion payable to the National PTA ? the "national portion. " When there is an increase in dues at the National and/or State level, the local unit may increase its dues by the increased amount only without an amendment to the local PTA bylaws. (Section 4.06.)

****Section 5.05** The NC PTA shall determine the amount of the state portion of each member's dues. The national portion of each member's dues shall be one dollar and seventy-five cents (\$1.75) per annum.

****Section 5.06** The North Carolina PTA portion of each member's dues shall be one dollar (\$1.00) per annum.

****Section 5.07** Each member of this local PTA shall pay annual dues of \$5 to said organization. The amount of such annual dues shall include the portion payable to the NC PTA and the portion payable to the National PTA.

****Section 5.08** The state and national portions of the dues paid by each member of this local PTA shall be set aside by this local PTA and remitted to the NC PTA through such channels and at such times as the state bylaws may provide. Each state PTA shall pay to the National PTA the amount of the national portion of dues paid by all members of local PTAs in its area.

****Section 5.09** Only members of this local PTA shall be eligible to participate in the business meetings or to serve in any of its elective or appointive positions.

****Section 5.10** The membership year of the NC PTA shall begin on July 1 and end on the following June 30.

****Article VI. Officers and Their Election**

****Section 6.01** Each officer shall be a member of this local PTA.

Section 6.02 Nominating Committee

- (a) There shall be a nominating committee composed of 3 members (an uneven number, no less than three) who shall be elected by the executive board at least one month prior to the election of officers. The committee shall elect its own chairman.
- (b) The nominating committee shall nominate an eligible person for each office to be filled and report its nominees at the regular general membership meeting of the association in April, at which time additional nominations may be made from the floor. (See Section 6.03b and Section 11.01.)
- (c) Only those individuals who are current members of this local PTA and who have signified their consent to serve if elected shall be nominated for or elected to such office.
- (d) Neither the president, nor the principal shall be a member of the Nominating Committee.

Section 6.03 Officers and Their Election

- (a) The officers of this local PTA shall consist of a president, 2 vice president(s), a secretary and a treasurer.
- (b) Officers shall be elected at a regular meeting of the general membership of the association in the month of May. (See Section 6.02b and Section 11.01.) When there is one nominee for any office, that election may be held by voice vote. However, if there is more than one nominee for any office, election for that office must be by ballot.
- (c) An officer shall assume his/her official duties on July 1 (see Article XIV) and shall serve for a term of 1 year or until his/her successor is elected.
- (d) A person may serve only two consecutive terms in the same office.

Section 6.04 Vacancies

- (a) A vacancy in the office of the president (if there is no president-elect) shall be filled at an election by the general membership, notice of such election having been given. The first vice president shall serve notice of the election.
- (b) In case of a vacancy in the office of president (if there is a president-elect), the president-elect shall become president and shall hold office for the remainder of the term. In filling the vacancy, the president-elect shall be entitled to continue in the presidency for the following term provided not more than one-half of a full term as president has been served.
- (c) A vacancy in the office of president-elect shall be filled at an election by the general membership, notice of such election having been given. In the interim, duties of the president-elect shall be delegated by the president.
- (d) A vacancy occurring in any other office (except for president and president-elect) shall be filled for the unexpired term by a person elected by a majority vote of the remaining members of the executive board, notice of such election having been given.

****Article VII. Duties of Officers**

Section 7.01 President: The president shall preside at all meetings of this local PTA and of the executive board at which he/she may be present; shall perform such other duties as may be provided for by these bylaws or assigned to him/her by the association or by the executive board; shall be an ex officio member of all committees except the nominating committee; and shall coordinate the work of the officers and committees of the association in order that the Purposes may be promoted.

Section 7.02 Vice President(s): The vice president(s) shall act as aide(s) to the president and shall (in their designated order) perform the duties of the president in the absence or inability of that officer to serve.

Section 7.03 Secretary: The secretary shall record the minutes of all meetings of the Rogers-Herr Middle School PTA and of the executive board, have a current copy of the bylaws, maintain a membership list, and shall perform such other delegated duties as may be assigned.

