



**COUNCIL BYLAWS**

**NYS PTA Code # 05-017**

**Region:** Suffolk

**Council Name:** Commack Council of PTA

**School District:** COMMACK UNION FREE SCHOOL DISTRICT

**National PTA Code # 00054144**

**Federal ID Number 23-7035532**

**New York State Sales Tax Exempt Number EX -135688**

**Membership Adoption Date:** 09/09/2019

**President's Name:** Diana M Michel

**President's Signature** \_\_\_\_\_

**Secretary's Name:** April Haupt

**Secretary's Signature** \_\_\_\_\_

**Do not write in this space.**

**State Approved**

**Bylaws valid as of the state approval date. Bylaws, whether revised or not, must be adopted by the association and submitted at least 90 days prior to the date of expiration.**

**MODIFICATION OR DELETION OF ANY OF THE TERMS AND CONDITIONS IN THIS TEMPLATE MAKE THESE BYLAWS NULL AND VOID**

Bylaws-3772 dianamichelpta@gmail.com

**THE LOCAL UNITS OF THE NATIONAL PTA WHO ARE MEMBERS OF THIS COUNCIL ARE:**

- 05-128 Indian Hollow Primary PTA
- 05-136 North Ridge Primary School PTA
- 05-142 Wood Park Primary PTA
- 05-229 Rolling Hills PTA
- 05-333 Commack SEPTA
- 05-389 John Mandracchia/Sawmill Intermediate School PTA
- 05-405 Commack Middle School PTA
- 05-406 Burr Intermediate PTA
- 05-408 Commack High School PTA

## #ARTICLE I – NAME

The name of this association is the Commack Council of PTA of the Parent Teacher Associations of the New York State Congress of Parents and Teachers, Inc. (the New York State PTA), a constituent association of the National Congress of Parents and Teachers (the National PTA).

## \*ARTICLE II – ARTICLES OF ASSOCIATION

The *articles of association* of a constituent association include: (a) the bylaws of such association and (b) the certificate of incorporation or articles of incorporation of such association (in cases in which the association is a corporation) or the articles of association by whatever name (in cases in which the association exists as an unincorporated association).

## \*ARTICLE III – PURPOSES

**Section 1. Objectives.** The purpose or purposes (Objects) which the corporation will hereafter pursue are:

- a. To promote the welfare of children and youth in home, school, places of worship, and throughout the community;
- b. To raise the standards of home life;
- c. To advocate for laws that further the education, physical and mental health, welfare, and safety of children and youth;
- d. To promote the collaboration and engagement of families and educators in the education of children and youth;
- e. To engage the public in united efforts to secure the physical, mental, emotional, spiritual, and social well-being of all children and youth; and
- f. To advocate for fiscal responsibility regarding public tax dollars in public education funding.

**Section 2. Awareness.** The purposes of the National PTA are promoted through advocacy and education in collaboration with parents, families, teachers, educators, students, and the public; developed through conferences, committees, projects, and programs; and governed and qualified by the basic principles set forth in Article IV.

**Section 3. Federal Status.** National PTA 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 (referred to as "Internal Revenue Code").

## \* ARTICLE IV – PRINCIPLES

The following are basic principles of this PTA in common with those of the National PTA and the New York State PTA:

- a. National PTA shall be noncommercial, nonsectarian, and nonpartisan.
- b. National PTA shall work to engage and empower children, families, and educators within schools and communities to provide quality education for all children and youth, and shall seek to participate in

the decision-making process by influencing school policy and advocating for children's issues, 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. National PTA shall work to promote the health and welfare of children and youth, and shall seek to promote collaboration among families, schools, and the community at large.

d. Commitment to inclusiveness and equity, knowledge of PTA, and professional expertise shall be guiding principles for service in National PTA.

## **# ARTICLE V – RELATIONSHIP WITH NATIONAL PTA AND NEW YORK STATE PTA**

**Section 1.** This PTA council shall be organized and chartered under the authority of the New York State PTA in the area in which this association functions, in conformity with such rules and regulations, not in conflict with the National PTA bylaws, as the New York State PTA may in its bylaws prescribe. The New York State PTA shall issue to this PTA an appropriate charter evidencing the due association and good standing of this council.

**Section 2.** Each constituent association shall adopt such bylaws for the government of the association as may be approved by the New York State PTA. Such bylaws shall not be in conflict with the bylaws of the National PTA or the bylaws of the New York State PTA.

