



UNIT BYLAWS

NYS PTA Code # 17-062

Region: Taconic

Unit Name: Brinckerhoff Elementary PTA

School Name: Brinckerhoff Elementary School

School Address: 16 Wedgewood Rd, Fishkill, NY 125241498

Grade Level: Elementary

National PTA Code # 00017684

Federal ID Number 14-1768698

New York State Sales Tax Exempt Number EX-143725

Membership Adoption Date: 01/01/2021

President's Name: Andrea Mallar

President's Signature _____

Secretary's Name: Gina Simone-Knapp

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

#ARTICLE I – NAME

The name of the association is the Brinckerhoff Elementary PTA. It is a local PTA unit organized under the authority 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

Adoption Date: 01/01/2021 2 ©NYS PTA® Unit Bylaws 11/1/2016

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 THE NATIONAL PTA AND THE NEW YORK STATE PTA

Section 1. This PTA 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 PTA.

A **local** PTA in good standing is one which:

- a. Adheres to the Purposes and basic principles of the PTA.
- b. Remits the national portion of the dues through the New York State PTA to reach the National office by dates designated by the National PTA.
- c. Has bylaws approved according to the procedures of the New York State PTA.
- d. Meets other criteria as may be prescribed by the New York State PTA.

Section 2. This PTA 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. Each officer or board member of a constituent association shall be a member of a local PTA within its area.

Section 5. Each officer or board member of a local PTA shall be a member of such local PTA.

Section 6. This PTA shall keep such permanent books of accounts and records as shall be sufficient to establish the items of gross income, receipts and disbursements of the association, including, specifically, the number of its members, the dues collected from its members and the amount of dues remitted to the New York State PTA. 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 7. The charter of this PTA shall be subject to withdrawal, and the status of such association as a PTA unit shall be subject to termination, in the manner and under the circumstances provided in the

bylaws of the New York State PTA.

Section 8. This local PTA is obligated, upon withdrawal of its charter by the New York State PTA: a. To yield up and surrender all its books and records and all of its assets and property to the New York

Adoption Date: 01/01/2021 3 ©NYS PTA® Unit Bylaws 11/1/2016

State PTA, or to such agency as may be designated by the New York State PTA, or to another local PTA 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 supervision and direction of the New York State PTA, all proceedings necessary or desirable for the purpose of dissolving this PTA.

Section 9. This PTA shall collect dues from its members and shall remit a portion of such dues to the New York State PTA as provided in Article VI hereof.

Section 10. Only members of a local PTA who have paid dues for the current membership year may participate in the business of that association.

Section 11. Bylaws of each constituent association shall include a provision establishing a quorum.

Section 12. The members of the nominating committee for officers of a constituent association shall be elected by membership and executive board.

Section 13. The bylaws of all constituent associations shall prohibit voting by proxy.

Section 14. Each local PTA shall include in its bylaws provisions corresponding to the provisions of such bylaws as are identified by the state symbol (#).

Section 15. The adoption of an amendment to any provision of the bylaws of the National PTA and the New York State PTA 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 16. This local PTA may dissolve and terminate its association in either of the following manners:

a. If dissolution of the association is considered because the school is being closed, the unit shall hold a meeting for the purpose of dissolution. Written notice indicating the purpose of this meeting shall be sent to the region director at least thirty (30) days prior to this meeting, and the region director shall be invited to this meeting. After the meeting the unit shall send written notice to the New York State PTA Office stating that the PTA has been dissolved, giving the date of dissolution. Units dissolved under this paragraph are obligated to further comply with all the provisions contained in Article VI, Section 6 of the New York State PTA Bylaws.

b. Upon receipt of a petition recommending dissolution of the association signed (including their addresses) by ten members or ten percent (10%) of the membership of the association, whichever is larger (exclusive of the members of the executive board) the executive board shall submit the question of dissolution to a vote at a special meeting of the members. All monies shall be frozen, except for those already budgeted or approved until the question of dissolution has been decided. If dissolution is

approved, disposition of funds shall be in accordance with Article VI, Section 6 of the New York State PTA Bylaws.

(1) Written notice stating the question of such dissolution shall be given to each member entitled to vote at such meeting, to the president of the New York State PTA, and to the region director at least thirty (30) days prior to the date of such meeting. The list of the names and addresses of the petitioners shall be given to the region director. The region director shall be invited to the meeting.