****Section 7.04** Treasurer:

- (a) All monies collected by the association as local dues, raised in unit activities, received as contributions, or otherwise acquired, belong to this local PTA to promote and implement a program of services, projects and other activities approved, adopted and directed by the membership of the association.
- (b) The treasurer shall have custody of the funds of the association; shall keep a full and accurate account of receipts and expenditures; and in accordance with the provisions in the annual budget adopted by the association, shall make disbursements as authorized by the president, executive committee/board, or the unit membership. Two persons, the treasurer and one other person designated by the executive committee/board, shall sign checks or

vouchers. The treasurer shall present a financial statement at every meeting of the association and at other times when requested by the executive committee/board, and shall make a full report at the meeting at which new officers officially assume their duties. The treasurer shall be responsible for the maintenance of such books of account and records as conform to the requirements of the article on Relationships with National PTA and North Carolina PTA in these bylaws.

- (c) The treasurer shall have custody of funds collected as State and National dues and shall be responsible for remitting such dues to the State PTA in accordance with the requirements as stated in the article on membership and dues in these bylaws.
- (d) The treasurer's accounts shall be examined annually by an auditor or auditing committee of not less than three members, who, satisfied that the treasurer's annual report is correct, shall sign a statement of that fact at the end of the report. The auditing committee shall be selected by the executive committee/board at least two weeks before the meeting at which new officers assume duties (An audit of the treasurer's accounts is for the protection of the treasurer. It is the only means of assuring everyone that the accounts are accurate, and it relieves the treasurer of responsibility except in case of fraud. See Robert's Rules of Order, Newly Revised.).
- (e) The treasurer shall be responsible for filing any required tax forms within five (5) months following the end of the unit's fiscal year.

Section 7.05 All officers shall:

- (a) Perform the duties outlined in these bylaws and those assigned by the executive committee/board or the association.
- (b) Upon the expiration of the term of office or in case of resignation, each officer shall turn over to the president, without delay, all records, books, and other materials pertaining to the office, and shall return to the treasurer, without delay, all funds pertaining to the office.

****Article VIII. Executive Board**

Section 8.01 The affairs of the Rogers-Herr Middle School PTA shall be managed by the executive board in the intervals between local PTA general membership meetings.

****Section 8.02** Each board member shall be a member of this local PTA.

Section 8.03

- (a) The executive board shall consist of the elected officers of the association, the chairmen of standing committees, the council representative of the association (if applicable), and the principal of the school or a representative appointed by him/her. The chairmen of the standing committees shall be selected by the officers of the association and the principal of the school or his representative.

- (b) The president may appoint a parliamentarian, subject to the approval of the officers of the association.

Section 8.04 The duties of the executive board shall be:

- (a) to transact necessary business in the intervals between general membership meetings and such other business as may be referred to it by the members of the local unit
- (b) to create standing and special committees
- (c) to approve the plans of work of the standing committees
- (d) to present a report at the regular general membership meetings of the association
- (e) to select an auditor or an auditing committee to audit the treasurer's accounts
- (f) to prepare and submit to the association for adoption a budget for the year
- (g) to approve routine bills within the limits of the budget.

Section 8.05 Regular meetings of the executive board shall be held during the school year, the time to be fixed by the board at its first meeting of the year. A majority of the executive board members shall constitute a quorum for the transaction of business. Special meetings of the executive board may be called by the president or by a majority of the members of the board, 3 days notice being given.

****Article IX. Executive Committee**

Section 9.01 The executive committee shall consist of the elected officers of this local unit and the principal of the school or a representative appointed by him/her.

Section 9.02 The duties of the executive committee shall be to transact emergency business in the interval between executive board meetings.

Section 9.03 The majority of the executive committee shall constitute a quorum for the transaction of business.

Section 9.04 Meetings of the executive committee shall be held as needed.

****Article X. Committees**

****Section 10.01** Only members of this local PTA shall be eligible to serve in any elective or appointive positions.

Section 10.02 The executive board may create such standing committees, as it may deem necessary to promote the Purposes of PTA and carry on the work of the association. The term of each chairman shall be 1 year or until the selection of a successor.

