



Evans Elementary School
Home and School Association
125 Sunset Road, Limerick, PA 19468
(610) 705-6012 **www.evanshsa.org**

CONSTITUTION AND BY-LAWS

ARTICLE I NAME

The name of this Association shall be Evans Elementary Home and School Association.

ARTICLE II OBJECTIVE

Section 1

The objective of this organization is to provide communication and understanding between families, faculty and administration at Evans Elementary School. We intend to encourage parents and teachers to cooperate in the education of the child.

Section 2

To facilitate efforts to provide adequate social, physical, and educational materials and programs; to meet and enhance the students' educational experience, and to raise and maintain community interest in the educative processes at Evans Elementary School.

ARTICLE III POLICIES

Section 1

The Association shall not seek to direct in any way the technical activities of the school or control school policies.

Section 2

The Association shall be non-commercial, non-profit, non-partisan, and non-sectarian in nature.

Section 3

The business of this Association shall be conducted on a fiscal year basis, which ends June 30th of each year.

ARTICLE IV MEMBERSHIP AND DUES

Section 1

Parents or guardians whose children attend this school, the faculty and administration, and any other family member over eighteen years of age who is interested in the objectives for which the Association was formed may become members.

Section 2

The annual dues for membership in the Association shall be \$5.00 per family.

Section 3

Anyone who submits a check, which is returned for insufficient funds, will have to reimburse the Association for any fees that check incurs. After the second check is returned for insufficient funds, the Association will accept only cash or money order from that person.

ARTICLE V ELECTION OF OFFICERS

Section 1

The Executive Board of the Association shall be President, Vice President, Secretary, Treasurer, Assistant Treasurer, the Principal and a Faculty Liaison.

Section 2

Nominations of all officers shall be made by a nominating committee consisting of three members to be appointed by the President at the February meeting. The Nominating Committee shall accept nominations or self-nominations for each office. Only persons who have been contacted for their consent by the Nominating Committee may be named to the ballot. Nominees are to be presented at the March meeting. Voting ballots will be sent home to the general membership in March.

Section 3

The officers shall be announced at the April meeting for a two-year term. The elected officers cannot serve for more than two consecutive full terms. The offices of President, Vice President and Assistant Treasurer shall be filled on the odd numbered years starting in 2007. The offices of Secretary and Treasurer shall be filled on the even numbered years starting in 2008. The officers shall assume their duties on July 1 following the election and work in conjunction with existing officers through June 30 (fiscal year end). During the transitional period the new officers will have the opportunity to work with their predecessors to insure a smooth change of office.

Section 4

The Vice President shall fill a vacancy occurring in the office of President until the next meeting at which time nominations will be taken from the floor. Additional nominations from the floor and an election will occur at the following meeting.

Section 5

The Assistant Treasurer shall fill a vacancy occurring in the office of Treasurer until the next meeting at which time nominations will be taken from the floor. Additional nominations from the floor and an election will occur at the following meeting.

Section 6

The executive Board will appoint a member to fill the duties of Vice President, Assistant Treasurer or Secretary until an election can be conducted. Additional nominations from the floor and an election will occur at the following meeting.

Section 7

Anyone voting in any election in the Association is required to be a member of the Association.

ARTICLE VI DUTIES OF THE ELECTED OFFICERS

Section 1

The President shall preside at all meetings of the Association and the Executive Board and shall be an ex officio member of all committees except the nomination committee and audit committee. The President is responsible for the safekeeping of all official Association documents.

Section 2

The Vice President shall perform the duties of the President in the absence of the President and shall assist the President when called upon.

Section 3

The Secretary shall keep a correct record of all the meetings of the Association and Executive Board and shall be responsible for correspondence in connection with the business of the Executive Board and membership. The Secretary shall be responsible for finding someone to take minutes in the event s/he cannot be present at a meeting. The Secretary shall make copies of meeting minutes available for review and approval.

Section 4

The Treasurer shall receive all monies of the Association, keeping an accurate record of receipts and expenditures, and make disbursements as authorized by the Association, Executive Board or committees, in accordance with approved budgets and receipt vouchers. The Treasurer shall present a financial report at each business meeting during the school year.

Section 5

Assistant Treasurer shall perform the duties of the Treasurer in the absence of the Treasurer and shall assist the Treasurer when called upon.

Section 6

All officers and chairpersons must deliver all records, materials, or anything pertaining to their particular office promptly to the new President when s/he takes office.

ARTICLE VII EXECUTIVE BOARD

Section 1

The Executive board shall consist of the officers of the Association, the Principal and Faculty Liaison.

Section 2

The duties of the Executive Board shall be transacting necessary business between general meetings as well as supporting all committees formed by the Association. Meetings shall be held throughout the year as called by the President or a quorum of the Board.

Section 3

The Executive Board shall appoint an accountant each year at the May meeting to review the accounts of the Association for the year ending June 30. This accountant shall conduct a review and file a report with the President by the first day of school. An external professional audit shall be conducted at each transition of the Treasurer.

ARTICLE VIII STANDING COMMITTEES

Section 1

Committees may be created by the Executive Board as deemed necessary to promote the objectives and policies of, and to carry out the work of, the Association.

