

**Montgomery County Council
of
Parent Teacher Associations**

**BYLAWS
REVIEW HANDBOOK**

2010-2011

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**Hours of Operation – 10 am – 2 pm Monday – Friday (School Year)
10 am – 12 pm Tuesday and Thursday (Summer)**

www.mccpta.com

BYLAWS

I AM YOUR BYLAWS!

I AM SMALL BUT SIGNIFICANT.

**IF USED, I CREATE
CONFIDENCE IN LEADERSHIP.**

**I GIVE
PROPER DIRECTIONS FOR PROCEDURE.**

**I SHOULD BE KNOWN
BY EVERYONE BECAUSE I HELP
ALL TO UNDERSTAND
THE RULES OF THE PTA.**

**I HOPE I'M ABLE
TO ATTEND EVERY MEETING.**

**I SHOULD BE
SAFE, BUT PRESENT.**

**I AM PRAISED
FOR MY EFFICIENCY.**

**I WANT TO SERVE
MY ORGANIZATION BY BEING USED.**

**I AM EVER YOUNG,
NEVER MORE THEN THREE YEARS OLD.**

I AM YOUR BYLAWS.

PROCESS FOR LOCAL PTA BYLAWS REVIEW

1. Each member of a PTA board of directors (no longer called the executive board) should have a copy of the current bylaws. Each member of the PTA should be given a copy of the bylaws on request. Contact the MCCPTA office if your PTA does not have a current copy.
2. The PTA President should keep track of the date when the bylaws require review. Bylaws must be approved by the Maryland PTA EVERY THREE YEARS so the review process should begin at least six months prior to that date, although amendments may be made when needed. When the Maryland PTA adopts required amendments (required items indicated by a # sign) for local PTAs, those amendments should be added to the local PTA's bylaws as soon as notice is received of the changes.
3. During the summer, a bylaws chair is elected according to the procedures stated in the bylaws, and a committee is appointed to conduct the review.
4. The PTA president provides:
 1. A copy of the current PTA bylaws for each member of the committee.
 2. A copy of the current Maryland PTA Local PTA Bylaws Template plus any mandatory updates issued by Maryland PTA. (These are available on the Maryland PTA website.
 3. A copy of Robert's Rules of Order Newly Revised, 10th edition, 2000. This is also available at libraries.
5. Each committee member should become familiar with the current bylaws before the first committee meeting and begin to identify articles/sections that might need to be changed. Remember that items marked with the number sign (#) must be used WORD FOR WORD with no additions or deletions.
6. At the first committee meeting, the group should identify items that might be amended and agree on a schedule leading up to the meeting at which the membership will vote on proposed changes. Keep in mind that thirty days' notice to the members is required for bylaws amendments.

SAMPLE SCHEDULE

September 9 -	Bylaws committee appointed
October 10 -	Bylaws committee meets
November 15 -	Committee reports proposed amendments to the Board of Directors.
January 10 -	Changes published in PTA newsletter or otherwise distributed to members
February 15 -	PTA members vote on proposed bylaws amendments.
February 20 -	Revised bylaws (original and two copies) sent to Maryland PTA Bylaws Chair, 5 Central Avenue, Glen Burnie, MD 21061
April 15 -	Approved bylaws returned to local PTA.

7. When the committee revisions are completed,
- a) Be certain to update your bylaws so that they reflect the mandatory words (# items) that are provided in the most current Maryland PTA bylaws template.
 - b) The committee presents their recommendations to the PTA board.
 - c) The board reviews the committee report and notifies the PTA members that the bylaws were reviewed and that changes were or were not proposed.
 - d) If the only changes are the updated mandatory wording changes, then the changes may be made and the members informed. (The updated bylaws must still be submitted to Maryland PTA.) Amendments must be discussed and voted on at a meeting of the membership in accordance with the current bylaws.
 - e) If changes are recommended, the old and new wording of the proposed changes along with an explanation for the proposals are provided to the general membership at least thirty days prior to the PTA meeting at which the changes will be voted on.
 - f) The secretary signs and dates the new bylaws and forwards three (3) copies (the original and 2 copies) with the new wording to Maryland PTA for review and approval. **Bylaws must be submitted on the original form -- not re-typed.** Be certain to include the meeting approval date, the secretary's signature and a return address
 - g) The Maryland PTA Bylaws Chair reviews the bylaws for accuracy and consistency. Once approved, signed, and dated one copy is retained in the Maryland PTA office, one copy forwarded to the Montgomery County Council of PTAs, and the original returned to the submitting PTA.
 - h) If your bylaws are approved with corrections noted by Maryland PTA in the cover letter, then these corrections automatically become part of your bylaws.
 - i) If bylaws are returned for correction (declined), the committee makes the required changes, submits these changes to the local PTA membership for discussion and approval, and resubmits the bylaws to Maryland PTA as quickly as possible.
 - j) The bylaws chair should contact the Maryland PTA if approved bylaws are not received within forty-five days of submission.
Maryland PTA
5 Central Avenue
Glen Burnie, MD 21061
410-760-6221 or 800-707-7972
fax: 410-760-6344
Bylaws@mdpta.org.
 - k) Bylaws amendments approved by the membership go into effect immediately unless specified otherwise.

