

Lower Dauphin Band Booster Association CONSTITUTION AND BY-LAWS

ARTICLE I

NAME

The name of this organization shall be Lower Dauphin Band Booster Association, (otherwise known as the Association, DBA "LDBB").

ARTICLE II

ROLE OF THE ASSOCIATION

- A. The organization exists for the purpose of supporting, encouraging and advancing the Co-Curricular and Extra-Curricular activities of the Lower Dauphin High School Band Program.
- B. The Association will not seek to influence or direct the technical activities or policies of the Board of School Directors, school administration, or the school officials who are charged with the responsibility of conducting the programs of the school district.
- C. The Association will not violate policies of the Lower Dauphin School District.
- D. The Association will cooperate with coaches, advisors and the administration.
- E. No part of the net earnings of the Association shall inure to the benefit of, or be distributable to its members, 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 II hereof. No substantial part of the activities of the Association shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the Association shall not participate in or intervene in (including the publishing or distribution of statements) and political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these activities, the Association shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under Section 501(c) of the Internal Revenue Code, or (b) by any organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

ARTICLE III

MEMBERS

- A. Regular membership in the Association shall consist of parents or guardians in good standing of students who are current members of Lower Dauphin Band Programs. Only regular members shall have the right to vote, make motions, and hold office. All rules for membership shall be approved by the Principal and the Superintendent.

- B. Auxiliary membership shall consist of members of the community who participate in the support of Lower Dauphin Bands through attendance at meetings, volunteer efforts, or financial contributions.
- C. To be in good standing, each regular member and member's student shall be current with any applicable fees, expenses, charges, and other obligations.
- D. DECLARATION OF EQUAL OPPORTUNITY - Membership in the Lower Dauphin Band Booster Association shall be made available without regard to race, creed or national origin. Any person agreeing to actively work toward the objectives and basic policies of the Lower Dauphin Band Booster Association as stated herein may become a member, subject only to compliance with the provisions of these By-Laws and any other rules and policies of the Lower Dauphin Band Booster Association.

ARTICLE IV

LIABILITY

An Officer of the Association shall not be personally liable for monetary damages for any action taken or any failure to take any action, unless the Officer has breached or failed to perform the duties of his/her office under Title 15 Pa.C.S. Subch 57B and the breach or failure to perform constitutes self-dealing, willful misconduct, or recklessness. The provisions of this Article shall not apply to the responsibility or liability of an Officer pursuant to any criminal statute or liability of an Officer for the payment of taxes pursuant to local, state and federal laws.

ARTICLE V

OFFICERS

SECTION 1

- A. There shall be a President, a First Vice-President, a Second Vice-President, a Treasurer, an Assistant Treasurer, a Band Manager, and a Secretary.
- B. The membership shall nominate and vote for a President, Second Vice-President, Assistant Treasurer, and Band Manager in even years; First Vice-President, Treasurer and Secretary shall be voted on in odd years.
- C. Officers shall have a child or children in or entering the band program for at least one-half of their term of office. Term of office is two (2) years.
- D. These officers shall serve as members of the Executive Committee, along with the Lower Dauphin High School Band Director.
- E. If nominated and elected, up to two (2) members may serve as Co-officers in any position except for the Treasurer and Assistant Treasurer. Co-officers may only have one (1) vote as a singular office.
- F. A member of the Executive Committee can be removed from office by a two-thirds majority vote of the general membership.

SECTION 2

DUTIES OF OFFICERS

All officers shall be required to keep detailed records of their job duties and responsibilities, provide a copy to their successor, and keep an updated copy in the Band Director's office.

