

# SHAWNEE BAND PARENTS ASSOCIATION, INC. CONSTITUTION & BY-LAWS

## CONSTITUTION

### Article I Name

The name of this organization will be the Shawnee Band Parents Association, Inc. (SBPA)

### Article II Objective

Section 1. The purpose of the Association will be to forward and promote the development of the musically related talents of the students attending Shawnee High School, (located in Medford, New Jersey) by supporting the Shawnee High School Band Programs. As used herein, "Band" includes, but is not limited to, Marching Band instrumental and Color Guard sections, Jazz Band, Indoor Guard, Percussion Ensemble, Concert Band or any other program under the supervision of the Band Director.

Section 2. The Association will:

- a. Encourage attendance at school functions as prescribed by the Band Director and regional and national musical competitions and
- b. Foster the general welfare, appropriate behavior and social well being of Band students.

The Association may offer input but will not become directly involved in the day-to-day operation of the school music program. The SBPA serves only to support the school music program and has no responsibility or voice in, the direction of the policies established by the school Principal, Music Director, Department Supervisor, or the Board of Education.

Section 3. The Shawnee Band Parents Association, Inc. 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 (or corresponding sections of any future Federal Tax code).

### Article III Membership

Section 1. Full Membership in the SBPA is open to all parents and/or guardians of all Shawnee Band Members.

Section 2. Active SBPA Members will be those who have a student in the Band and pay dues. An active band parent member will have the right to vote and to serve on the Executive Board.

Section 3. Associate SBPA Members will be those who are interested in the progress and development of the Band. These members will pay Associate dues, but may not vote or serve on the Executive Board, with the exception of the Trustees.

Section 4. Honorary members of the Association will be the Band Directors, the Supervisor of the Humanities Department, the Color Guard Advisor and a Shawnee Vice Principal.

Honorary members will advise the Association of school policies, may attend Executive Board and general meetings and may vote, but not hold office.

- Section 5. The membership year will be from July 1 through June 30.
- Section 6. No part of the net earnings of the Shawnee Band Parents Association, Inc. shall inure to the benefit of, or be distributed to its members, trustees, officers, or other private persons, except that the Shawnee Band Parents Association, Inc. shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of Section 501 (c)(3) purposes. No substantial part of the activities of the corporation shall be carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to, any candidate for public office.
- Section 7. Notwithstanding any provision of these articles, the Shawnee Band Parents Association, Inc. shall not carry on any other activities not permitted to be carried on (a) by a corporation/organization exempt from Federal income tax under Section 501 (c) 93 of the Internal Revenue Code (or corresponding section of any future Federal tax code or (b) by a corporation/organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code (corresponding section of any future Federal tax code).

#### **Article IV Officers**

- Section 1. The officers of the Association will be President, Vice President of Band, Vice President of Color Guard, Vice President of Fund-Raising, Recording Secretary, Corresponding Secretary, and Treasurer. These officers, along with the Band Director and the Trustees, will comprise the Executive Board.
- Section 2. The Executive Board will recommend policy, goals and objectives of the Association for approval by the General Membership.
- Section 3. The term of office will be for one year. All officers will serve until the adjournment of the meeting at which their successors are installed. No member shall be elected to the same office for two consecutive terms with the exception of the Treasurer who may serve two consecutive terms. No member shall hold more than one office at a time.
- Section 4. These officers will perform the duties as outlined in the By-Laws.
- Section 5. In case a vacancy occurs in any office except that of President, a successor shall be immediately elected by the General Membership at its next meeting. In the case of a vacancy in the office of President, the Vice President of Color Guard shall assume the duties of the President during terms which began in an even numbered year. The Vice President of Band shall assume the duties of the President during years which began in an odd numbered year.

#### **Article V Meetings**

There shall be at least ten (10) general membership meetings scheduled per year as prescribed in the By-Laws. The Executive Board shall schedule at least eleven (11) meetings per year.

## **Article VI Amendments**

The Constitution may be amended at any general meeting of the Association by a two-thirds vote of the qualified members present provided the amendment has been submitted in writing and read at a previous meeting of the general membership.

The By-Laws may be amended or rescinded at any general meeting of the Association by a majority vote of the qualified members present provided the amendment has been submitted in writing and read at a previous meeting of the general membership, or by a two-thirds vote at any general meeting of the Association without prior notice. Revisions to the By-Laws may not be in conflict with the Constitution.

