

**DELAWARE MILITARY ACADEMY SCHOOL  
PARENT-TEACHER ASSOCIATION**

**RED CLAY CONSOLIDATED SCHOOL DISTRICT**

**BYLAWS**

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## **Article I—Name**

The name of this association is the [Delaware Military Academy](#) Parents and Teacher Association (PTA/PTSA), [Wilmington](#), Delaware. It is a local PTA/PTSA organized under the authority of Delaware Congress of Parents and Teachers, Inc. (Delaware PTA), a branch of National Congress of Parents and Teachers (National PTA).

## **Article II—Purposes**

**Section 1.** The purposes of the [Delaware Military Academy](#) PTA 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.** The purposes of the PTA are promoted through an advocacy and educational programs directed toward parents, teachers, and the general public; developed through conferences, committees, projects, and programs; and governed and qualified by the basic policies set forth in Article III.

**Section 3.** The association 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”).

**Section 4.** The association shall be noncommercial, nonsectarian, and nonpartisan.

## **Article III—Basic Policies**

The following are basic policies of the Delaware Military Academy PTA:

- a. The association 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.

- b. The association or members 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 association shall work with the districts and school to provide quality education for all children and youth and shall be informed and participate in the decision making process establishing education policy, recognizing the legal responsibility to make decisions has been delegated by the people to all educational and legislative authorities.
- d. No part of the net earnings of the association shall inure to the benefit of, or be distributable to, its members, directors, trustees, officers, or other private individuals 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 II hereof.
- e. Notwithstanding any other provision of these articles, the association shall not carry on any other activities not permitted to be carried on (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.
- f. Upon the dissolution of a local unit PTA unit in Delaware, after paying or adequately providing for the debts and obligations of the unit, the remaining financial assets will be turned over to the Delaware PTA. The Delaware PTA executive Committee will set aside the funds for possible reinstatement of the dissolving unit. If said unit is not reinstated as a PTA unit within 18 months of the date of dissolution, the Delaware PTA executive Committee may use the funds for the benefit of the remaining PTA units in the same region that the dissolved PTA unit was located in. The dissolving PTA unit will also file a final 990 with the IRS, marked as final, and provide the state association with proof of filing. All additional assets and materials shall be turned over to the state association. A dissolving PTA unit may not use existing financial resources to start a new parent group or transfer to any other entity. The dissolving unit may not spend down the account unless the proposed expenditures were approved by the voting membership in the budget and is captured in the meeting minutes. In compliance with the State of Delaware Non-Profit laws, dissolving local units are required to:
  - Contact current accounts associated with their EIN and close them immediately. This includes accounts with other associations such as Box Tops, General Mills, Target, Kohl's, etc. that make use of the PTA name or EIN number.
  - Per IRS requirements, file a final 990-N form. Per IRS instructions, be sure to answer "YES" to the question "Has your association terminated or gone out of business?" You must include a completed Schedule N (*Liquidation, Termination, Dissolution, or Significant Disposition of Assets*), as well as copies of your certificate of dissolution.
  - The directors must file a certificate of dissolution with Delaware's Secretary of State in accordance with Section 275 of the DGCL. The certificate must state the name of the corporation, the date the dissolution was authorized, and the names and addresses of all directors. The certificate should also confirm that all members, if applicable, have agreed to the dissolution.
  - The new parent group may be subject to taxation on all revenue/income unless and until they

apply for their own EIN with the IRS.

- All remaining physical assets, such as equipment or supplies, will need to be turned over to the Delaware PTA, as is required by state law as directed by the Delaware PTA Uniform Bylaws for Local Units which contain specific instructions on the disbursement of any assets of a local PTA at the time it is dissolved.
  - PTA® is a registered service mark of the National PTA, registration number 808987, issued May 24, 1966. This registration issued by the federal government may not be used by associations that are not affiliated with the National Congress of Parents and Teachers or the Delaware PTA. All dissolving units must cease using the PTA name and/or logo immediately on any of association materials or websites affiliated with the dissolving group.
- g. In the event that a local unit ceases to exist due to lack of leadership, the Regional VP and other applicable state board members, where possible, will work with school leadership and families to identify and elect a new PTA board to carry on the business of PTA.
- h. Theft in a local unit a local unit is defined as the intentional misuse, misappropriation and/or mismanagement of local unit funds that results in personal financial gain. Fraud is defined as the intentional misrepresentation, wrongful or criminal deception intended to result in personal or financial gain. Under-reporting membership is an example of fraud.