- A. **PRESIDENT**: It shall be the duty of the President to preside at all meetings of the Association and of the Executive Committee, and to perform all the duties pertaining to the office. The President shall appoint such committees as are necessary to fulfill the business and activities of the Association. The President should not be a Committee Chairperson. Committees are subject to Executive Committee oversight and approval.
- B. **FIRST VICE-PRESIDENT**: It shall be the duty of the First Vice-President to perform the duties of the President in his or her absence or disability. The First Vice-President shall be the primary person responsible for band equipment (i.e. truck pickup/return, loading and unloading of equipment, storage of equipment, transportation to events, repair of equipment, etc.).
- C. **SECOND VICE PRESIDENT**: It shall be the duty of the Second Vice-President to be the primary person responsible for band uniforms (i.e. fitting, maintenance, etc.).
- D. **SECRETARY**: It shall be the duty of the Secretary to record the proceedings of the Association and the Executive Committee. The Secretary shall keep all records, attend to all the correspondence of the Association and the Executive Committee, and shall keep available copies of all correspondence. All records shall be turned over to his or her elected successor at the end of the term of office. The Secretary will also be responsible for publishing and distributing electronic informational updates.
- E. **TREASURER**: It shall be the duty of the Treasurer to maintain an accurate record of receipts and expenditures of all monies belonging to the Association, disburse payments appropriately, and to present an oral and written report of the current financial status to the Executive Committee and Membership at each monthly meeting. The Treasurer will also oversee the Assistant Treasurer and provide assistance with the collection and depositing of payments if necessary. He or she shall deliver over to the Auditing Committee, appointed by the President and approved by the Lower Dauphin School District, by no later than May 1st each year, all records belonging to the Association. All records and monies shall be turned over to his or her duly elected successor at the end of the fiscal term of office.
- F. **ASSISTANT TREASURER**: It shall be the duty of the Assistant Treasurer to receive all payments made to the Association, keep detailed record of payments received, deposit monies in the bank, and report all transactions to the Treasurer. The Assistant Treasurer shall work with the Fundraiser Coordinators to record financial information and shall provide whatever assistance necessary to or requested by the Treasurer to perform his or her duties.
- G. **BAND MANAGER**: It shall be the duty of the Band Manager to coordinate and negotiate with outside facilities and agencies as needed in support of band functions. The Band Manager will oversee the purchasing of food and supplies for band activities and events.

SECTION 3

ELECTION OF OFFICERS

- A. These officers shall be nominated either by a Nominating Committee or by nominations from the floor at the regular March and April meetings. All nominations shall be closed prior to voting at the April meeting.
- B. Election of officers will take place at the April meeting. The new officers will assume their duties at the May meeting.

SECTION 4

VACANCY IN AN OFFICE

When a vacancy occurs in an office, the Executive Committee shall appoint an interim person to fill the office for the remainder of the current year. If the term of that person has another year, that office will be filled at the April election for only one year.

ARTICLE VI

MEETINGS

- A. Regular meetings are to be held once every month during the entire year.
- B. The Quorum for meetings shall be a simple majority of the Executive Committee.
- C. The Executive Committee may change the day or time of the regular member meetings in order to better coordinate with band practices, as long as Members and the Band Director are notified in advance.
- D. Special meetings may be called by the President at the request of two (2) members.
- E. All general meetings are open to the public.

ARTICLE VII

ORDER OF BUSINESS

Meeting agenda shall include:

1. Minutes of last meeting, or special meeting
2. Treasurer's Report
3. Correspondence
4. Old Business, including Committee Reports
5. New Business
6. Adjournment

ARTICLE VIII

BUDGET

- A. The budget shall clearly indicate the planned expenditures for the coming fiscal year and shall demonstrate a reasonable balance between revenue and expenditures. The budget shall also include a list of all planned activities and proposed dates.
- B. No later than June 30th of each year, a budget will be developed by the Executive Committee. The budget shall be submitted to the School Principal and/or Athletic Director for review and consensus to ensure that the budget is consistent with the Lower Dauphin School District Board Policy and the policies, goals and mission of the District. The Principal and/or Athletic Director will provide comments and recommendations and shall approve the budget each year. The budget shall then be submitted to the membership for approval at the August Booster meeting. The budget shall include:
 - 1. Planned revenue including anticipated sources of revenue.
 - 2. A detailed list of proposed expenditures that indicates a reasonable balance between revenue and expenditures.
 - 3. A statement of assets and holdings including all funds held in all accounts.
 - 4. A copy of the most recent financial statement of each account shall be included in the statement of assets.
 - 5. An indication of any long-term funding efforts.
- C. All purchases in excess of \$500 shall use the District's established purchase requisition procedures. All organizations shall be subject to the bidding requirements established in the law for school districts.