**Section 3.** Bylaws of each constituent association shall include an article on amendments.

**Section 4.** The adoption of any provision of the bylaws of National PTA and the New York State PTA identified by the state symbol (#) shall serve automatically, and without the requirement of further action, by the constituent association to amend correspondingly the bylaws of each constituent association. Notwithstanding the automatic character of the amending process, the constituent association shall promptly incorporate such amendments in their respective bylaws.

**Section 5.** The Purposes of this council are to:

- a. Unify and strengthen local PTAs comprising the council.
- b. Provide for the conference and cooperation of the local PTAs/PTSAs in the council membership so as to create a public opinion favorable to the interests of child welfare.
- c. Encourage child welfare projects in the various local units.
- d. In cooperation with the region, assist in the formation of new PTAs according to the procedures of the New York State PTA.
- e. Promote the interests of the National PTA and of the New York State PTA within its territory.

**Section 6.** PTA councils shall not legislate for local PTAs.

**Section 7.** Each officer or board member of a constituent association shall be a member of a local PTA within its area.

**Section 8.** Each officer or board member of a constituent association shall be a member of such local PTA.

**Section 9.** Only members of a local PTA who have paid dues for the current membership year may participate in the business of the association.

**Section 10.** The council 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 council, including, specifically, the number of its member PTAs/PTSAs and the dues collected from them. Such books of account and records shall at all reasonable times be open to inspection by an authorized representative of the New York State PTA or, where directed by the committee on state and national relationships, by a duly authorized representative of the National PTA.

**Section 11.** Each constituent association shall include in its bylaws a provision establishing a quorum.

**Section 12.** The bylaws of all constituent associations shall prohibit voting by proxy.

**Section 13.** The members of the nominating committee for officers of a constituent association shall be elected by membership and the executive board.

**Section 14.** The charter of this council shall be subject to withdrawal, and the status of such association as a PTA council shall be subject to termination, in the manner and under the circumstances provided in the bylaws of the New York State PTA.

**Section 15.** This council is obligated, upon dissolution by the New York State PTA:

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

**Section 16.** This PTA council may dissolve and shall conclude its affairs in the following manner:

- a. The executive board shall adopt a resolution recommending that the council be dissolved and direct that the question of such dissolution be submitted to a vote at a special meeting of member units. Written notice stating that the purpose of such meeting is to consider the advisability of dissolving the council shall be given to each member unit 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 meeting, shall be given to the president of the New York State PTA and to the region director at least thirty (30) days before the date of such meeting.
- c. Only those member units who were members in good standing of this council on the date of adoption of the resolution and on the date of the special meeting shall be entitled to vote on the question of dissolution.
- d. Approval of dissolution of this council shall be by instructed unit vote and shall require the affirmative vote of at least two-thirds (2/3) of the member units entitled to vote at the special meeting, a quorum being present.

**Section 17.** Each council shall include in its bylaws provisions corresponding to the provisions of such bylaws of the New York State PTA as are identified herein a state symbol (#).

**Section 18.** A PTA council in good standing is one which:

- a. Adheres to the Purposes and basic principles of the PTA.
- b. Has a minimum of three (3) member units in good standing.
- c. Has bylaws approved according to the procedures of the New York State PTA.
- e. Meets other criteria as may be prescribed by the New York State PTA.

## **ARTICLE VI – MEMBER UNITS DUES**

**# Section 1.** Membership in this council shall consist only of local units chartered by the New York State PTA as authorized by the National PTA in COMMACK UNION FREE SCHOOL DISTRICT upon payment of dues as hereinafter provided.

**Section 2.** The annual dues for membership in this council shall be \$50 for each local PTA/PTSA in membership and shall be payable by November 1.

**Section 3.** Additional local units may be accepted as members at any time.

**Section 4.** Delegates from local PTAs/PTSAs not in good standing and whose dues to the council are in arrears shall not participate in the business meetings of the council.

**# Section 5.** Honorary Life Membership.

a. An Honorary Life Membership in New York State PTA in recognition of distinguished service to children and youth may be conferred by the New York State PTA, or any of its constituent associations in good standing, upon payment of a fee established by the Board of Managers of the New York State PTA. An Honorary Life Member must pay dues to a local PTA to be entitled to all the rights and privileges of active status.

b. All contributions made in recognition of the selection of persons to Honorary Life Membership in the New York State PTA shall be paid to the funds for the New York State PTA Jenkins Memorial Scholarship Fund for Teacher Education and/or for the New York State PTA Fellowship for Graduate Study in Memory of Richard Gazzola as designated by the contributor.