BYLAWS REVISION FRAMEWORK & SUGGESTIONS

Every organization must function under a set of regulations, written or unwritten. All permanent associations of serious purpose codify these principles in written form. The most important regulations of an association are the bylaws or the statement of the basic purpose and structure of the organization. Bylaws include articles devoted to the name of the organization, objectives, meetings, membership, officials and mode of amendment of the bylaws themselves.

BYLAWS FOR A NEW PTA MAY BE ADOPTED BY A MAJORITY VOTE. AMENDMENTS TO AN EXISTING PTA'S BYLAWS REQUIRE A TWO-THIRDS VOTE OF THE MEMBERSHIP. It is important to write bylaws so that they are useful, give adequate direction, and remain applicable over the years. Try not to write the bylaws with just the current personalities or situation in mind.

These suggestions are intended to assist the PTA bylaws committee members in their work:

1. You must use the current local PTA bylaws template for your review. The 2007 version of the local PTA bylaws template is available on the Maryland PTA website, members only section (mdpta.org). (Use the log-on information provided on your PTA membership card.) This is the format that must be submitted to Maryland PTA for approval. It is not acceptable to use typed copies.
2. Note that the number (or pound) sign (#) articles and sections are in accordance with the mandates of the Maryland PTA. MANDATORY ARTICLES MUST BE USED AS PRINTED, WORD FOR WORD AND IN THE SAME ORDER. Altered mandatory articles or sections will not be approved. .
3. If necessary, additional pages may be added to supplement the format rather than retyping the format. Make a note at the insertion point on the template, and add the typed sections at the end of the document. If you retype your bylaws to make inserted sections fit better, your bylaws will be declined (rejected).
4. The National PTA ID number is required on the cover. It is the same number used on PTA membership cards and may be obtained from the MCCPTA office. The PTA treasurer's records should have the incorporation number, the Sales & Use Tax number, and the Employer Identification number (EIN), and the insurance company name which also have to be included on the front cover. The insurance company name is BB&T—the Maryland PTA insurer. (http://www.mdpta.org/bridge_insurance.html)
5. Use the correct and complete PTA name on the bylaws template. This is the name under which you are incorporated in Maryland. For the bylaws the name is used on the cover page, in Articles I and XV and in the secretary's statement following Article XV. Please make sure your association is identified by the name in which it is incorporated. (For example, is anything abbreviated in your legal name?)
6. Use the Montgomery County Council of PTAs as the Council on the cover and in Article XII, Sections 1 and 2.
7. Article V, Section 5. Each PTA in MCCPTA also pays dues to MCCPTA in order to participate in the work of the PTA council. Add “as well as county council” after the words, “National PTA”.
8. Article VI, Section 2.a.: **Please be aware that the Maryland PTA will not approve any bylaws which list co-presidents.** You might create the position of Executive Vice President or a

President-elect position if needed to share the work of the president. List the vice presidents individually in order of their ranking (1st Vice President, 2nd Vice President, etc.) Do not just fill in a number of vice presidents without some indication of ranking. Maryland PTA requires that you specify the rank of vice presidents so it is clear who would succeed the president should the president resign. If you give your vice presidents more descriptive names, eg vice president of membership and vice president of fundraising, you must also indicate which office is ranked higher. List other officers individually if they are added to those already in the format (Recording Secretary, Corresponding Secretary, etc.)

9. Article VI, Section 2.b. and Article XI, Section 3, ELECTIONS: Complete: Officers should be elected in the month of "May" or "June" or "at the last general meeting of the school year". Don't put in "April/May" or an event such as the chorus concert.

10. Article VI Section 2.d. PTA officers generally serve a one-year term with the possibility of being elected to a second one-year term. If you want your officers to take office immediately rather than waiting until the start of the next fiscal year, consider having all but the treasurer begin immediately. The treasurer's term should coincide with the fiscal year to avoid the need for two audits per year.

11. Article VII should outline specific duties for each officer position, particularly if the vice president's positions are numbered 1st, 2nd, etc.

NOTE: Articles VIII and IX -- Maryland PTA has changed the terminology from "executive board" to "board of directors" and added an article on the executive committee. These changes are consistent with Robert's Rules of Order Newly Revised (our parliamentary authority) as well as corporate law.

12. Article VIII, Section 2.: It is also possible to include the following positions on the board: the immediate past president, a teacher representative, a student representative, and representatives to other organizations operating within your community. Remember that all Board members must be members of the local PTA and that the method of selection of these representatives must be specified in your bylaws.