ARTICLE IX

FINANCES

- A. Expenditures of \$50.00 or more made in accordance with the approved budget will be made only after consultation with the Committee Chair, Primary Instructors or the Executive Committee. Expenditures of \$50.00 or more not approved by the Committee Chair, Primary Instructors or the Executive Committee must be brought before the voting members of the Association at a scheduled meeting.
- B. The Executive Committee shall be empowered to authorize by a simple majority vote, the disbursement of up to five hundred dollars (\$500.00) for the proper expenses when time is such that the expenditure cannot be brought to a vote before the full membership at a regularly scheduled meeting. A full report will then be given to the general membership at the next regular meeting.
- C. The Executive Committee shall also be empowered to make necessary commitments on behalf of the Association, also by a simple majority vote, when time constraints prohibit action by the members present at a scheduled meeting.
- D. If funds are needed in excess of allotted budget, a request must be made in writing or in person to the general membership for approval/disapproval. Any staff not following these budget guidelines will be held personally liable to pay for any debts exceeding their budget, if necessary, at the end of each band season.

- E. All checks from the Association must be signed by two (2) unrelated Executive Committee members.
- F. Monies earned by the band (i.e. parades, competitions, facility usage, etc.) may not be obligated until after the monies have been earned and recorded by the Treasurer. Prior to obligating any "band earned" monies, a check with the Treasurer as to the available balance of these funds must be made.
- G. Any student in arrears for any financial obligation to the Lower Dauphin Band Booster Association for more than fourteen (14) days past the due date will have their credits attached. If credit is not available, a bill will be sent to the student's parents and/or guardians. If after thirty (30) days past the date monies were due no payment is received, a certified letter from the Superintendent will be sent.
- H. All band camp and activity fees, which have been pre-approved by the school board, are due by August 1 for the outdoor band season. Ordering of band related items (such as jackets, shoes, uniforms, etc.) by the band member will not be done until such money needed to pay for the item/s in full is either in the band member's account or a check or money order is received by the Treasurer. At the discretion of the Executive Committee this may be waived.
- I. Fundraisers and Band fees shall be paid by check or money order, so that the Treasurer can track the funds and the student has a receipt of said payment.

ARTICLE X

FUNDRAISING

Student fundraising shall include the solicitation and collection of money by students for any purpose and shall include the collection of money in exchange for tickets, papers, advertising or any other goods or services. Fundraising shall include the solicitation and collection of money by the Association for any purpose and shall include the collection of money in exchange for tickets, papers, advertising or any other goods or services.

- A. All proposed fundraisers, which benefit the students' accounts, need to be brought before the voting members of the Association at the scheduled meeting prior to commitment to and commencement for said fundraiser. The guidelines for all fund- raisers are:
 - 1. Certain fundraisers will be designated as pre-paid.
 - 2. At the discretion of the Executive Committee, students who are in arrears for more than fourteen (14) days from a previous fundraiser may not sell for any subsequent fundraiser without prepaying.
 - 3. All fundraisers that benefit student credit accounts are optional for every student.
- B. The collection of money for personal benefit in school or on school property, or at any school-sponsored event by a student, parent, staff member or the Association is prohibited.
- C. Solicitation of funds from students in school or at school events will be limited since compulsory attendance laws make the student a captive donor and since such solicitation may disrupt the program of the schools.

- D. Collection of money by the Association may be permitted by the Principal and by the Superintendent. Only the Board may permit collections by students on behalf of the Association outside the school.
- E. Any staff member wishing to solicit funds on school property or in the name of the district must receive permission to do so from the Principal or Superintendent. Funds may not be solicited in the name of the school or in support of a school activity that has not been approved by the Superintendent or the Board. Funds solicited for special purposes will not be co-mingled with any regular or special accounts of the district or personal funds. This does not apply to the raising of funds for district-sponsored activities. Staff members shall not release names, addresses, or telephone numbers of students or staff members to any outside individual or agency.
- F. Requests for approval of fund-raising activities will:
 - 1. Specify the times and places in which funds may be collected (the Board and administration reserve the right to limit the times at which and places at which fundraising may be conducted and may prohibit the solicitation of funds or sales of products at some times and places).
 - 2. Describe the methods of solicitation (which shall not place undue pressure on students or patrons to donate).
 - 3. Describe the kind and amount of advertising for solicitations that will be conducted.
- G. The Principal will distribute the policy and rules that implement it to the Association when permission is granted to solicit funds.