## **Article VII Dissolution of Organization**

In the event that termination of the Association is deemed necessary, the following procedure will be applied:

- Section 1. All cash deposits in student accounts will be refunded to the students. If insufficient funds exist, refunds will be made on a proportional basis of available monies.
- Section 2. Funds being available, all credits in student accounts will be refunded. If sufficient funds are not available, refunds will be made on a proportional basis of available monies.
- Section 3. Any residue of assets will be referred to the Band Account of the General Organization Fund of Shawnee High School.
- Section 4. The Shawnee Renegade Band Scholarship Fund shall be referred to the Scholarship Committee of Shawnee High School for administration. The members of the selection committee for this scholarship will be made up by past members of the SBPA and will be selected by the Band Director and Supervisor of the Humanities Department.
- Section 5. All records of the SBPA will be referred to the Band Director for disposition.
- Section 6. Upon the dissolution of the Shawnee Band Parents Association, Inc. 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 a state or local government, for a public purpose.

## **Article VIII Parliamentary Authority**

The rules contained in Roberts Rules of Order Revised will govern the organization in all cases to which they are applicable and in which they are not inconsistent with these articles.

# **BY-LAWS**

## **Article I Nomination and Election of Officers**

- Section 1. A nominating committee of three (3) to five (5) members will be appointed by the Executive Board prior to the March meeting of the General Membership. The names of the nominating committee will be announced at the March general meeting. The committee will present a ticket at the April meeting which will place one or more names in nomination for each office. At this time, nominations may be made from the floor.
- Section 2. Elections will be held by written ballot at the general meeting in May. Only Full SBPA Members and Trustees in good standing may vote. Votes may only be cast in person during the assigned time for voting during a meeting. No Internet or Proxy voting will be accepted.
- Section 3. The new officers will be installed at the Awards Night in June.

## **Article II Duties of Officers**

- Section 1. The President shall preside at all general meetings of the organization and of the Executive Board. The President shall also appoint all committee chairpersons and shall serve as an ex-officio member of all committees.
- Section 2. In the absence of the President, the Vice President of Color Guard (during terms which began during an even numbered year) or the Vice President of Band (during terms which began during an odd numbered year) shall preside and perform the duties of the President. Both positions shall at all times render assistance to the President. The Vice Presidents will work to ensure that the Constitution is maintained to reflect the current organizational operating status, move for revisions as necessary, and provide copies as requested or required by the membership. The Vice President of Band will act as Parliamentarian during terms that began during an even numbered year, and the Vice President of Color Guard will act as Parliamentarian during terms that began during an odd numbered year.
- Section 3. The Vice President of Color Guard will be responsible for, at a minimum:
- a. Actively interacting with the Color Guard to promote communication in both directions between the SBPA and the Color Guard.
  - b. Coordinating the creation and maintenance of Color Guard uniforms and equipment
  - c. Actively participating in the planning of any SBPA-sponsored indoor or outdoor competitions held during his or her tenure.
  - d. Overseeing the Boutique Committee
- Section 4. The Vice President of Band will be responsible for, at a minimum:
- a. Actively interacting with the Band(s) to promote communication in both directions between SBPA and the Band(s),
  - b. Overseeing the Uniform Committee and reporting missing or damaged uniforms or equipment to the Band Director,
  - c. Actively participating in the planning of any SBPA-sponsored indoor or outdoor competitions held during his or her tenure,

- d. Maintain SBPA membership records and provide a membership roster to all members each fall.

Section 5. The Vice President of Fund-Raising will be responsible for:

- a. Modifying, if necessary, and adopting the fund-raising plan developed by the prior Vice President of Fund-Raising. If no such plan exists, the Vice President of Fund-Raising, working with the Treasurer, will develop a fund-raising plan.
- b. Implementing the fund-raising plan, including:
  - i. Appointing (a) chairperson(s) for each fund-raising activity
  - ii. Overseeing fund-raising activities
  - iii. Reporting to the Executive Board and membership on fund-raising activities
  - iv. Working with the Treasurer regarding transfer of funds related to fund-raising activities.
- c. Working with the Band Director and Executive Board to ensure sufficient fund-raising events to permit students to build Student Account balances adequate to fund anticipated Band sponsored events such as trips.
- d. At his or her discretion, establishing and leading a fund-raising committee.
- e. Working with the Treasurer, develop a fund-raising plan for the following year.

Section 6. The Recording Secretary shall keep, and forward to the Executive Board, the minutes of all general meetings and Executive Board meetings and be custodian of all non-financial records of the Association.

The Corresponding Secretary will handle all correspondence and communications in connection with the organization and prepare and distribute the Smoke Signals, the SBPA monthly newsletter.

Section 7. The Treasurer shall:

- a. Receive all funds due the Association and deposit the same with a bank approved by the Executive Board
- b. Be the custodian of financial records
- c. Prepare monthly financial reports and an annual financial report
- d. Keep the Executive Board informed of SBPA's income and expenses relative to the budget
- e. Prepare and present a budget report at least quarterly
- f. Receive and store copies of all General and Executive Board meeting minutes.

