

# **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 SBPA 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 (both Instrumental and Color Guard sections), Jazz Band, Wind Ensemble or any other program under the supervision of either the Shawnee High School Director of Bands or the Shawnee High School Marching Band Director (collectively, Band Directors).

Section 2. The SBPA will:

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

The SBPA 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 SBPA 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. Membership in the SBPA is open to all parents and/or guardians of all members of the Shawnee High School Band Programs.

Section 2. Active SBPA Members will be those who have a student in the band, pay dues and are current on all band-related expenses as defined by the Executive Board. An Active SBPA 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 but do not currently have children in the Band. These members will pay Associate dues at a reduced rate but may not vote or serve on the Executive Board, with the exception of the Trustees.

Section 4. Honorary members of the SBPA 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 SBPA 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. Upon petition to and approval of the Executive Board, an Active SBPA Member may remain active and retain all rights of active membership should their student's band membership/participation be temporarily interrupted due to unforeseen circumstances including but not limited to illness/injury to the student or a family member, natural disaster, epidemic, pandemic, quarantine, academic or disciplinary issues, or circumstances that temporarily prevent the student from attending school.

Section 7. No part of the net earnings of the SBPA shall inure to the benefit of, or be distributed to its members, trustees, officers, or other private persons, except that the SBPA 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 8. Notwithstanding any provision of these articles, the SBPA 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)(3) 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 (or corresponding section of any future Federal tax code).

#### **Article IV: Officers**

Section 1. The officers of the SBPA will be President, Vice President of Band, Vice President of Color Guard, Vice President of Fundraising, Recording Secretary, Corresponding Secretary, and Treasurer. These officers, along with the Marching Band Director, the Director of Bands and the Trustees, will comprise the Executive Board.

Section 2. The Executive Board will recommend policy, goals and objectives of the SBPA 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 may be elected for the same office for more than 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 SBPA 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 SBPA 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 SBPA 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 SBPA is deemed necessary, the following procedure will be applied:

Section 1. 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 2. Any residual assets will be referred to the Band Account of the General Organization Fund of Shawnee High School.

Section 3. The Shawnee High School Band Scholarship Fund shall be turned over to the Scholarship Committee of Shawnee High School for administration. The members of the selection committee for this band scholarship will be made up by past members of the SBPA and will be selected by the Band Directors and Supervisor of the Humanities Department.

Section 4. All records of the SBPA will be referred to the Marching Band Director for disposition.

Section 5. Upon the dissolution of the SBPA 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 Newly 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) Active Members may be appointed by the Executive Board prior to the October meeting of the General Membership. The names of that committee should be announced at the October meeting. The committee (or the Executive Board in lieu of the committee) will present a ticket at the November meeting of the General Membership which will place one or more names in nomination for each office. At this time, nominations may also be made from the floor.

- a. Because experience with the SBPA is important, it is highly recommended that the office of President should be filled by a person who has previously served on the Executive Board.

Section 2. Elections will be held by written ballot at the general meeting in December. Only Active SBPA Members and Trustees 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. New officers will attend the Executive Board meetings in January.

Section 4. The new officers will be installed at the February SBPA meeting.

### **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 both the Color Guard and Color Guard staff to promote communication and cooperation among the SBPA, Color Guard and staff;
- 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. Conducting an inventory of all uniforms and accessories prior to competitions.

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 Marching 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 create a password-protected band parent directory (access to the directory will be made available to all Active SBPA Members);
- e. Writing thank you notes to all sponsors and supporters at the end of each season.

Section 5. The Vice President of Fundraising will be responsible for:

- a. Modifying, if necessary, and adopting the fundraising plan developed by the prior Vice President of Fundraising. If no such plan exists, the Vice President of Fundraising, working with the Treasurer, will develop a fundraising plan.
- b. Implementing the fundraising plan, including:
  - i. Appointing (a) chairperson(s) for each fundraising activity;
  - ii. Overseeing fundraising activities;
  - iii. Reporting to the Executive Board and membership on fundraising activities;
  - iv. Working with the Treasurer regarding transfer of funds related to fundraising activities. c. Working with the Marching Band Director and Executive Board to ensure sufficient fundraising opportunities are available so as to permit students to accumulate funds in their Student Accounts.
- d. At his or her discretion, establishing and leading a fundraising committee.
- e. Working with the Treasurer, develop a fundraising plan for the following year.

