

ERNEST B. DESILVA SCHOOL
PARENT-TEACHER ASSOCIATION

BYLAWS

Amended April 5, 2019

ARTICLE I: NAME

The name of this association is the E.B. DeSilva PTA, Hilo, Hawaii. It is a local PTA unit organized under the authority of the Hawaii Congress of Parents, Teachers, and Students (the HSPTSA), a branch of the National Congress of Parents and Teachers (the National PTA).

ARTICLE II PURPOSES

Section 1. The purposes of the E.B. DeSilva PTA in common with those of the National PTA and the Hawaii State PTSA are:

- #a. To provide for 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. The purposes of the National PTA, the Hawaii State PTSA and the E.B. DeSilva 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 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 referred to as "Internal Revenue Code").

#ARTICLE III BASIC POLICIES

The following are basic policies of the E.B. DeSilva PTA in common with those of the National PTA and the Hawaii State PTSA:

- a. The organization shall be noncommercial, nonsectarian, and nonpartisan.
- b. 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.

- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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 non-profit funds, foundations, or organizations which have established their tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

#ARTICLE IV: CONSTITUENT ORGANIZATIONS

Section 1. The constituent organizations of the Hawaii State PTSA include local PTAs (Parent Teacher Associations) and PTSAs (Parent Teacher Student Associations) organized under the authority of the Hawaii State PTSA.

Section 2. The articles of organization of a constituent organization include (a) the bylaws of such organization and (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 3. Bylaws of each constituent organization shall include an article on amendments.

Section 4. Bylaws of each constituent organization shall include a provision establishing quorum.

Section 5. The Bylaws of all constituent organizations shall prohibit voting by proxy, (unless proxy voting is required by applicable state law).

#ARTICLE V: LOCAL PTA/PTSAs

Section 1. A local PTA in good standing is one which:

- a. Adheres to the purposes and basic policies of the PTA;
- b. Remits the national portion of the dues through the Hawaii State PTSA to reach the National office by

dates designated by the National PTA;

- c. Has bylaws approved according to the procedures of the Hawaii State PTSA; and
- d. Meets other criteria as may be prescribed by the Hawaii State PTSA.
- e. Remits the state portion of the dues and a membership roster to reach the Hawaii State PTSA office by the dates designated by the State PTSA.
- f. Remits the insurance premium to the Hawaii State PTSA office postmarked no later than December 15th annually.

#Section 2. This 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 amount of dues remitted to the Hawaii State PTSA.

#Section 3. The charter of this PTA shall be subject to withdrawal and the status of such organization as a PTA unit shall be subject to termination, in the manner and under the circumstances provided in the bylaws of the Hawaii State PTSA.

#Section 4. This local PTA is obligated, upon withdrawal of its charter by the Hawaii State PTSA:

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

#Section 5. Each local PTA shall include in its bylaws provisions corresponding to the provisions of such of these bylaws as are identified by the state symbol #.

Section 6. The adoption of an amendment to any provision of the Bylaws of the Hawaii State PTSA, 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. Notwithstanding the automatic character of the amending process, the local PTAs shall promptly incorporate such amendments in their respective bylaws.

Section 7. All units for which dues and insurance premiums have not been paid by March 1st shall be notified in writing by the Hawaii State PTSA treasurer that all services of the State and National PTA's will be terminated on March 31. Service shall be reinstated after payment of delinquent dues and insurance premiums.

Section 8. Membership cards will not be issued to a local unit that did not send dues and rosters and/or insurance payments for the previous fiscal year(s). Cards will be issued after payment of delinquent dues and/or insurance premiums and receipt of rosters.

Section 9. The charter of all units who remain delinquent for one (1) year beyond the March 31st termination of services will be revoked at the next Board of Directors meeting held after the second March 31st deadline.

#Section 10. This PTA may dissolve and wind up its affairs in the following manner:

- a. The Executive Committee (or other body that, under the bylaws, manages the affairs of this PTA) shall adopt a resolution recommending that this PTA be dissolved and directing the question of such dissolution be submitted to a vote at a special meeting of the members having voting rights. Written or printed notice

stating that the purpose of such meeting is to consider the advisability of dissolving this 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 meeting of members, shall be given to the president of the Hawaii State PTSA at least twenty (20) days before the date fixed for such special meeting of the members.
- c. Only those persons who were in good standing of the 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 (2/3) of the members present and entitled to vote at the special meeting, a quorum being present.
- e. Notification of the result of the vote to dissolve must be provided in writing to the Hawaii State PTSA president within five (5) days of the vote, at which time all proceedings as outlined in these bylaws, Article V, section 9 shall be carried out.

