

*BYLAWS*  
*Bellmawr Learning Community PTO*  
*2016-2017*

*Article I Name*

The name of this organization shall be the Bellmawr Learning Community PTO.

*Article II Objectives-Mission*

- a) To promote the education and well-being of all children at home, in school, and in the community.
- b) To provide a forum for discussion and foster communication between parents, administrators, educators and the community.
- c) To enhance the educational facilities and opportunities for the students of The Bellmawr Learning Community, 256 Anderson Ave Bellmawr, NJ 08031 that are not otherwise provided for in the school budgets.
- d) To promote volunteer programs and resources for Bellmawr Learning Community.
- e) To sponsor projects and events for the benefit of Bellmawr Learning Community students.
- f) To raise funds as required to provide for all the above objectives.

*Article III Policies*

- a) 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 "Internal Revenue Code").
- b) The organization shall be noncommercial, nonsectarian, and nonpartisan.
- c) The name of the organization or the names of any members in their official capacities shall not be used to endorse or promote a commercial concern or in connection with any partisan interest or for any purpose not appropriately related to promotion of the Objects of the organization.
- d) The organization 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 in attempting to influence legislation by propaganda or otherwise.
- e) The organization shall work with the schools 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.
- f) 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 individuals 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.
- g) 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.

h) Upon dissolution of this organization, after paying or adequately providing for the debts and obligations of this PTO, the remaining assets shall be evenly distributed to the Bellmawr schools. If the school ceases to exist, remaining PTO assets shall be distributed to one or more exempt purposes within the meaning of section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

#### ***Article IV Membership***

- a) Any parent, guardian, or other person standing in "loco parentis" of a child enrolled and attending any Bellmawr public school.
- b) Any member of the licensed and non-licensed staff working in the Bellmawr Learning Community.
- c) Any member shall have the privilege of approving or declining a call for action and serving on committees.
- d) A voting member shall be anyone who is a member in good standing according to Article IV, Section A; and who pays a \$5.00 membership fee.
- e) To be eligible to vote in an election, the member shall be a member in good standing according to Article IV, Section A; must have attended four PTO meetings and volunteered at two sponsored events in the current year; and who paid a \$5.00 membership fee no later than the end of the first general meeting.
- f) The membership year will run from October 1 through September 30 of each year.

#### ***Article V Trustees and their Election***

- a) There shall be seven (7) Trustees elected to run the organization. Each of the three (3) schools in the district: Bell Oaks, Bellmawr Park and Ethel M. Burke shall elect two (2) trustees who will each serve a term of two years. In addition, the Early Childhood Center shall elect one (1) trustee who will serve a term of one year. Upon their election, Trustees will appoint the executive board.
- b) Trustees shall be elected in June by the eligible voting members present, using the ballot system.
- c) Any PTO member is eligible to be a Trustee after one school year as an active member.
- d) Outgoing Trustees will end their duties and new Trustees shall assume their duties at the close of the June PTO meeting. Date of meeting is subject to change yearly.
- e) Trustees shall serve a term of two (2) years and/or until their successors are elected. ECC Trustee shall serve a term of one (1) year and/or until his/her successor is elected.
- f) A person shall not be eligible to serve more than two (2) consecutive terms in the same office, unless there are no other candidates for that position.
- g) Trustees of this organization shall be elected in the following manner:
  - i. Nominations for Trustees will be taken in May. People nominated must have a child attending Bellmawr Public Schools. Nominees must have a child attending the school for which they are nominated, for the time until their term will end.
  - ii. PTO Trustee elections shall be held in June. There will be one vote cast per household. The ECC Trustee will be elected yearly. All other Trustees will be elected every two years.
  - iii. All votes shall be on written ballot.
  - iv. Only PTO members that have attended at least four PTO meetings and volunteered at least 2 PTO sponsored events in the current year are eligible to vote.
  - v. PTO members may vote for trustees at the school(s) where they have a child(ren) in attendance only.
  - vi. One past President or a past trustee, and the Principal or teacher member, along with two other members, not in the election, shall be in charge of counting votes.

vii. The PTO shall send out a nomination form to all parents whose children attend Bellmawr Public Schools to give them the opportunity to nominate someone or themselves for a Trustee position. The form will have the PTO election day listed for them to attend the election.

viii. Vacancies shall be filled by the appointment of the Board.

ix. Removal from office may occur by a majority vote of the Board for missing more than two consecutive meetings, failure to perform assigned duties, corruption, or any act that brings dishonor to the organization or negates the objectives of the organization. Removal shall take place after the Board has met in an effort to discuss the problem and all attempts have been made to resolve the problem. Removal shall be done by a majority vote. No board member has the right to change any decision that the board members made. If a board member intentionally does not follow through with the decision of the board, it will result in removal from the board.