ARTICLE XI

STUDENT CREDIT SAVINGS ACCOUNTS

- A. Funds raised by band members through the Association's fundraisers will be placed in a LDBB savings account, and credits will be listed in their name. The credits accumulated in this savings account can be used to pay for student band fees, banquet tickets, trip expenses, and other band related expenses only.
- B. In the event a band member leaves the Lower Dauphin Band Program, graduates from Lower Dauphin or leaves the Lower Dauphin School District, that member may request to designate any credits remaining in their individual band savings account ONLY in the following ways:
 - 1. To a relative who is a current or incoming Lower Dauphin High School or Middle School band member.
 - 2. To the Lower Dauphin "Band Aid" account.
- C. All designations must be submitted in writing and signed by a parent or guardian of the band member. Band account funds not designated by the requested due date shall be placed in the account that will best suit the needs of the Lower Dauphin Band Boosters as determined by the Executive Committee. IRS rules dictate that funds raised under the name of the Association cannot inure to a private benefit. The Association cannot pay the student any remaining balance.

ARTICLE XII

AUDIT

There shall be an Auditor or Auditing Committee appointed by the President and approved by the Lower Dauphin School District's Business Manager in consultation with the Superintendent to audit the books for the Treasurer each term year. The Treasurer's books shall be turned over to the Auditor or Auditing Committee by May 1st of each year. The Auditor or Auditing Committee shall audit the books and turn them over to the Treasurer or newly elected Treasurer, before the June meeting. The Auditor or Auditing Committees' report shall be read at the June meeting.

ARTICLE XIII

OUTSIDE ORGANIZATIONS

- A. Any requests from civic organizations or special interest groups, which involve such activities as patriotic functions, contests, exhibits, sales of products to or by students, sending promotional materials home with students, graduation prizes or fund raising must be examined to insure that such activities promote student interests primarily, rather than the special interests of any particular group.
- B. All such requests require prior approval of the Principal. Fundraising projects must be approved by the Principal and then by the Superintendent.
- C. Students or staff members may not be used for advertising or promoting non-school organizations.

ARTICLE XIV

APPROVAL OF PROJECTS/EVENTS

Proposed plans, projects, or events will be evaluated and promoted in light of their stated contribution to the academic as well as the athletic and/or musical programs of the schools. Consideration will be given to the total value presented to all students, rather than to specific elements such as teams and band participants. Care will be taken to avoid compromising or diluting the responsibilities and authorities of the Board.

ARTICLE XV

USE OF FACILITIES

District facilities will be used only in accordance with established guidelines and Board policy. It is understood that misuse, abuse, or use of facilities for purposes other than those approved by the Superintendent and Board is prohibited and will result in withdrawal of use of facilities privileges.

ARTICLE XVI

DONATION OF OR USE OF DONATED MATERIAL

All materials or activities proposed by outside sources for student or staff use or participation shall be reviewed by the Principal on the basis of education value to the total school program; benefit to pupils; advancement of the name, product or special interest of the proposing group; factual accuracy; and good taste.

ARTICLE XVII

COMMUNITY ACTIVITIES INVOLVING STUDENTS

Requests for student participation in community-sponsored activities must be made in writing to the Principal. The school schedule may not be interrupted unless the majority of students in the school benefit from their participation and the Principal first approves the schedule of events.

ARTICLE XVIII

SCHOLARSHIPS AND PRIZES

No information either academic or personal will be released from the student's record for the purpose of selecting a scholarship or prizewinner without the permission of the student who is eighteen, or the parents of a student who is younger, in accordance with the Board's policy on student records. The Principal shall approve the type of scholarship or prize, and any restrictions pertaining thereto.