Section 10.03 The chairman of each standing committee shall present a plan of work to the executive board for approval.

Section 10.04 No committee work shall be undertaken without the consent of the executive board.

Section 10.05 Special committees and their members shall be formed by the executive board as needed. (Special committees are created and appointed for a specific purpose; they automatically go out of existence when the work is done and the final report is received.)

Section 10.06 The president shall be a member ex officio of all committees except the nominating committee.

****Article XI. General Membership Meetings**

Section 11.01 Regular general membership meetings (meetings of the general membership) of this local PTA shall be held during the months of July, December, April, May on dates of month as determined by this PTA or by the executive board. 5 days notice must be given to the general membership to change the date of a regular general membership meeting. (See Section 6.02b, Section 6.03b, and Section 11.03.)

Section 11.02 Special meetings of this local PTA may be called by the president or a majority of the executive board, 3 days notice having been given.

Section 11.03 The annual meeting of this local PTA shall be in May (At an annual meeting, the officers' and standing committees' annual reports are in order along with any items of business that the bylaws may prescribe. See Robert's Rules of Order, Newly Revised)

****Section 11.04** 20 members shall constitute a quorum for the transaction of business in any regular general membership meeting of this local PTA. (*Robert's Rules of Order, Newly Revised states: "The minimum number of members who must be present at the meetings of a deliberative assembly for business to be legally transacted is the quorum of the assembly. The requirement of a quorum is a protection against totally unrepresentative action in the name of the body of an unduly small number of persons." It is suggested that the quorum be set to reflect the number of people who could reasonably be expected at any business meeting.)

****Article XII. Council Membership**

Section 12.01

- (a) This local PTA shall be represented in meetings of the Durham Public School Council of PTAs Council of Parent-Teacher Associations as designated in the Council bylaws.
- (b) Delegates and their alternates, other than the president and principal and their alternates, shall be elected in August at a regular meeting of the general membership of the association.

- (c) All of this PTA's delegates to the council must be members of this local PTA.
- (d) Delegates to the council PTA shall serve for a term of 1 year.

Section 12.02 This association shall pay annual dues as determined by the Council in its bylaws.

****Article XIII. NC PTA Convention**

A local PTA in good standing is entitled to be represented at the annual convention of the NC PTA by its president or alternate, and by one delegate for every twenty-five (25) members, or major fraction thereof, as shown on the books of the state treasurer as of March 15 and upon payment of the convention registration fee. All representatives from this PTA to the NC PTA annual convention must be members of this local PTA.

****Article XIV. Fiscal Year**

The fiscal year of the Rogers-Herr Middle School PTA shall begin on July 1 and end on the following June 30. The fiscal year represents a full calendar year and the term of the PTA unit's financial records.

****Article XV. Parliamentary Authority**

The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Rogers-Herr Middle School PTA and in all cases in which they are applicable and in which they are not in conflict with these bylaws, the National PTA Bylaws, the NC PTA Bylaws, or the Articles of Incorporation.

****Article XVI. Amendments**

Section 16.01

- (a) These bylaws may be amended at any regular general membership meeting of the Rogers-Herr Middle School PTA by a two thirds vote of the members present and voting (quorum having been established), provided that notice of the proposed amendment shall have been given to the general membership at least 30 days prior to the meeting at which the amendment is voted upon and that the proposed amendment shall be subject to approval of the NC PTA.
- (b) The amendment shall become effective upon receipt of approval from the NC PTA bylaws committee.
- (c) A committee may be appointed to submit a revised set of bylaws as a substitute for the existing bylaws by a majority vote at a meeting of the association, or by a two-thirds vote

of the executive board. The requirements for adoption of a revised set of bylaws shall be the same as in the case of an amendment.

- (d) Submission of amendments or revised bylaws for approval by the NC PTA shall be in accordance with the bylaws or regulations of the NC PTA.

****Section 16.02** The adoption of an amendment to any provision of the National PTA Bylaws shall serve automatically and without the requirement of further action by the Rogers-Herr Middle School PTA to amend its corresponding bylaws. Local PTAs shall promptly incorporate such amendments in their respective bylaws. (see Section 4.04.)