ARTICLE VI: MEMBERSHIP AND DUES

Section 1. Every individual who is a member of this PTA is, by virtue of that fact, a member of the National PTA and of the Hawaii State PTSA by which such local PTA is chartered, and is entitled to all the benefits of such membership.

Section 2. Membership in this PTA shall be made available without regard to race, color, creed or national origin.

Section 3. This PTA shall conduct an annual enrollment of members, but may admit persons to membership at any time.

Section 4. Each member of this PTA shall pay such annual dues as may be determined by the organization. The amount of the dues shall include the portion payable to the state PTSA and approved by a two-thirds majority of the voting body of the Hawaii State PTSA Annual Convention, and the portion payable to the National PTA as recommended by the board of directors and approved by a two-thirds majority of the voting body of the voting body at the National PTA Annual Convention.

Section 5. Only members of a local PTA who have paid dues for the current membership year may participate in the business of that association.

Section 6. The State and National PTA portions of the dues paid by each member of this PTA shall be set aside by this PTA and remitted to the Hawaii State PTSA 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 7. The Hawaii State PTSA membership year shall be July 1 to June 30 annually.

ARTICLE VII: OFFICERS AND THEIR ELECTION

Section 1. Each officer or board member shall be a member of this PTA.

Section 2.

- a. The officers of this organization shall consist of a president, three (3) vice-presidents, a secretary, and two (2) treasurers.
- b. Officers shall be elected by ballot at the General Membership meeting to be held in the month of May.

However, if there is but one nominee for any office, election for that office may be by voice vote.

- c. Notification of said election and nominees for office to have been given to the general membership at least thirty days prior to the election.
- d. Officers shall assume their official duties on July 1 and shall serve one (1) year or until their successors are elected.
- e. A person shall not be eligible to serve more than two consecutive terms in the same office.

Section 3. NOMINATING COMMITTEE

- a. There shall be a nominating committee composed of at least three (2) and no more than five (5) members and alternates who shall be elected by this PTA at a regular meeting at least one (1) month prior to the election of officers. The PTA Board shall openly solicit candidates for the nominating committee. Additional nominations will be accepted from the floor at the regular membership meeting prior to voting. 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 meeting in May, 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.

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

ARTICLE VIII: DUTIES OF OFFICERS

Section 1. The president shall:

- a. Preside at all meetings of the association;
- b. Perform such other duties as may be prescribed in these bylaws or assigned by the association;
- c. Be a member ex officio of all committees except the nominating committee;
- d. Coordinate the work of the officers and committees of the association in order that the Purpose may be promoted.
- e. Attend Region meetings or appoint a Board Representative to such.

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 serve.
- c. There shall be three (3) Vice-Presidents. The First Vice President shall be responsible for Ways and Means, the Second Vice-President shall be responsible for Communications and the Third Vice-President shall be responsible for Membership and Program Development, or such other duties as determined by the Executive Board.

Section 3. The secretary shall:

- a. Record the minutes of all meetings of the association, both general and executive board.
- b. Have a current copy of the bylaws;
- c. Maintain a current membership list;
- d. Perform other delegated duties as assigned.

Section 4. The co-treasurers shall:

- a. Have custody of all the funds of the association;
- b. Keep a full and accurate account of receipts and expenditures;
- c. Make disbursements as authorized by the president, executive board, or association in accordance with the budget adopted by the association;
- d. Have checks or vouchers signed by two persons, the treasurer and one other officer,
- e. Present a financial statement at every general and executive board meeting of the association and at other times when requested by the executive board;
- f. Make a full report at the meeting at which new officers officially 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 V, Section 2, of these bylaws;
- h. Have the accounts examined annually or upon change of treasurer by an auditor or an auditing committee of not fewer than two persons, who, satisfied that the treasurer's annual report is correct, shall sign a statement of that fact at the end of the report.
- i. Submit the books annually for an audit by an auditing committee selected by the executive board at least two weeks before the meeting. at which new officers assume duties.
- j. Prepare the annual budget for approval by the Executive Board.

Section 5. All officers shall perform the duties outlined in these bylaws and those assigned from time to time. 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 IX: EXECUTIVE BOARD

Section 1.

