Heritage Elementary PTO

"Each child is an individual of great worth."

1450 Santa Lucia Road
Chula Vista, CA 91913
(619) 421-7080
Fax (619) 421-8525

Heritage Elementary PTO Bylaws

Mission Statement

The Mission of the Heritage Parent Teacher Organization is to create and sustain close relationships between parents, teachers, and students, and to promote a school community where our students thrive, are safe, and have access to a high-quality educational environment.

Statement of Purpose

The Heritage PTO is a group of enthusiastic, goal-oriented parents and teachers who are devoted to supporting the educational goals of the school and enriching the learning experiences of our students. Our purpose is to foster a sense of support, pride, and enthusiasm while being devoted to supporting the educational goals of the school and enriching the learning experiences of our students. Through fundraising and family activities, we will promote positive school and community relationships that enhance our children's educational environment.

Bylaws of
Heritage Elementary Parent Teacher Organization

Article I

1. Name: The name of this organization is Heritage Elementary Parent Teacher Organization or Heritage PTO ("PTO")

2. Purpose: The PTO is a nonprofit organization to support the well-rounded education of children at Heritage Elementary School.

3. Foundation and Principles: The PTO is founded on the following principles, which shall guide it in carrying out its mission.

A. All children are valued and have a right to an education.

B. The promotion of well-rounded education through educational programming enrichment training, workshops, and speakers in literacy, mathematics, athletics, science and arts to benefit the student of Heritage Elementary School.

C. The enhancement of the educational experience also benefits the teachers, parents, and the community.

4. Offices: The principal office of the PTO shall be 1450 Santa Lucia Road, Chula Vista, CA 91913.

5. Policies: Said organization is organized exclusively for educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

No part of the net earnings of the organization shall inure to the benefit of, or be distributed to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for service rendered to make payments and distributions in

furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing of distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any provision of this document, the organization 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)(3) of the Internal Revenue Code, or corresponding section of any federal tax code, or (b) by any organization, contributions to which are deductible under 170(c)(2) of the Internal Revenue Code, or corresponding section of any federal tax code.

Upon dissolution of the organization, assets shall be distributed for 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 the state or local government, for public purpose. Any such assets not disposed of shall be disposed of the Court of Common Pleas of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

6. The property of this organization is irrevocably devoted to charitable purposes and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or private person.

Article II
Members

The parents or legal guardians of a child enrolled at Heritage Elementary School and the faculty and staff of Heritage Elementary School shall constitute the membership of the school.

Article III
Meetings

1. Executive Board Meetings: PTO Executive Board Meetings will be held once per month during the school year. The time and place of the meeting shall be determined at prior month's meeting. Only Executive Board Members may vote at Executive Board Meetings. For Executive Board Meetings, half the board members plus one constitutes a quorum. Only one vote per position shall be counted. If there's more than one officer per position, only the primary officer shall vote. The secondary officer shall vote in the absence of the primary officer.

2. Unit Meetings: A Unit Meeting shall be held at such time that the vote of the entire voting membership is required. The entire voting membership is required when apurchase of $1000.00 or more is needed. Only members of the PTO may vote at Unit Meetings.

3. Special Meetings: Additional meetings of the organization may be called. The time and place of all Special Meetings shall be announced at least five (5) days prior to the meeting.

4. Voting: A majority vote of the voting members present at any meeting shall be required for all action to be taken by the organization.

Article IV
Executive Board

1. Positions: The office of the organization shall consist of the President, Vice-President, Recording Secretary, Corresponding Secretary, Programs, Fundraising, Historian, Parliamentarian, Membership, Volunteer Coordinator, and Treasurer. More than one person may be nominated and elected to fill any single position, except for President and Vice-President. The principal, associate principal and two (2) teachers should also be on the Executive Board. Ideally, the two teachers would be represented as one (1) teacher from the lower grades and one (1) teacher from the upper grades.

2. President: The President shall preside at all meetings of the PTO, prepare

and distribute an agenda for all meetings of the PTO, and coordinate the work of the officers and Committee Chairpersons.

3. Vice President- The Vice President shall be a member of the Executive Board and in the absence of the President shall perform the duties of the President. The Vice President shall perform such other duties as are assigned by the President or the Executive Board.

4. Recording Secretary: The Recording Secretary shall keep minutes of all Executive Board meetings and post a copy of the minutes on the PTO bulletin board.

5. Corresponding Secretary: The Corresponding Secretary shall handle correspondence as delegated as well as keep copies of all written PTO correspondence. The Corresponding Secretary shall also produce the PTO newsletter.

6. Treasurer: The Treasurer shall receive all monies of the PTO, keep accurate records of the receipts and expenditures, plan the budget for the year, and distribute funds as authorized by the PTO, present a written financial report of the PTO at all monthly meetings, be prepared for an audit of the books at any time by two (2) members of the PTO appointed by the Executive Board, and present a written summary of the financial activity at the end of the fiscal year.

7. Fundraising: Fundraising sets up all things pertaining to raising funds for the PTO. The position must coordinate from start to finish, including initial contact to completion of the fundraiser. Fundraising also has the responsibility of signing fundraising contracts and handling monies associated with their fundraiser.

8. Parliamentarian: This Executive Board position is responsible for making sure that Robert's Rules of Order are followed at all PTO meetings.

9. Programs: Programs set up all PTO sponsored assemblies for Heritage Elementary School. The Programs position may also have responsibility of signing contracts for various events that are held at our school site.

10. Historian: The Historian shall be responsible for coordinating the

documentation and photography of all events at or regarding to Heritage Elementary School; as well as coordinating with volunteers to create an annual Yearbook. The Historian will be the liaison to the yearbook company/contract and will be responsible for the accounting of yearbook sales. The Historian will also update the PTO bulletin board(s) to communicate PTO information to the Heritage community.