Section 6. The Recording Secretary shall keep, and forward to the Executive Board within 10 business days, the minutes of all General Meetings and Executive Board meetings and be custodian of all non-financial records of the SBPA.

Section 7. The Corresponding Secretary will handle all correspondence and communications in connection with the SBPA and prepare and distribute the Smoke Signals, the SBPA monthly newsletter.

Section 8. The Treasurer shall:

- a. Receive all funds due the SBPA and deposit the same with a bank approved by the Executive Board;
- b. Be the custodian of financial records and receive and store copies of all General and Executive Board meeting minutes;
- 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.

The Treasurer will sign all checks and make necessary transfers between accounts.

### **Article III: Trustees**

Section 1. The SBPA 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. At the invitation of the Executive Board, a Trustee will have the option of extending his or her term for one additional year. The invitation will be extended by the Executive Board and accepted or rejected by the Trustee by March 1 of the first year of the Trustee's term.

Section 3. In the event of the resignation of a Trustee, the Executive Board shall appoint an acting Trustee until the next regular SBPA 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 High School Band program.

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

Section 1. The Executive Board will meet prior to each 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 participation 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 SBPA will be scheduled each month at the discretion of the Executive Board. 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 no later than the May Executive Board meeting. SBPA members shall remit dues on or before September 30.

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 information will be compiled and submitted to an independent accounting firm at the end of every fiscal year. The independent accounting firm will prepare and remit the required SBPA filings.

Section 4. The treasury must retain a minimum of \$10,000 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 SBPA membership at the General Meeting in May.

Section 6. All fundraising activities require the approval of the Executive Board, which may request a budget. A list of potential fundraising activities will be presented at the April board meeting for the Executive Board's approval. The list will also be given to the Marching Band Director for approval by the high school.

Section 7. No member or outside individual or group may solicit business for personal gain within the SBPA without the approval of the Executive Board and general membership.

## **Article VII Standing Committees**

Section 1. The President will ask for volunteers to chair the various committees throughout the year as the need arises. 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 any time. 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. Uniforms – Under the direction of the Vice President of Band, this committee will assign uniforms, maintain uniform records, and ensure that the uniform room is kept in an orderly fashion. b. Flags – Under the direction of the Vice President of Guard, this committee will maintain an inventory of all flags and assist the Vice President of Color Guard in any sales or procurements of color guard equipment.
- c. Props and Towing - 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. Special Events - These committees will be responsible for organizing and running special events and programs, e.g. competitions, festivals, craft fairs, award banquets, etc., for the Shawnee High School Band Programs.
- e. Other Committees as organized at the discretion of the SBPA Executive Board.

## **Article VIII: Scholarship Committee**

Section 1. Five (5) Active SBPA Members shall be appointed by the Executive Board prior to the October General Meeting to serve on the SBPA Scholarship Committee. In accordance with IRS Regulation 53.4945-4(C,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 or be a part of any review or recommendation of the scholarship applications.

Section 2. Eligibility:

- a. Seniors eligible for scholarships must have at least one parent or guardian who has been a current and paid member of the SBPA for two (2) years, including the fall marching band season of the student's senior year.
- b. Each candidate must be an active member of the Shawnee High School Marching Band for a minimum of two (2) years, including his or her senior year.
- c. 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 with guidance of the Executive Board.