- a. The executive board shall consist of the officers of the association, the standing committee chairs, the principal of the school or a representative appointed by the principal, the PCNC representative, the and two teacher representatives. The chairs of the standing committees shall be selected by the officers of the association.
- b. The principal/principal representative shall serve as an adviser only and, as such shall be a nonvoting member of the board.

c. The president may appoint a parliamentarian, subject to the approval of the officers of the association.

** Section 2. A PTA member shall not serve as a voting member of a constituent organization's board at the local, council, district, region, state or national level while serving as a paid employee of or under contract to that constituent organization.

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

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

Section 4. Regular meetings of the executive board shall be held during the school year as decided by the Board at their first meeting. A majority of the executive board members shall constitute a quorum. Special meetings of the executive board may be called by the president or by a majority of the members of the board, two (2) days notice being given.

ARTICLE X: MEETINGS

Section 1. Four (4) regular meetings of the association shall be held during the school year as follows: August, December, March, and May, unless otherwise provided by the association or by the executive board, thirty (30) days notice having been given of change of date.

Section 2. Special meetings of the association may be called by the president or by a majority of the executive board, ten (10) days notice having been given.

Section 3. The annual meeting shall be held in May.

Section 4. Twenty five (25) members shall constitute a quorum for the transaction of business in any general meeting of this association.

ARTICLE XI: COMMITTEES

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

Section 2. The term of each chair shall be one (1) year or until the selection of a successor.

Section 3. The standing committees of this unit may include Membership, Ways and Means, Legislation, Program and Communications.

Section 4. The chair of each committee shall present a plan of work to the executive board for approval. No committee work shall be undertaken without the consent of the executive board.

Section 5. The executive board may create such special committees, as it may deem necessary to promote the Objects and carry on the work of the association.

Section 6. The president shall be a member ex officio of all committees except the nominating committee.

#ARTICLE XII: STATE CONVENTION & REGION DIRECTOR ELECTION

Section 1. Each local unit shall be entitled to be represented at the annual convention of the Hawaii State PTSA by its president and three (3) other officers, or their alternates, and one (1) additional delegate for every fifty (50) members in good standing per rosters and dues submitted to the Hawaii State PTSA office and postmarked at least forty five (45) days prior to the first day of convention. Local units formed within the forty five (45) day period shall be entitled to full representation at convention based on the number of members in good standing as shown on the books of the treasurer of the Hawaii State PTSA twenty four (24) hours before the start of convention.

Section 2. The annual convention of the Hawaii State PTSA shall be open to members of the Hawaii State PTSA and guests, but the privileges of making motions, debating and voting shall be limited to members of the Board of Directors and to the delegates from each local unit and region. No member shall have more than one (1) vote.

Section 3. Region directors shall be elected by the delegates representing local units within that region in attendance at the annual Hawaii State PTSA Convention. If there is but one candidate for office, election may take place by voice vote. The person receiving the majority of votes shall assume office on July 1.

ARTICLE XIII: FISCAL YEAR

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

#ARTICLE XIV: 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 organizations in all cases in which they are applicable and in which they are not in conflict with these bylaws, the bylaws of the Hawaii State PTSA, and the bylaws of the National PTA, or the articles of incorporation.

#ARTICLE XV: AMENDMENTS

Section 1.

- a. These bylaws may be amended at any regular meeting of the association by a two-thirds vote of the members present and voting, provided that notice of the amendment has been given to the membership IN WRITING AT LEAST THIRTY (30) DAYS PRIOR and that the proposed amendment shall be subject to approval of the Hawaii State PTSA.
- b. 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.
- c. Submission of amendments or revised bylaws for approval by the Hawaii State PTSA shall be in accordance with the bylaws or regulations of the Hawaii State PTSA.

Section 2. The adoption of an amendment to any provision of the bylaws of the Hawaii State PTSA identified by a number (#) symbol shall serve automatically and without the requirement of further action by the local PTA to amend correspondingly the bylaws of each local PTA.

These bylaws were passed by a 2/3 vote at the General Membership meeting held on 4/5/19 .

PRESIDENT: Christine Gumbos

DATE: April 5, 2019

SECRETARY: [Signature]

DATE: April 5, 2019

APPROVED:
HAWAII STATE PTSA: [Signature]

DATE: 5/6/19

ADOPTED: April 5, 2019