## **ARTICLE VII – VOTING BODY**

**Section 1.** The voting body of this council shall consist of the officers of the council, chairmen of council standing committees, executive board, the president/alternate of each member unit, and accredited delegates (as specified in Section 2 of this article)

**Section 2.** Each member PTA/PTSA shall be entitled to representation on the voting body by its president/alternate and by 1 delegates selected by the PTA/PTSA according to its own bylaws/procedures.

**# Section 3.** Members of the voting body are entitled to only one vote even though they may serve in more than one position. A delegate may represent only one member unit.

**# Section 4.** Only members of a local PTA in council membership shall be eligible to participate in the meetings of the council or to serve in any of its elective or appointive positions.

**Section 5.** Each member PTA shall send to the recording secretary of the council the names and addresses of its delegates immediately following their selection.

## **ARTICLE VIII – OFFICERS AND THEIR ELECTION**

**# Section 1.** Each officer shall hold membership in a member unit.

### **Section 2. Officers and their election:**

a. The officers of the council shall consist of a president, 2 vice president(s), a recording secretary, a corresponding secretary, and a treasurer.

b. Officers shall be elected by ballot annually at a regular meeting of the council in May. However, if there is only one nominee for any office, election may be by voice vote.

c. Officers shall assume their official duties on July 1 and shall serve for a term of one year, or until a successor is elected. *Notwithstanding the provisions of this section, no member shall remain in office for more than two consecutive one year terms or one two year term. In the event a successor is not elected after said two years, the position shall be declared vacant and the vacancy shall be filled as provided in these bylaws.*

d. Officers may serve for a maximum of two consecutive one-year terms in the same office. An officer who has served more than one-half of a term shall be credited with having served that term.

# e. No person shall hold more than one office at the same time.

# f. No person under the age of 18 shall be eligible to serve in the office of president, recording secretary (or secretary), or treasurer.

### **Section 3. Nominating Committee.**

a. There shall be a nominating committee consisting of 9 members(one member from each member unit) .

The committee shall be elected by the council at a regular meeting of the council at least sixty (60) days prior to the election meeting. The chair of the nominating committee shall be elected by the committee. An alternate will be elected.

# b. The nominating committee shall nominate one person for each office to be filled.

# c. Members of the nominating committee may be nominees for office without resigning from the committee.

# d. Only those persons who have consented to serve if elected shall be nominated for or elected to such office.

# e. The nominating committee shall present its report at the regular meeting of the council in May, at which time additional nominations may be made from the floor. (See letter (f) if applicable). The report of the nominating committee will be published one month prior to the meeting.

f. Additional nominations may be made from the floor provided the written consent of the nominee has been secured and the chair of the nominating committee has received notice at least two business days

prior to the election meeting of the candidate's intention to run.

#### **Section 4: Vacancies**

A vacancy occurring in any 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 to the executive board. In case a vacancy occurs in the office of the president, the first vice president shall serve notice of the election to the executive board.

### **ARTICLE IX – DUTIES OF OFFICERS**

#### **Section 1. The president shall:**

- # a. Supervise the business and affairs of the council and perform the duties usually incident to the office of president of a not-for-profit council chartered by the New York State PTA and organized under the laws of New York State.
- # b. Sign and execute all contracts, agreements or other obligations in the name of the council.
- c. When present, preside at all meetings of the council, the executive board and the executive committee.
- # d. Be a member ex officio of all committees except the nominating committee and the audit committee. The president may not be an ex officio, elected or appointed member of these two committees.
- e. In cooperation with the executive committee, appoint the committee chairmen including all special committee chairmen, except those for which other provision is made and fill vacancies in chairmen of standing committees with the approval of the executive committee. In cooperation with the president, appoint a parliamentarian as a non-voting member of the executive board.
- f. Coordinate the work of the officers and committees of the council in order that the Purposes may be promoted.
- # g. Keep a current copy of the council's state-approved bylaws.
- h. Attend meetings of the Region board as per Region bylaws including Council Presidents as members of the Region board. (Consult with Region Director for verification)

#### **Section 2. The vice president(s) shall:**

- a. Act as aide(s) to the president.
- # b. Perform the duties of the president in the absence or inability of that officer to act. In order to perform the duties of the president; a person must be at least 18 years of age.
- c. Vice presidents shall be elected by designated order (1st, 2nd, 3rd, etc).

#### **Section 3. The recording secretary shall:**

- # a. Record and maintain a permanent file of the minutes of all meetings of the council, executive board



and the executive committee.

- # b. Send the names and addresses of the elected officers to the region director immediately following their election.
- c. Maintain a permanent file of committee reports, membership lists and records pertaining to the work of the council.
- # d. Keep a current copy of the council's state-approved bylaws.