The Treasurer will sign all checks. In order to facilitate and take advantage of online banking, the Treasurer will have the ability to transfer money between accounts within the same bank. Either the President or the Vice President of Fund-Raising will also sign all checks.

### **Article III Trustees**

Section 1. The Shawnee Band Parents Association, Inc. shall elect up to three Trustees to oversee the material assets of the association.

Section 2. Trustees shall serve for a period of one year, and will have the option of extending the term for one additional year. By the Executive Board meeting in March of the first year of each Trustee's term, each Trustee must inform the Executive Board whether he or she will exercise the option of extending the term for one year.

- Section 3. In the event of the resignation of a Trustee, the Executive Board shall appoint an acting Trustee until the next regular association election. At that election a Trustee shall be elected to fill the unexpired term of the resigned trustee.
- Section 4. Trustees will be voting members of the Executive Board and have all the voting privileges of an active member.
- Section 5. Trustees are not permitted to be a parent or guardian of a current student in any Shawnee Band activity.

#### **Article IV Duties of Executive Board**

- Section 1. The Executive Board will meet prior to the general meeting to plan the agenda for the general meeting and prepare all materials required for presentation at the meeting or to be available for the meeting. The board will be responsible for recommending a budget for the fiscal year.
- Section 2. The Executive Board may:
- a. commit the organization to participate in activities or financial responsibilities as approved in the current budget
  - b. incur emergency expenses not included in the budget if approved by a majority of the Executive Board. Any such emergency expenses approved by the Board will be presented at the next general membership meeting and made part of the minutes of that meeting.

#### **Article V Meetings**

- Section 1. The regular meeting of the Association will be scheduled each month at the discretion of the membership. The President may call special meetings of the membership. The number of qualified voters may be established after the call to order.
- Section 2. The Executive Board will meet prior to every general meeting. Additional meetings may be called by the President as needed or at the request of five members of the Board. Two-thirds of the members of the Executive Board will constitute a quorum.
- Section 3. The Executive Board will meet at the discretion of the President.

#### **Article VI Finance**

- Section 1. The annual dues shall be determined by the Executive Board prior to the close of the Fiscal Year. Association members shall remit dues on or before the first meeting in October. .
- Section 2. The fiscal year will be from July 1 through June 30 inclusive. The retiring Treasurer's records shall be tendered within 15 days after the beginning of the fiscal year.
- Section 3. The annual financial report will be submitted and filed at the end of every fiscal year. And independent accounting firm shall review and audit the financial records of the Treasurer each year, and prepare the SBPA tax return.
- Section 4. Five hundred dollars (\$500.00) must be retained by the treasury to begin the next fiscal year.

- Section 5. The budget prepared by the Executive Board will be submitted for first reading at the April general meeting and approved by the Association membership at the general meeting in May.
- Section 6. All fund-raising activities require the approval of the Executive Board, which may request a budget.
- Section 7. No member or outside individual or group may solicit business for personal gain within the Association without the approval of the Executive Board and general membership.

## **Article VII Standing Committees**

- Section 1. Chairpersons of standing committees shall be appointed for one year by the incoming President. Each chairperson shall then select as many members as are necessary to carry on the work of the committee.
- Section 2. The President may ask for the resignation of a committee chairperson at anytime. If said resignation is not tendered, the request for resignation must then be supported by a majority of the Executive Board.
- Section 3. The standing committees will be as follows:
- a. **Awards Ceremony** - This committee will make arrangements for Shawnee Band Parents Awards Ceremony at the end of the year.
  - b. **Hospitality** - This committee will provide food for students at times specified.
  - c. **Props** - This committee will construct scenery and/or other equipment as needed for performances and will help load the equipment truck or van and set up equipment as needed for performances.
  - d. **Sewing** - This committee will make Color Guard uniforms and flags and help maintain Band uniforms as needed.
  - e. **Uniforms** - This committee will assign uniforms, maintain uniform records, and ensure that the uniform room is kept in an orderly fashion.
  - f. **Special Events** - These committees will be responsible for organizing and running competitions/festivals/etc. at Shawnee High School.
  - g. **Boutique** - This committee will be responsible for maintaining and operating the Boutique.
  - h. **Other Committees** as organized at the discretion of the SBPA Executive Board.

## **Article VIII Scholarship Committee**

- Section 1. Five (5) Shawnee Band Parent Association members shall be appointed by the Executive Board prior to the October meeting of the general membership to serve on the Shawnee Band Parent Association Scholarship Committee. In accordance with IRS Regulation 53.4945-4(C) and (D) no family member of a potential scholarship recipient may serve on the committee. In addition, no parent or guardian of a senior student may serve on the committee.
- Section 2. Eligibility:
1. Seniors eligible for scholarships must have at least one parent or guardian who is a current and paid member of the SBPA by the first meeting in October of the student's senior year

2. Each candidate must be an active member of at least one of the Shawnee Band Programs for a minimum of two (2) years, including their senior year.
3. Each candidate must intend to enroll in an accredited institution of higher learning starting the fall semester following graduation.