Adoption Date: 01/01/2021 4 ©NYS PTA® Unit Bylaws 11/1/2016

(2) Only those persons who were members of the association on the date of submission of the question of dissolution, and who continue to be members on the date of the special meeting, shall be entitled to vote on the question.

(3) Approval of dissolution of this local PTA shall require the affirmative vote of at least two-thirds (2/3) of the members present and voting at the special meeting, a quorum being present.

ARTICLE VI – MEMBERS 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 New York State PTA by which this local PTA is chartered, and is entitled to all benefits of such membership.

Section 2. Membership in PTA at all levels shall be open, without discrimination, to anyone who believes in and supports the mission, purposes and principles of National PTA and meets other qualifications for membership as prescribed in these bylaws and pays dues as required in these bylaws.

Section 3. This PTA shall conduct an annual enrollment of members. Membership is to be available throughout the year.

Section 4. Each member of this PTA shall pay such annual dues to said association as may be prescribed by the association. The amount of such dues shall include the portion payable to the New York State PTA (the "state portion") and the portion payable to the National PTA (the "national portion"). The National portion of each member's dues shall be two dollars and twenty-five cents (\$2.25) per annum. The New York State PTA portion of each member's dues shall be one dollar and seventy-five cents (\$1.75) per annum.

Section 5. Each standard member of this PTA shall pay annual dues of \$8.00 to the association. Additional family members will pay \$15.00 per membership. Students will pay \$7.00 per membership. Teacher and staff members will pay \$8.00 per membership. The amount of such annual dues shall include the portion payable to the state PTA and the portion payable to the National PTA.

Section 6. Individual membership dues are nonrefundable by New York State or National PTA.

Section 7. The state and national portions of the dues paid by each member of this PTA shall be set aside by this PTA and remitted to the New York State PTA through such channels, and at such times, as the state bylaws may provide.

Section 8. The membership year shall be from October 1 to September 30 inclusive. Dues shall be remitted to the New York State PTA Office immediately following the membership enrollment and before October 31. All dues shall be forwarded to the State PTA Office by May 31, and any additional dues shall be sent to the State PTA Office by the end of the school year.

Section 9. Each member is expected to be issued a membership card as proof of membership.

Section 10. Only members of this PTA who have paid dues for the current membership year shall be eligible to participate in the meetings of the PTA, or to serve in any of its elective or appointive positions.

Section 11. Honorary Life Membership.

a. An Honorary Life Membership in the 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

Adoption Date: 01/01/2021 5 ©NYS PTA® Unit Bylaws 11/1/2016
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 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 – OFFICERS AND THEIR ELECTION

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

Section 2. Officers and their election:

a. The officers of the association shall consist of a president, 1 vice president(s), a secretary, and a treasurer.

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

c. Officers shall assume their official duties on July 1 and shall serve for a term of two years 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. A person shall not be eligible to serve more than one consecutive term 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 3 members: 1 of whom shall be elected by the executive board from its body, and 2 who shall not be members of the executive board, elected by the association at a regular meeting of the association at least sixty (60) days prior to the election meeting. The committee shall elect its chair.

- 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 association 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 two weeks prior to the meeting.

Adoption Date: 01/01/2021 6 ©NYS PTA® Unit Bylaws 11/1/2016

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 VIII – DUTIES OF OFFICERS

Section 1. The president shall:

- # a. Have general charge and supervision of the business and affairs of the association and perform the duties usually incident to the office of president of a not-for-profit association, 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 association.
- c. When present, preside at all meetings of the association, the executive board, and the executive committee.
- # d. Be a member ex officio of all committees except of the nominating committee or 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 all committees, except those for which other provision is made.
- f. Coordinate the work of the officers and committees of the association in order that the Purposes may be promoted.
- # g. Keep a current copy of the association's state approved bylaws.

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.

Section 3. The secretary shall:

a. Record and maintain a permanent file of the minutes of all meetings of the association, executive board and the executive committee.

b. Send the names and addresses of the elected officers to the region director immediately following their election.

Adoption Date: 01/01/2021 7 ©NYS PTA® Unit Bylaws 11/1/2016

c. Maintain a permanent file of the committee reports, membership lists and records pertaining to the work of the association.

d. Keep a current copy of the association's state-approved bylaws.

Section 4. The secretary shall also:

a. Conduct the correspondence of the association under the direction of the

president. b. Maintain a file of all correspondence pertaining to the work of the unit.

c. Send notices of meetings as required.