11. Membership: Membership shall plan all things having to do with membership such as planning membership drives, collecting dues and pledges.

12. Volunteer Coordinator: The Volunteer Coordinator will recruit and organize volunteers for school events.

Article V
Elections

1. Procedure: The election of officers shall take place during the last Unit Membership meeting each year. All members of the organization may participate in the election. The Nominating Committee shall present a slate of officers. Further nominations may be received from the floor. The election of the slate, if non-contested, may be made by voice vote. Any contested election shall be by written ballot. Two officers can be elected for each position, except for President and Vice-President, a primary officer, and secondary officer.

2. Term of Office: The term of each office shall be one year, beginning on the first day of the school year and ending on the first day of the following school year. A person may be elected to the same office for no more than two (2) consecutive terms.

3. Nominating Committee: The Nominating Committee shall be composed of three (3) persons who shall not be selected by the Executive Board. Those on the Nominating Committee are not eligible to hold a position on the Executive Board. The Nominating Committee will be responsible for receiving all suggestions for persons to serve as officers. The committee shall prepare a slate of officers to present for election by the membership. The committee shall contact all persons who will be nominated to confirm

their willingness to serve. The committee shall ensure that all nominees are current PTO members and otherwise eligible to serve in the office.

4. Selection: A majority of votes cast by the voting members shall be necessary for election. Should no person receive a majority of the votes cast, a run-off between the two (2) persons who received the largest number of votes shall be immediately held.

5. Vacancies: Any vacancy in the office because of death, resignation**,** or inability to serve, shall be filled by the Executive Board for the unexpired portion of that term. However, should a vacancy occur in the office of the President, the Vice President should immediately assume the office.

6. Removal: Any officer may be removed from the office by the affirmative vote of two-thirds of the Executive Board at any regular or special meeting called for that purpose, for conduct detrimental to the interests of the PTO. A person may also be automatically removed from the Executive Board for missing three (3) consecutive meetings.

Article VI
Finances

1. Budget: The Executive Board shall present to the membership at the first Unit Meeting of the year a budget of anticipated revenue and expenses for the year. The budget shall be used to guide the activities of the Executive Board during the year. Any substantial deviations from the budget must be approved in advance by the membership.

a. The Treasurer has the authority to increase the Cost of Goods Sold (COGS) for fundraisers that span over multiple days (i.e., Spirit wear, Holiday Grams, etc.) without a vote requirement. This authority can only be executed if the approved budget's net profit has been surpassed. The increase can only be in increments of up to $1,000 and not to exceed 80% of the budget's net profit excess. The Treasurer can approve multiple increases as necessary to complete the approved length of the fundraiser. The Treasurer is required to notify the executive board via email of the specifics of each increase.

b. The budget can contain a Miscellaneous Expense that is not tied to a specific expense, but can ONLY be utilized to:

    i. Increase the amount allocated to the Operating, Special Event, Student Support, or Curriculum Support expenses. Moving funds to any of these expense funds requires the executive board's vote.

2. Obligations: The Executive Board may authorize any officer or officers to enter into contracts or agreements for the purchase of materials or services on behalf of the organization. The officers shall not have the authority, however, to enter into such agreements on behalf of Heritage Elementary Schools, nor should they hold themselves out as having such authority.

3. Loans: No loans shall be made by the organization to its officers or members.

4. Commercial Paper: Checks, drafts, or other orders for the payment of money on behalf of the PTO shall be signed by the Treasurer or by any other person as authorized in writing by the Executive Board. All commercial paper is required to have two (2) signatures.

5. Transactions: The Treasurer shall deposit all funds of the PTO in such banks as the Executive Board may select and shall make such disbursements as authorized by the Executive Board in accordance with the budget adopted by the membership. All deposits and/or disbursements shall be made within a maximum of ten (10) days from receipt of funds and/or orders of payment.

6. Financial Report: The Treasurer shall present a financial report at each Unit Membership meeting and each Executive Board meeting of the PTO and shall prepare a final report at the close of the year. The Executive Board shall have the report and accounts examined annually by an auditor. The auditor will ensure that the annual report is correct and shall sign a statement of that fact at the end of the report.

Article VII
Membership Dues

1. Amount: The organization shall authorize and collect membership dues to be used for the operation of the organization. $10.00 per family is the membership dues amount. Any change in the amount of dues shall be approved by a vote of the voting members at a unit meeting.

2. Financial Hardship: No person shall be denied the right to participate in activities of the organization due to financial hardship. The Executive Board shall establish a procedure for alternative payment or waivers to ensure compliance with this policy.

Article VIII
Conflict of Interest Policy (Amended 2012)

1. ***Purpose of this Article***: The purpose of the conflict of interest policy is to protect the tax-exempt organization's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer of this organization or might result in a possible excess benefit transaction. The policy is intended to supplement but not replace any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

2. ***Definitions***:

a. ***Interested Person.*** Any person, 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 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, an entity or individual with which the organization is negotiating a transaction or arrangement. "Compensation" includes direct or 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 officers and members of committees with governing board-delegated powers who are considering the proposed transaction or agreement.

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 the 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 officers 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 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 correct action.

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; the content of the discussion; including any alternatives to the proposed transaction or arrangement; and a record of any votes in connection with proceedings.

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 service is precluded from voting on matters pertaining to that member's compensation.

c. No voting member of the governing board or 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.

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

7. ***Periodic Reviews.*** To ensure that the organization operates in a manner consistent with the 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.

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

Amendments

These bylaws may be alternated, amended or repealed and new bylaws may be adopted by the membership at any unit meeting.