Upon notification, confirmation or suspicion of theft or fraud, Delaware Military Academy PTA shall notify Delaware PTA. Delaware PTA will provide information and guidance to ensure proper steps are taken to:

- Report theft/fraud to the local authorities
- Report theft/fraud to applicable insurance company
- Provide additional training and guidance to the local unit on treasury and other management issues.
- Upon request of the local unit, assist with PR in the school and school community
- Provide local unit with guidance on obtaining an independent audit.

#### **Article IV—Relationship with National PTA and Delaware PTA**

**Section 1.** This local PTA shall be organized and chartered under the authority of the Delaware PTA in the area in which this local PTA functions, in conformity with such rules and regulations, as the Delaware PTA may in its bylaws prescribe. The Delaware PTA shall issue to this local PTA an appropriate charter evidencing the due organization and good standing of this local PTA. **(State PTA may establish its own “good standing” policy)**

A local PTA in good standing is one that

- a. Adheres to the purposes and basic policies of the PTA;

- b. Remits the state and national portion of the dues through the Delaware PTA by scheduled deadlines;
- c. Reports officers and contact information by deadline set and advertised by Delaware PTA;
- d. Annually files a copy of the IRS reporting form; audit report, final budget for the most recently completed school year, and a copy of the annual financial report to the Delaware PTA;
- e. Local unit officers participate in annual leadership training offered by Delaware PTA or Councils;
- f. Sends delegates to the Delaware Annual Convention and Board of Managers Meetings;
- g. Has bylaws approved every five (5) years;
- h. In order to be in good standing, a local unit must give Delaware PTA the power of attorney (IRS form 8821) to speak on their behalf to IRS
- i. Meets other criteria as may be prescribed by the Delaware PTA.

**Section 2.** This local PTA shall adopt such bylaws for the government of the association as may be approved by the Delaware PTA. Such bylaws shall not be in conflict with National PTA Bylaws or the bylaws of Delaware PTA.

**Section 3.** Bylaws of this local PTA shall include an article on amendments.

**Section 4.** Bylaws of this local PTA shall include a provision establishing a quorum.

**Section 5.** Each officer or executive committee member of this local PTA must be a paid member of this local PTA.

**Section 6.** Members of the executive committee are prohibited from voting by proxy.

**Section 7.** Only members of this local PTA who have paid dues for the current membership year may participate in the business of this local PTA.

**Section 8.** The charter of this local PTA shall be subject to withdrawal and the status of such association as a local PTA shall be subject to termination, in the manner and under the circumstances provided in the bylaws of the Delaware PTA and Article III, Section f of these local unit bylaws.

## **Article V—Membership and Dues**

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

**Section 2.** Each member of this local PTA shall pay annual dues to said association. The amount of such annual dues shall include the portion payable to the Delaware PTA and the portion payable to National PTA.

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

**Section 4.** The PTA membership year shall be from July 1<sup>st</sup> through June 30<sup>th</sup>

## **Article VI—Officers**

**Section 1.** The elected officers of this local PTA shall be a president, 1<sup>st</sup> vice president, 2<sup>nd</sup> vice president, secretary and treasurer.

**Section 2.** Officers shall be elected in the month of [May](#) (must be held no later than June 1 of each year).

**Section 3.** The vote shall be conducted by ballot and a majority vote shall elect. When there is only one candidate for any office that election may be held by voice vote.

**Section 4.** The following provisions shall govern the eligibility of individuals to be officers of the [Delaware Military Academy PTA](#):

- a. Each officer shall be a member of this local PTA.
- b. No officer may be eligible to serve more than two consecutive terms in the same office.
- c. A person who has served in an office for more than one half of a full term shall be deemed to have served a full term in such office.