Section 5. The treasurer shall:

a. Have custody of all of 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. 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 chair of the budget committee to prepare a budget for submission to the executive board for review and to the association for adoption.

f. Present a financial statement at every meeting of the association and at other times when requested by the executive board.

g. Present a complete annual report at the annual meeting of the association.

h. Be responsible for the maintenance of such books of accounts and records as conform to the requirements of Article V, Section 6.

i. Keep the records of the National PTA and the New York State PTA portions of the dues separate from the portion of the association, in accordance with Article V, Section 6.

j. Pay the National PTA and the New York State PTA portions of the dues to the New York State PTA

in accordance with Article VI, Section 6.

k. Pay to New York State PTA the fee for the liability insurance and fidelity bond provided the association through the New York State PTA.

l. Submit all financial records in accordance with Article XII, Section 8 to the audit committee or a professional auditor at least two weeks prior to date audit report is due.

m. Have the accounts examined annually, or upon change of treasurer, by an audit committee or a 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.

n. File all forms required by the Internal Revenue Service and New York State agencies.

Adoption Date: 01/01/2021 8 ©NYS PTA® Unit Bylaws 11/1/2016

All officers shall:

a. Meet the fiduciary duties of careful and prudent judgment and adherence to the associations purposes and rules.

b. Attend local, regional and/or state PTA training workshops.

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

d. Turn over to the president or 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 IX – EXECUTIVE COMMITTEE

Section 1. The executive committee shall consist of the officers of the association .

Section 2. The executive committee shall:

a. In cooperation with the president, appoint the committee chairmen including all special committee chairmen, except those for which other provision is made, and fill vacancies in chairmen of all committees, except those for which other provision is made.

b. Appoint delegates to the New York State PTA convention in accordance with the provisions of the bylaws of the New York State PTA and to other state and regional meetings of other associations.

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

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 (10) 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 (2) days' notice shall be given.

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

ARTICLE X – EXECUTIVE BOARD

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

Section 2. The executive board shall consist of the executive committee, chairmen of the standing committees, Principal/Director (or his/her designee), Teacher liaisons.

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:

Adoption Date: 01/01/2021 9 ©NYS PTA® Unit Bylaws 11/1/2016

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

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

c. Approve the plans of work of the standing committees.

d. Present a report at the regular meetings of the association.

e. Review and submit the budget prepared by the budget committee to the association 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 (10) 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 (2) days' notice shall be given.

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

ARTICLE XI – MEETINGS OF THE ASSOCIATION

Section 1. Regular meetings of the association shall be held at least three (3) times during the year, the dates and times to be determined by the executive board. At least ten (10) days' notice of a meeting shall be given.

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

Section 3. Special meetings of the association may be called by the president, a majority of the executive board, or upon the written request of 30% of the membership. At least (5) five days' notice of any special meeting shall be given.

Section 4. 10 members shall constitute a quorum for the transaction of business in any meeting of the association.

ARTICLE XII – COMMITTEES

Section 1. The executive board may create such standing committees as it deems necessary to promote the Purposes and to carry on the work of the association.

Section 2. Chairmen of committees shall be appointed by the president in cooperation with the executive committee, except those for which other provision is made

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

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

Adoption Date: 01/01/2021 10 ©NYS PTA® Unit Bylaws 11/1/2016

Section 3. 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 4. The chair of each standing committee shall attend region workshops.

Section 5. Special committees may be created by the association or by the executive board.

Section 6. A nominating committee shall be formed and shall perform its duties in accordance with the provisions of Article VII, Section 3.

Section 7. A budget committee shall be appointed by the executive board. The treasurer shall be chair of the committee.

Section 8. 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 the date the 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 membership at the first meeting of the succeeding school year.

Section 9. A majority of any committee shall constitute a quorum.

Section 10. The president shall be a member ex officio of all committees, except that the president shall not be elected or appointed a member, nor serve as ex officio of the nominating and audit committees.

ARTICLE XIII – COUNCIL MEMBERSHIP

This association is not a member of a council.

#ARTICLE XIV – FISCAL YEAR

The fiscal year of this association 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

Adoption Date: 01/01/2021 11 ©NYS PTA® Unit Bylaws 11/1/2016

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 approved by the association whether revised or not.
- 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 members present and voting, provided that 30 days' notice has been given.
- 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 hashtag (#) are common to New York State PTA and its constituent associations.

Adoption Date: 01/01/2021 12 ©NYS PTA® Unit Bylaws 11/1/2016