13. Article VIII, Section 5 and Article XI, Section 2: Provisions for notice of special meetings. Although rarely used, enough time should be allowed to communicate and plan while allowing for addressing the issue promptly. Four or five business days might be considered reasonable notice. You may want to require more notice for a general membership meeting than for a board meeting. Remember there is no provision for holding meetings other than in person. Electronic consent does not apply to transaction of business, and proxy votes, mail or absentee votes are not allowed. (See Article IV, Section 3.) When setting the number of regular general membership and board of directors meetings, consider how your PTA functions. Are the monthly meetings all general membership meetings or are they usually board meetings? Make sure you include enough general membership meetings to conduct all necessary business. For example, if the nominating committee is elected by the general membership, there must be a general membership meeting to do so. If the general membership must approve the budget, make sure there is a general membership meeting scheduled at the appropriate time for budget approval.

14. Article XI, Section 3: The annual meeting is the meeting at which annual reports of officers and standing committees are presented, elections of officers are held, and any other item of business that the bylaws may prescribe is considered. This meeting is usually the same meeting as the meeting for elections prescribed in Article VI, Section 2.b.

15. Article XI, Section 4: A quorum is the minimum number of members that must be present at a meeting for business to be legally transacted. The requirement for a quorum is a protection against totally unrepresentative action in the name of the body by an unduly small number of people. Use a specific number. Using a percentage of membership as the quorum requires that a current membership list be available at each meeting and a membership report be submitted prior to counting a quorum. Please use a reasonable number.

16. Article XII, Section 1.a. Cross out the words, “the principal or alternate” in the bylaws template. This section should read: "The Association shall be represented in meetings of the Montgomery County Council of Parent Teacher Associations by the president or alternate and by two (2) delegates or their alternates..." This change is necessary to conform with MCCPTA bylaws. Delegates generally serve one-year terms.

17. Article XII, Section 1.b. The PTA’s delegates should be elected during the summer so that they can attend the first MCCPTA meeting in September. In some PTAs delegates are elected by the general membership at the same time the officers are elected.

18. Article XIV. Fiscal year: Most local PTAs use July 1 to June 30 since it covers a complete school year and allows the treasurer's records to be audited over the summer when transactions are reduced. Note that if the fiscal year is changed, the IRS must be notified. If your fiscal year does not coincide with the term of office of the treasurer, then your PTA will be required to have two audits per year—one coinciding with the fiscal year and one when the treasurer changes. (See Article VII, section 4h.)

19. Read over the bylaws once again:

- a) Be certain that all the articles are consistent and agree with each other. For instance: the nominating committee's report needs to be consistent with the timing of the election of officers.
- b) Pay close attention to spelling.
- c) Be certain that all the blanks in the format are filled in completely.

20. Remember:

a. Who’s who?

Executive Committee: All elected officers

Board of Directors: All elected officers, MCCPTA delegates, Principal or his/her alternate, and anyone else named in your bylaws Article VIII, section 2, generally, the chairs of all standing committees and staff and/or student representatives. (Formerly called Executive Board)

General Membership: All members of your PTA.

b. A person may not serve as an officer or as a member of the board of directors unless they have joined the PTA, even if they are named in the bylaws as a member of the board.

c. Carefully review which duties and responsibilities are assigned to which group (Executive Committee, Board of Directors, General Membership) and make sure that if you shift a duty to one group, that it is removed from the original group so there are no conflicting sections in your bylaws.

21. Remember that bylaws and/or amendments must be voted on at a general membership meeting with thirty-days' notice given; and the original and proposed changes must be made available to the membership when notice is given.

22. Be certain that the secretary's statement after Article XVI is complete. Circle the appropriate word to indicate whether your PTA is a new one or an existing one. The secretary should sign this statement because the secretary is the official recorder of the minutes. The president, bylaws chair, vice president, or principal should not sign this statement. Include the meeting date at which the vote was taken.

23. Be sure that the name, address, and telephone number of a contact person is included in the space provided on the last page of the bylaws template.

24. Send the original and two copies of the bylaws approved by the membership directly to the Maryland State PTA office located at: 5 Central Avenue, Glen Burnie, Maryland 21061. Keep a copy of these bylaws for your records until the approved set is returned. Retain a copy of your old bylaws in the Secretary's historical files.

25. After Maryland PTA approval, the original will be returned to the local unit, one copy will be sent to MCCPTA, and one copy will be retained in the Maryland PTA office. If there are questions during the process of reviewing the local PTA bylaws committee, MCCPTA does have a bylaws committee and most MCCPTA cluster coordinators have had some experience with bylaws reviews. If your bylaws are declined, make the necessary changes as soon as possible and resubmit.

26. Your bylaws don't fade away between the three year review. They should be the guide that helps you structure the working of your organization. The secretary should have a copy of the current bylaws on hand at every PTA meeting should questions arise.