**Section 5.** Officers shall assume their official duties on the first day of the new fiscal year July 1, in which they are elected and shall serve for a term of [1](#)year(s) or until their successors are elected.

**Section 6.** A vacancy occurring in the office of president shall be filled for the remainder of the unexpired term by the 1<sup>st</sup> vice president. A vacancy in any office other than president shall be filled by a majority vote of the executive committee.

**Section 7.** There shall be a nominating committee composed of [3](#) members who shall be elected by this local PTA at a regular general membership meeting at least 1 month (s) prior to the election of officers.

- a. The committee shall elect its chair.
- b. The nominating committee shall nominate an eligible person for each office to be filled and report its nominees at the regular general membership meeting in [April](#) at which time additional nominations may be made from the floor.
- c. Only those individuals who are current members of this local PTA and who have signified their consent to serve if elected shall be nominated for, or elected to, such office.

## **Article VII—Duties of Officers**

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

- a. Preside at all meetings of this local PTA;
- b. Serve as an ex officio member of all committees except the nominating committee;
- c. Coordinate the work of the officers and committees of this local PTA in order that the purposes may be promoted;
- d. Perform such other duties as may be provided for by these bylaws, prescribed by the parliamentary authority, or directed by the executive committee.
- e. Attend DPTA board of managers' meetings.

### **Section 2.** The 1<sup>st</sup>/2<sup>nd</sup> Vice president(s) shall

- a. Act as aide(s) to the president;
- b. In their designated order perform the duties of the president in the president's absence or inability to serve;
- c. Perform such other duties as may be provided for by these bylaws, prescribed by the parliamentary authority, or directed by the president, or the executive committee.

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

- a. Record the minutes of all meetings of the [Delaware Military Academy](#) PTA;
- b. Be prepared to read the records of any previous meetings;
- c. File all records;
- d. Have a current copy of the bylaws;

- e. Maintain a membership list;
- f. Perform such other duties as may be provided for by these bylaws, prescribed by the parliamentary authority, or directed by the president, or the executive committee.

**Section 4.** The treasurer shall:

- a. Collect all monies and deposit in the PTA bank account. Record deposit slip with applicable committee chair signature on deposit slip. In absence of the treasurer, the president or vice president may collect and deposit monies.
- b. Have checks and vouchers signed by two people; the treasurer and one other executive committee member (the president if possible).
- c. Prepare monthly treasurers report and bank reconciliations.
- d. Present the monthly treasurers report and bank reconciliations to the executive committee and at general membership meetings.
- e. Keep accurate records of all receipts which are to be kept in a binder as they are property of the PTA. This binder should be available for inspection/review by any executive committee member at anytime. This binder must also be passed onto newly elected treasurer.
- f. Submit the books annually for an audit. Annual audit shall be completed by an auditing committee selected by the executive board, or a licensed professional, by July 31<sup>st</sup> each year.
- g. Report the findings of the annual audit to the executive committee and general membership.
- h. Maintain continuous and direct communication with the president and executive committee regarding the finances of this local PTA.
- i. Working with the president, be responsible for completing and forwarding all required tax forms and insurance forms to appropriate agencies.
- j. Perform such other duties as may be provided by these bylaws, prescribed by the parliamentary authority, or directed by the president or the executive committee.

**Article VIII—Executive Committee**

**Section 1.** The affairs of the [Delaware Military Academy](#) PTA shall be managed by the executive committee in the intervals between local PTA general membership meetings.

**Section 2.** Each executive committee member shall be a paid member of this local PTA.

**Section 3.** The members of the executive committee shall be:

- a. elected officers;

- b. standing committee chairs, special committee chairs, teacher representatives, student representatives, principal or representative.
- c. The president may appoint a parliamentarian, subject to approval of the executive committee of this local PTA.