Section 3. Scholarships shall be awarded in amounts to be determined by the Scholarship Committee.

Section 4. The total amount of funds available each fiscal year shall be determined by the Executive Board, set during the annual budgetary process, and approved by the general membership of the Shawnee Band Parents Association, Inc. with the adoption of the fiscal year budget.

Section 5. Additional funds may be made available by dedicated "Scholarship Fundraising" activities in any school year. Funds raised must be awarded in the same school year. The Scholarship Committee will determine the criteria for each year's scholarship(s) by December 1 of each school year, with Board approval.

1. The scholarship application, guidelines, selection criteria and deadlines will be posted on the Shawnee Band website by December 1 each year.
2. Students will submit their applications by mail to the SBPA post office box. No applications will be accepted without a postmark. The Treasurer will receive all application envelopes and place them in a common envelope to be sealed on the day after the deadline for submission. The Treasurer will then deliver the applications to the Scholarship Committee as soon after the deadline as possible.
3. The Scholarship Committee will meet a *minimum* of one time to review all applications and to determine the recipients of that year's scholarship(s).
4. The Scholarship Committee will review *every* application as a committee.

Section 6. The scholarship(s) shall be awarded without regard to gender, race, religious affiliation, or ethnic group.

Section 7. The scholarship(s) will be paid by the Shawnee Band Parents Association, Inc. directly to the recipient(s), in the name of the recipient, upon receipt of the college registration statement of the chosen college by December 1<sup>st</sup> of that year to the Treasurer of the Shawnee Band Parents Association, Inc. Scholarships not meeting this criterion will revert back to the SBPA Scholarship Committee and its funding of future scholarships.

Section 8.

IRS definition of an Educational Institution: An eligible educational institution is generally any accredited public, nonprofit, or proprietary (private) college, university, vocational school, or other postsecondary institution. Also, the institution must be eligible to participate in a student aid program administered by the Department of Education. Virtually all accredited postsecondary institutions meet this definition.

## **Article IX Registered Agent**

Burlington County Corporate Register, Inc. located at 129 High Street in Mt. Holly, NJ 08060 shall serve as the registered agent and office for the Association.

## **Article X Association Insurance Coverage**

Section 1. The President of the Shawnee Band Parents Association, Inc. shall direct the association Treasurer to renew the Dishonesty Bond on or before January tenth of each year, the anniversary date of the original Dishonesty Bond Policy.

Section 2. The President of the Shawnee Band Parents Association, Inc. shall direct the association Treasurer to renew the General Liability Policy on or before December twenty-fourth of each year, the anniversary date of the original General Liability Policy.

## **Article XI Student Accounts**

Section 1. The SBPA will establish and maintain accounts for Band members, into which students can deposit funds to be used for future Band sponsored events such as trips.

Section 2. The SBPA will determine which events can be funded from Student Accounts, and the terms and conditions under which funds from Student Accounts may be used to fund an event.

Section 3. In addition to direct cash contributions, Student Accounts may be funded through fund-raising activities. The SBPA will designate fund-raisers intended to provide the opportunity for students to increase the balance of their accounts, and distinguish them from fund-raisers intended to benefit the SBPA's General Fund .

Section 4. The Treasurer shall post, manage, and maintain all Student Accounts.  
a. Balance reports will be provided twice during the school year. Any student or parent wishing to see their Student Account balance at other times, may do so by contacting the Treasurer.

Section 5. Distribution of Unspent Funds in Student Accounts:

a. Cash Contributions:

i. Any unspent cash contributions made to a Student Account will be refunded at the request of the student or his or her parent or guardian. Only cash contributions may be refunded. Requests for refund of unspent cash contributions must be made, in writing, to the Treasurer by May 30 of the school year in which the contribution was made.

b. Fund-Raising Contributions:

i. No monies generated through Band sponsored fund-raising activities may be refunded.

c. Distribution to other students' accounts:

i. A student may request the Treasurer to distribute the balance in his or her account in proportions specified by the student to other Student Account(s) as specified by the student. This option must be requested, in writing, to the Treasurer, by September 30 following the school year in which the student ceases to be a participant in the Shawnee Band Programs. This is allowable for fund-raising and cash contributions to the account. (This does not eliminate the requirement to request refund of unspent cash contributions by May 30, per Section 5a).

d. Former Student Account Funds unclaimed by September 30 of each school year will be transferred to the SBPA General Fund.

Section 6. Interest generated from the Student Accounts will be deposited to the SBPA General Fund.