#### ***Article VI Duties of Executive Board***

a) The President shall preside over all meetings of the organization and executive board, serve as the primary contact for the PTO, represent the organization at meetings outside the organization, serve as an ex officio member of all committees except the nominating committee, and coordinate the work of all the officers and committees so that the purpose of the organization is served.

b) The Vice President shall assist the President and perform the duties of the President in the absence or inability to serve. The Vice President shall maintain all membership lists of the Bellmawr Learning Community PTO.

c) The Recording Secretary shall keep a permanent and accurate record of all meetings. Copies of the current school year minutes will be available at each meeting. The secretary must have a current copy of the bylaws at each meeting.

d) Corresponding Secretary shall perform all correspondence at the direction of the President.

e) The Co-Treasurers (Two positions) shall receive all monies of the organization; shall keep an accurate record of receipts and expenditures; and shall pay out funds in accordance with the Bylaws. She/he shall present a financial statement at every meeting and at other times when requested by the board; and shall make a full report at the end of the current school year.

Ensure the timely filing of the organization's taxes each year.

f) All officers shall perform the duties outlined above as well as any other duties prescribed in these bylaws; and such other duties as may be delegated to her/him.

g) All officers shall deliver to their successors official materials at the close of their service of office.

h) Committee Members shall perform ongoing responsibilities outside of the general membership. Fulfill committee obligations as assigned by Executive Board. Plan and organize activities pertaining to the subcommittee and report back to the Executive Board.

i) School Representatives are chosen by the principals and shall perform school level duties and responsibilities for school activities and fundraising events.

#### ***Article VII Meetings***

a) There shall be monthly meetings of this organization at a time and place determined by the executive board with dates posted on the school website.

b) Date and/or time may be changed by the Bellmawr Learning Community PTO board with proper notice given to members, not to be less than three days prior to the new date and/or time.

c) There will be one summer meeting, date and time to be determined by the board during the May general meeting.

- d) Three board members and two members from each school present at any meeting shall constitute a quorum for the transaction of business of the organization.
- e) Special meetings may be called by any two Trustees, with 48 hours notice.

**Article VIII Parliamentary Authority**

- a) The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Bellmawr Learning Community PTO.

**Article IX Fiscal Year**

- a) The fiscal year of the Bellmawr Learning Community PTO shall begin on September 1 and end on the following August 31.

**Article X Audits**

- a) A financial review committee shall review the PTO books annually and before the books are turned over to the new board. The committee should consist of at least one outgoing, or current, board member and one incoming board member, along with at least one other current member in good standing. This committee may not include either the outgoing or incoming treasurer. This committee will match every financial request with every receipt. The committee's report will be submitted to the Board at the first general meeting of the new school year. The committee will be appointed by the President and approved by the Board.