**Section 4. The corresponding secretary shall:**

- a. Conduct the correspondence of the council under the direction of the president.
- b. Maintain a file of all correspondence pertaining to the work of the council.
- c. Send notices of meetings as required.

**Section 5. The treasurer shall:**

- # a. Have custody of all of the funds of the council.
- b. Keep a full and accurate account of receipts and expenditures.
- # c. Make disbursements as authorized by the president, executive board or council in accordance with the budget adopted by the council.
- # d. Issue written receipts for donations of seventy-five dollars (\$75) or more indicating the portion of the donation exceeding the value of the goods or services received that is deductible.
- # e. Serve as the chair of the budget committee to prepare a budget for submission to the executive board for review and to the council for adoption.
- # f. Present a financial statement at every meeting of the council and at other times when requested by the executive board.
- # g. Present a complete annual report at the annual meeting of the council.
- # h. Be responsible for the maintenance of such books of account and records as conform to the requirements of Article V, Section 11.
- # i. Submit all financial records in accordance with Article XIII, Section 9 to the audit committee or a professional auditor at least two weeks prior to date audit report is due.
- # j. Have the accounts examined annually or upon change of treasurer by an audit committee or professional auditor who, satisfied that the treasurer's annual report is correct, shall sign a statement of that fact at the end of the report.
- # k. File all forms required by the Internal Revenue Service and New York State agencies.

**All officers shall:**

- # a. Meet the fiduciary duties of careful and prudent judgment and adherence to the associations purpose and rules.

# b. Attend region training workshops.

c. Perform the duties outlined in these bylaws and those assigned from time to time.

d. Turn over to the president/successor all pertinent records, books and materials, and return to the treasurer all funds without delay upon the expiration of the term of office, or in case of resignation.

## **ARTICLE X – EXECUTIVE COMMITTEE**

**Section 1.** The executive committee shall consist of the officers of the council and immediate past president (if available).

**Section 2.** The executive committee shall:

a. In cooperation with the president, appoint committee chairmen.

# b. Appoint delegates to the New York State PTA convention in accordance with the provisions of the bylaws of the New York State PTA, to other state and region meetings and to meetings of other associations as defined in Article IV, e.

c. Transact necessary business between meetings of the executive board and all business referred to it by the executive board/council.

d. Make recommendations to the executive board.

**Section 3.** The executive committee shall meet at the call of the president or a majority of the executive committee members. At least ten days' notice shall be given.

**Section 4.** Special meetings of the executive committee may be called by the president or upon the request of the majority of the members. At least two days' notice shall be given.

# **Section 5.** A majority of the executive committee shall constitute a quorum.

## **ARTICLE XI – EXECUTIVE BOARD**

# **Section 1.** Each board member shall hold membership in a local member PTA.

**Section 2.** The executive board shall consist of the executive committee, chairmen of the standing committees, President of Each Member Unit, Superintendent (or his/her designee), Teacher liaisons, Parliamentarian (non-voting member), School Board Liaison, Council Delegates, Historian.

# **Section 3.** A PTA member shall not serve as a voting member of a constituent association's board at the local, council, region, state or national level while serving as a paid employee of, or under contract to, that constituent association.

**Section 4. The executive board shall:**

a. Transact necessary business in the intervals between regular council meetings and such other business as may be referred to it by the council.

b. Create committees, in accordance with the provisions of Article XIII.

- c. Approve the plans of work of the standing committees.
- d. Present a report at the regular meetings of the council.
- e. Review and submit the budget prepared by the budget committee to the council for adoption.
- # f. Appoint an audit committee of no fewer than three (3) members or a professional auditor at least two (2) weeks prior to the date the audit report is due.
- g. Fill vacancies in office.

**Section 5.** The executive board shall meet at least two (2) times a year, the dates and times to be determined by the board. At least ten days' notice shall be given.

**Section 6.** Special meetings of the executive board may be called by the president or upon the request of a majority of the members. At least two days' notice shall be given.

# **Section 7.** A majority of the executive board shall constitute a quorum.

## **ARTICLE XII – MEETINGS**

**Section 1.** Regular meetings of the council shall be held at least three times during the year, the dates and times to be determined by the executive board. At least ten days' notice of a meeting shall be given.

# **Section 2.** The annual meeting shall be held in the month of June at which time annual reports of officers and committee chairmen shall be presented.

**Section 3.** Special meetings of the council may be called by the president, a majority of the executive board or upon the written request of a majority of the member units. At least two days' notice of any special meeting shall be given.