Section 2

Each committee shall be headed by a Chairperson appointed by a quorum of the Executive Board from individuals who have stated a willingness to chair. The Chairperson is responsible for calling committee meetings and reporting progress at the general meetings. Each committee shall have a concise statement of purpose that will be updated as needed.

Section 3

All committee chairpersons shall serve a one (1) year term.

Section 4

Each committee shall work within the budget established for the committee. All committee monies must be counted and verified by the Treasurer and the committee chairperson.

ARTICLE IX VOLUNTEERS

Section 1

In compliance with Spring-Ford Area School District Policy 916, prior to providing volunteer services, a volunteer shall be required to complete, submit for approval, pay for and file in the office of the school building on whose behalf the volunteer renders such services an Act 34 Criminal History Report and an Act 151 (Child Abuse) Clearance Statement.

ARTICLE X PARLIMENTARY AUTHORITY

Section 1

The rules contained in Robert's Rules of Order Revised shall govern this organization in all cases to which they are applicable. Only current members of the Home & School Association are eligible to vote.

ARTICLE XI MEMBERSHIP MEETINGS

Section 1

All meetings shall be scheduled by the President and approved by the Executive Board.

Section 2

The Executive Board may call special membership meetings as deemed necessary and all members shall be notified.

Section 3

Nine members shall constitute a quorum to do business at any general membership meeting of the Association. Three members of the Executive Board shall constitute a quorum at any Executive Board meeting.

Section 4

By vote of the Executive Board, any monthly meeting may be cancelled or rescheduled as deemed necessary.

ARTICLE XII TAX EXEMPTION

Section 1

The Home & School Association is organized exclusively for charitable and educational purposes, including for such purposes, the making of distributions to organizations under section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

Section 2

No part of the net earnings of the Home & School Association shall inure to the benefit of, or be distributable to, its members, officers, or other private persons, except that the Home & School 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 Section 1 hereof. No substantial part of the activities of the Home & School Association shall be the carrying on of propaganda, or otherwise attempting to influence legislations, and the Home & School Association shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the Home & School Association shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

Section 3

Upon dissolution of the Home & School Association, the Board shall, after paying or making provision for the payment of all of the liabilities of the Home & School Association, dispose of all of the assets of the Home & School Association exclusively for the purposes of the Home & School Association in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Board shall determine. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the Home & School Association is then located, exclusively for such purpose or to such organization or organizations as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE XIII CONFLICT OF INTEREST

Section 1

The purpose of the conflict of interest policy is to protect the interests of the Evans Elementary Home & School Association when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of this organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Section 2 - *Definitions*

1. Interested Person

Any director, principal officer, or member of a committee with Executive Board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a. An ownership or investment interest in any entity with which the Home & School Association has a transaction or arrangement,
- b. A compensation arrangement with the Home & School Association or with any entity or individual with which the Home & School Association has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Home & School Association is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Section 3.2, a person who has a financial interest may have a conflict of interest only if the Executive Board or appropriate committee decides that a conflict of interest exists.

Section 3 - *Procedures*

1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with Executive Board delegated powers considering the proposed transaction or arrangement.

2. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Executive Board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

3. Procedures for Addressing the Conflict of Interest

- a. An interested person may make a presentation at the Executive Board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b. The chairperson of the Executive Board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the Executive Board or committee shall determine whether the Home & School Association can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Executive Board or committee shall determine by a majority vote of the disinterested members whether the transaction or arrangement is in the Home & School Association's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.
4. Violations of the Conflicts of Interest Policy
 - a. If the Executive Board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
 - b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Executive Board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Section 4 - *Records of Proceedings*

The minutes of the Executive Board and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Executive Board's or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Section 5

1. A voting member of the Executive Board who receives compensation, directly or indirectly, from the Home & School Association for services is precluded from voting on matters pertaining to that member's compensation.
2. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Home & School Association for services is precluded from voting on matters pertaining to that member's compensation.
3. No voting member of the Executive Board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Home & School Association, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Section 6

Each director, principal officer and member of a committee with Executive Board delegated powers shall annually sign a statement, which affirms such person:

- a. Has received a copy of the conflicts of interest policy,
- b. Has read and understands the policy,
- c. Has agreed to comply with the policy, and
- d. Understands the Home & School Association is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Section 7

To ensure the Home & School Association operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Home & School Association's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

Section 8

When conducting the periodic reviews as provided for in Section 7, the Home & School Association may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

ARTICLE XIV AMENDMENTS

Section 1

These By-Laws may be amended at any regular meeting of the membership by a majority vote of the members present and voting, provided the amendment has been presented at a previous general meeting and published in the minutes. Approved amendments are to be enacted immediately and may be retroactive where applicable.

Section 2

A review of the By-Laws shall be made every two years beginning in May 2008.

Section 3

All officers and committee chairpersons shall have a copy of the By-Laws. Any other member of the Association may secure a copy upon request to the Secretary. This document was developed and approved by a representative group of the Evans Elementary community.

Approval Date: 05/08/07

Revised Dates: 02/17/10, 10/08/08