**Article XI Funds/Budget**

- a) The treasurer shall keep accurate records of any disbursements, income and bank account information. A minimum of \$1,000 must be in the bank account at all times. At the end of the school year \$4,500 must be left in the account.
- b) Two authorized signatures shall be required on each PTO check. Authorized signatures shall include the President, Vice President and one of the Treasurers. The signature on any check cannot be the payee.
- c) There shall be no debit card for the PTO checking account.
- d) To be reimbursed from the PTO a reimbursement form along with the receipt or invoice must be stapled to the reimbursement form and submitted to the Treasurer. If it is not an item as written in the budget, two board members must sign the request form.
- e) All PTO financial and other pertinent records must be turned over within 10 business days from the summer meeting date. The incoming and outgoing President and Treasurer must make themselves available to sign and record the transfer of bank accounts. Financial records would include: bank account records, outstanding debt records, history of all transactions, receipts, and tax information. Other pertinent records include: date of contracted events, frequent contacts, willing volunteers information, sample forms/documents, PTO inventory, etc.
- f) At the end of an event where monies have been collected, a cash control slip will be filled out by two members of the Board. The members of the Board cannot be next of kin. Both members should count the money, sign, and date the slip. One copy will go to the President and one copy is kept with the deposit slip by the Treasurer.  
Large Fundraising Activity: at the end of the event money is counted by 2 board members signed and give to the PTO treasurer within 3 days.  
School Level Fundraising Activities: money is counted by two school representatives signed and given to one of the treasurers.
- g) PTO funds should be deposited into the bank within three days of receiving funds.
- h) A letter will be written to the payee of checks that are written to PTO and returned for insufficient funds. The letter will contain a copy of the returned check, a request for the written amount and the fees charged to PTO by the bank for the check plus a fee of \$25 to the PTO. The check will be returned to the payee upon receipt of cash, money order, or certified check.

This policy will be posted under the PTO tab for the bellmawrschools.org website for Bellmawr Public Schools.

i) A tentative budget will be drafted prior to the first general meeting of each school year. The budget will be discussed at that first meeting and must be approved at the second general meeting. All expenditures within the realm of the approved budget are authorized expenditures.

#### ***Article XII Amendments***

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 at the previous regular meeting.

#### ***Article XIII Standing Rules***

Standing rules may be approved by the Executive Board, and the secretary shall keep a record of the standing rules for future reference.

#### ***Article XIV Conflict of Interest Policy***

1) Purpose: The purpose of the conflict of interest policy is to protect this tax-exempt organization's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the 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.

2) Definitions:

a) Interested Person. Any director, principal officer, or member of a committee with governing board-delegated powers who has a direct or indirect financial interest, as defined below, is an interested person.

b) Financial Interest. A person has a financial interest if the person has, directly or indirectly, through business, investment, or family

i. An ownership or investment interest in any entity with which the organization has a transaction or arrangement;

ii. A compensation arrangement with the organization or with any entity or individual with which the organization has a transaction or arrangement; or

iii. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the organization 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 3b, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

3) Procedures.

a) 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 governing board-delegated powers who are considering the proposed transaction or arrangement.

b) 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 governing 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 whether a conflict of interest exists.

c) Procedures for Addressing the Conflict of Interest.

- i. An interested person may make a presentation at the governing 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.
- ii. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- iii. After exercising due diligence, the governing board or committee shall determine whether the organization 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.
- iv. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the organization'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.

d) Violations of the Conflict of Interest Policy.

- i. If the governing 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.
- ii. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines that 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 governing 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 governing 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. Compensation.

- a) A voting member of the governing board who receives compensation, directly or indirectly, from the organization for services is precluded from voting on matters pertaining to that member's compensation.
- b) A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the organization for services is precluded from voting on matters pertaining to that member's compensation.
- c) No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Section 6. Annual Statements. Each director, principal officer, and member of a committee with governing board-delegated powers shall annually sign a statement which affirms that such person:

- Has received a copy of the conflict of interest policy;
- Has read and understood the policy;
- Has agreed to comply with the policy; and

- Understands that the organization is charitable and that in order to maintain its federal tax exempt status it must engage primarily in activities which accomplish one or more of its tax exempt purposes.

Section 7. Periodic Reviews. To ensure that the organization 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, are based on competent survey information, and are the result of arm’s length bargaining.
- b) Whether partnerships, joint ventures, and arrangements with management organizations conform to the organization’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 an excess benefit transaction.

Section 8. Use of Outside Experts. When conducting the periodic reviews as provided for in Section 7, the organization may, but need not, use outside advisers. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring that periodic reviews are conducted.

**Article XV By-laws**

- a) The by-laws of the Bellmawr Learning Community Parent Teacher Organization will be reviewed every two years. A majority vote by board members and voting members present will constitute their acceptance.

These bylaws are adopted as prescribed on this date \_\_\_\_\_

By: 2016-2017 Trustees of the Bellmawr Learning Community PTO

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