Section 4. The SBPA budget (as determined by the Executive Board and approved by the general membership) will reflect an amount designated for scholarships in each fiscal year which will be based upon the total awards given during the prior year. The Scholarship Committee is responsible for raising funds for any scholarships

it anticipates awarding in any fiscal year. If fundraising fails to meet the anticipated need, the Scholarship Committee may petition the Executive Board to supplement the scholarship fund with monies from the general fund. Funds raised for scholarship must be awarded in the same school year.

Section 5. The Scholarship Committee, with Executive Board approval, will determine the criteria for each year's scholarship(s) by January 15 of each school year.

- a. The scholarship application, guidelines, selection criteria and deadlines will be posted on the Shawnee Band website by January 15 of each year.
- b. Scholarship applications should be submitted electronically by means approved by the Executive Board and the Scholarship Committee. Should a student require a printed copy of the application, such will be made available to him/her by request. Electronic time stamp will be proof of date and time application was submitted. (Should an applicant choose to submit a hard copy of his or her application, it should be mailed to the SBPA post office box and received no later than the due date specified on the website.)
- c. The Vice President of Band will receive all applications and review them to ensure they meet the basic eligibility requirements. If the Vice President of Band is the parent of a senior student, this duty shall fall to the Vice President of Guard or some other Executive Board member who is not the parent of a senior student.
- d. If any applicant fails to meet the basic eligibility requirement, the Executive Board member (as specified in paragraph c of this section) will notify the applicant in writing by U.S. Mail mailed to his or her home address.
- e. Applications of qualified applicants will then be printed, names of the applicants removed, and delivered to the chairperson of the Scholarship Committee as soon after the deadline as possible.
- f. 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).
- g. The Scholarship Committee will review every qualified 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 SBPA directly to the recipient(s), in the name of the recipient, upon receipt of the college registration statement. Such statements must be submitted to the SBPA Treasurer on or before December 15 of the year the scholarship was awarded. Should a scholarship not be disbursed due to the student's failure to submit the required college registration statement, the funds for that scholarship will return to the Scholarship Committee's fund for future scholarships.

Section 8. For the purposes of the SBPA scholarship process, an "accredited institution of higher learning" is an education institution as defined by the IRS: An eligible educational institution is generally any accredited public, nonprofit, or proprietary (private) college, university, vocational school, or other post-secondary institution. Also, the institution must be eligible to participate in a student aid program administered by the Department of Education. Virtually all accredited post-secondary 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 SBPA.

## **Article X: Association Insurance Coverage**

Section 1. The President of the SBPA shall direct the 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 SBPA shall direct the 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. For the purpose of assisting students and their families with the cost of various required marching band expenses, the SBPA will create and maintain records for Student Accounts for marching band members.

Section 2. Students and their families may earn money for these accounts by participating in fundraising activities specifically designated in whole or in part as Student Account fundraisers (as opposed to fundraisers designated for the General Fund or Scholarship Fund). Non-membership of a parent/parents does not preclude a child from participating in a fundraiser unless so specified.

Section 3. The SBPA will determine which expenses can be funded from Student Accounts.

Section 4. Participation in fundraising is up to the Vice President of Fundraising based upon a student's past fundraising accountability. No additional compensation (finder's fee) will be given to any student who brings fundraising material to the attention of Vice President of Fundraising.

Section 5. 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 6. Unspent Funds in Student Accounts:

- a. Any unspent funds remaining in a Student Account at the end of the fiscal year will be rolled over for use by the student in the following fiscal year.
- b. No monies generated through Band sponsored fundraising activities may be refunded.
- c. However, upon a student's departure or graduation from marching band, if that student has a sibling currently in marching band or intending to enroll in marching band the following season, funds from his/her account will be transferred to the sibling's account. Money will not be held by the Treasurer if the sibling does not join the Marching Band.
- d. Former Student Account Funds unclaimed by September 30 of each school year will be transferred to the hardship/scholarship fund. At the January meeting of the Executive Board, the current balance of such funds will be evaluated against future anticipated needs. Any excess may be transferred to the Scholarship Fund.

Section 7. Interest generated from the Student Accounts will be deposited to the SBPA General Fund.