**Section 4.** Duties of the executive committee shall be to

- a. Carry out such business as may be referred to it by the membership of the association;
- b. Appoint standing committee chairs
- c. Approve the work of the committees
- d. Create special committees;
- e. Create a report of the regular general membership meetings of this local PTA;
- f. Select an auditor or an auditing committee to audit the treasurer's accounts;
- g. Prepare and submit an annual budget to this local PTA's general membership for adoption;
- h. Approve payment of routine bills within the limits of the approved budget;
- i. Oversee activities of established committees, any other business as it relates to PTA functions and processes.

**Section 5.** If any member of the executive committee shall at any time cease to meet the qualifications or fulfill the duties of the position, that person may be removed by resolution adopted by a majority vote of the executive committee.

**Section 6.** Regular meetings of the executive committee shall be held with the date and time to be fixed by the executive committee at its first meeting of the year.

**Section 7.** Special meetings of the executive committee may be called by the president or when requested by a majority of the members upon 5 days' written notice to each member of the executive committee.

**Section 8.** At all meetings of the executive committee, a majority of the members of the executive committee shall constitute a quorum for the transaction of business.

**Section 9.** Upon the expiration of the term of office or when individuals cease to hold the position that entitles them to be a member of the executive committee, they shall automatically cease to be a member of the executive committee and shall be relieved of all duties and responsibilities incident to such membership. All records, books, and other materials pertaining to the position shall be turned over to the president and all funds pertaining to the position shall be returned to the treasurer within 14 days.

## Article IX—Committees

**Section 1.** Only members of this local PTA shall be eligible to serve in any elective or appointive positions.

**Section 2.** The standing committees of this local PTA shall be

- a. [Membership, Activities, Military Support, Fundraising, Hospitality, Reflections and Staff Appreciation.](#)

**Section 3.** The executive committee may create such special committees, as it may deem necessary to promote the purposes of PTA and carry on the work of this local PTA.

**Section 4.** The term of office of a committee chair shall be 1 year(s) or until the selection of a successor.

**Section 5.** The chair of each committee shall present a plan of work to the executive committee for approval. No committee work shall be undertaken without the consent of the executive committee.

## Article X—General Membership Meetings

**Section 1.** Regular meetings of this local PTA shall be held on the [third Thursday](#) of the month, unless otherwise provided by this local PTA, or the executive committee. 7 days notice shall be given to the membership of any change of date.

**Section 2.** Special meetings of this local PTA may be called by the president or by a majority of the executive committee, 5 days notice having been given.

**Section 3.** 10 members shall constitute a quorum for the transaction of business in any general meeting of this local PTA.

## Article XI—Delaware PTA Convention

[The following sections **must** correspond to the state PTA bylaws, and are provided as a guideline to local PTAs.]

**Section 1.** This local PTA shall be represented at the annual meeting of the Delaware PTA by the president, or appointed alternate, plus one additional delegate per 20 members.

- a. All representatives to the Delaware PTA convention must be members of this local PTA.
- b. Delegates and their alternates shall be chosen by majority vote prior to registration for the convention.

## Article XII—Fiscal Year

The fiscal year of the [Delaware Military Academy](#) PTA shall begin on July 1<sup>st</sup> and end on the following June 30<sup>th</sup>.

**Article XIII—Parliamentary Authority**

The rules contained in the current edition of *Robert's Rules of Order, Newly Revised* shall govern [Delaware Military Academy](#) in all cases in which they are applicable and in which they are not in conflict with National PTA Bylaws, the Delaware PTA Bylaws, special rules of order or Articles of Incorporation.

**Article XIV—Amendments**

**Section 1.** These bylaws may be amended at any regular general membership meeting of the [Delaware Military Academy](#) by a two-thirds vote of those present and voting, provided the amendments have been approved by the executive committee and notice of proposed amendments has been provided to the membership **30 days** prior to the meeting.

**Section 2.** The executive committee, by a majority vote, may authorize the Committee on Bylaws to submit a revised set of bylaws as a substitute for the existing bylaws.

**Section 3.** Submission of amendments or revised bylaws for approval by the Delaware PTA shall be in accordance with the bylaws or regulations of the Delaware PTA.

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Date adopted by [Delaware Military Academy](#) School PTA Members

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Date approved by Delaware PTA