ARTICLE XIX

COMPENSATION OF STAFF AND OTHERS

- A. Compensation provided to staff for the performances of their functions as directors and instructors shall be part of a planned, Board Approved, supplemental contract program. Compensation for these persons shall be in compliance with the adopted budget and/or as authorized by the Lower Dauphin School District superintendent and Board of School Directors. The Board shall establish the minimum compensation for each supplemental contract position after Meet and Discuss with the Educators of Lower Dauphin. The setting of the supplemental pay shall be the Board's exclusive right and responsibility after having received the recommendation of the supplemental contract committee. The employment and/or approval of all permanent, temporary, and part-time personnel are the exclusive authority of the Board of School Directors.
- B. Volunteer personnel shall serve only after approval by the Principal (or Athletic Director) and, for volunteers working with extracurricular activities, by the Superintendent and advisement of the Board. Booster Clubs and other parent organizations shall not provide stipends in any form (monetary or otherwise) to directors, instructors and helps and those persons shall not accept payment of any kind from said clubs and organizations.
- C. Directors and other personnel who violate this Policy will be subject to disciplinary action up to and including dismissal.

ARTICLE XX

GIFTS

- A. Staff members may accept gifts of a consumable nature or of a nominal value (\$25 - \$50) only from individual students or parents. Gifts of a nominal value (\$25 - \$50) presented to employees on special occasions such as holidays (Christmas, Secretaries' Day, etc.) require advance approval by the principal.
- B. The Superintendent may approve acts of generosity to individual staff members in unusual situations and shall report such instances to the Board on a timely basis.

ARTICLE XXI

USE OF LOWER DAUPHIN NAME, ABBREVIATED NAME AND/OR LOGO

- A. Any use of the name or logo must be used solely to support the goals and objectives of the Lower Dauphin School District.
- B. Use of the name Lower Dauphin School District, Lower Dauphin Falcons, LD, or Falcons or the use of any of the Districts logos as such use pertains to a relationship with the District, one of its schools or one of its organizations is limited to the organizations for whom such use has been approved by the Superintendent.
- C. The development and use of a representation in the form of a logo or mascot of the Lower Dauphin School District may be done only with prior approval of the principal and superintendent and the Board. All items developed, designed, printed or manufactured bearing the name, logo or a representation of the Lower Dauphin School District or one of its schools or related organizations must have prior approval of the Principal or Superintendent.
- D. Individuals or school organizations that violate this policy shall be subject to disciplinary action.

ARTICLE XXII

AMENDMENTS AND STANDING RULES

- A. Amendments to the Constitution and By-Laws may be made as follows:
 - 1. The proposed amendment shall be submitted in writing to the Executive Committee.
 - 2. The Executive Committee shall provide proper notice of the proposed amendment to the Association Members in good standing at a regular scheduled meeting.
 - 3. The proposed amendment must be accepted by a majority vote of those members present.
- B. All standing rules shall be passed by a majority vote of those members present at a regular meeting, and the Secretary shall keep a separate permanent record of them. The approved By-Laws will be submitted to the Principal and/or Superintendent for review.

ARTICLE XXIII

DISSOLUTION

Upon termination or dissolution of the Association, the Executive Board shall, after paying or making provisions for the payment of all debts and liabilities of the Association, dispose of all remaining assets to the District to be utilized for the Band Program. Absent a Band Program being available, remaining assets being lawfully available for distribution shall then be distributed for one (1) or more qualifying organizations described in Section 501(c)(3) of the Internal Revenue Code (or described in any corresponding provision of any successor statute) which organization or organizations have a charitable purpose, at least generally similar to the terminating or dissolving Association.

ARTICLE XXIV

PARLIAMENTARY PROCEDURE

"Robert's Rules of Order" Revised shall be the final authority on all questions or procedures not covered by these By-Laws.

The By-Laws previously approved and adopted at the organizational meeting of the Lower Dauphin Band Booster Association on January 11, 2016, are hereby repealed.

These Constitution and By-Laws are approved and adopted at the organization meeting of Lower Dauphin Band Booster Association on September 20, 2022.

ATTEST:



Floyd Sholder, Jr., President



Susan Seacord, Treasurer