**Section 4.** A quorum for the transaction of business in any meeting of this council shall consist of a majority of the executive board and at least one delegate from a majority of member units.

## **ARTICLE XIII – COMMITTEES**

# **Section 1.** Only members of member units of the council shall be eligible to serve in any elective or appointive positions.

**Section 2.** The executive board may create such standing committees as it deems necessary to promote the Purposes and to carry on the work of the council.

**Section 3.** Chairmen of standing committees shall be appointed by the president in cooperation with the executive committee.

- a. The term of each chair shall be one year, or until a successor is appointed.

# A person shall not be eligible to serve more than two consecutive years as chair of the same standing committee.

# **Section 4.** The chair of each standing committee shall prepare a plan of work and, after its approval by the executive board shall carry out its provisions. No committee work shall be undertaken without the approval

of the executive board.

**# Section 5.** The chair of each standing committee shall attend region workshops.

**Section 6.** Special committees may be created by the council or by the executive board.

**Section 7.** A nominating committee shall be formed and shall perform its duties in accordance with the provisions of Article VIII, Section 3.

**# Section 8.** A budget committee shall be appointed by the executive board. The treasurer shall chair the committee.

**# Section 9.** An audit committee of no fewer than three (3) members or a professional auditor shall be appointed by the executive board at least two (2) weeks prior to date audit report is due. This committee shall examine the treasurer's accounts and, satisfied that they are correct, sign a statement of that fact to be presented for adoption by the voting body at the first general meeting of the council at the start of the school year.

**# Section 10.** A majority of any committee shall constitute a quorum.

**# Section 11.** The president shall be a member ex officio of all committees except that he shall not be an ex officio, elected or appointed member of the nominating committee and the audit committee.

#### **#ARTICLE XIV – FISCAL YEAR**

The fiscal year of this council shall begin on July 1 and end on the following June 30.

#### **\*#ARTICLE XV – OPERATIONAL REQUIREMENTS AND DISSOLUTION**

**\* Section 1. Net Earnings.** No part of the net earnings of PTA shall inure to the benefit of, or be distributable to, its members, directors, trustees, officers, or other private persons except that the association 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.

**\* Section 2. Exempt Activities.** Notwithstanding any other provision of these Articles to contrary, in no event shall PTA carry on any other activities which are not permitted to be carried on by either: (i) by an association exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code or (ii) by an association, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code.

**\* Section 3. Political Activities.** PTA or its 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.

**# Section 4. Dissolution.** Upon the dissolution of the PTA, after paying or adequately providing for the debts and obligations of the association, the remaining assets shall be surrendered in accordance with Article V, Section 8 of these bylaws.

#### **#ARTICLE XVI – PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the

National PTA and its constituent Associations in all cases in which they are applicable and in which they are not in conflict with these bylaws, the bylaws of the New York State PTA, and the bylaws of the National PTA or the articles of incorporation.

## **#ARTICLE XVII – AMENDMENTS/REVISIONS TO BYLAWS**

**Section 1.** These bylaws are valid for three years from the date of approval by the New York State PTA. At least every three years or more often as changes may be needed, the bylaws must be submitted for approval by the New York State PTA in accordance with the bylaws or regulations of the New York State PTA:

- a. The existing bylaws should be reviewed by a committee, revised if necessary, and, revised or not, presented for approval by the association by an instructed vote of the member units.
- b. Sent, whether revised or not, to the region bylaws chair for review or, the chair's absence, to the region director, who shall forward all bylaws to the New York State PTA Bylaws Coordinator for approval.
- c. These bylaws may be revised or amended at any regular meeting of the association by a two-thirds (2/3) vote of member unit representatives present and voting, provided that 30 days' notice has been given to same.
- d. A committee may be appointed to submit a revised set of bylaws as substitute for the existing bylaws by a majority vote at a meeting of the association or by a two-thirds (2/3) vote of the executive board.

**Section 2.** All new or revised bylaws adopted by this PTA must not conflict with the required articles prescribed in the bylaws of the National PTA and the New York State PTA, are subject to approval by the New York State PTA Bylaws Coordinator, and shall become effective upon such approval.

**Section 3.** The adoption of an amendment to any provision of the bylaws of the National PTA or to the bylaws of the New York State PTA, identified by the state symbol (#), shall serve automatically and without the requirement of further action by the local PTA to amend correspondingly the bylaws of each local PTA.

NOTE: All provisions denoted with an asterisk (\*) indicate compliance with the National PTA Bylaws. Those with a hash tag (#) are common to New York State PTA and its constituent associations.