

# ASSOCIATION FOR COMPENSATORY EDUCATORS OF TEXAS

## CONSTITUTION

*(Approved by the ACET membership on April 8, 2015)*

### ARTICLE I NAME

The name of the non-profit organization shall be The Association for Compensatory Educators of Texas hereinafter referred to as the Association or ACET.

### ARTICLE II PURPOSE

The purposes for which ACET is organized are exclusively religious, charitable, scientific, literary and educational within the meaning of section 501(c) (3) of the Internal Revenue Code of 1986, or corresponding provision of any future United States Internal Revenue law.

### ARTICLE III MEMBERSHIP

#### **Section 1 Voting Active Members**

**Members** shall be professional and nonprofessional employees of public or non-public schools, agencies, or institutions who function as administrators, teachers, supervisors, or coordinators of compensatory education programs; or others who support compensatory education programs through training or other means.

### ARTICLE IV MEETINGS

This Association shall hold one regular meeting in the fall and one in the spring. Additional meetings may be held at the discretion of the Executive Council.

### ARTICLE V OFFICERS

#### **Section 1**

The elected officers & representatives of the Association shall be chosen from the voting membership and shall include the following:

- a. President-Elect
- b. Vice-President for Membership
- c. Secretary
- d. Treasurer
- e. Twenty (20) Regional Directors
- f. Two (2) National Association of Federal Education Program Administrators (NAFEPA) representatives

## **Section 2**

The Parliamentarian will be appointed by the President, and will be a non-voting position. The NAFEPA Representatives are non-voting positions on the Executive Council.

## **Section 3**

The President-Elect shall be elected for a one-year term, shall serve as President the next year, and then serve as the Immediate Past President the following year. The Vice-President for Membership, Secretary and Treasurer shall be elected for two-year terms. The Vice-President for Membership and Secretary shall be elected in even-numbered years. The Treasurer shall be elected in odd-numbered years. Regional Directors of even-numbered regions shall be elected in even-numbered years. Regional Directors of odd-numbered regions shall be elected in odd-numbered years. Each NAFEPA Representative shall serve a three-year term.

## **Section 4**

The Executive Council shall consist of the Officers, the Immediate Past President, Regional Directors, the NAFEPA Representatives, and the Parliamentarian.

## **Section 5**

The Executive Council shall have the power to fill the office of President-Elect, Vice-President for Membership, Secretary, Treasurer and NAFEPA Representatives should a vacancy occur during the term. Should the President not be able to fulfill his/her duties, the President-Elect will also assume the duties of President.

Regional Director vacancies shall be filled by the Alternate, who was elected at the same time as the Regional Director. Should that person not be available to serve, the President shall appoint a member from that region to serve as the interim Regional Director until the next election.

## **ARTICLE VI EXECUTIVE DIRECTOR**

An Executive Director shall be employed by the Association at a salary commensurate with work performed.

In the event a vacancy occurs in the position of Executive Director, the Past Presidents' Advisory Committee shall interview candidates for that position and make recommendations to the Executive Council to fill the vacancy.

## **ARTICLE VII AMENDMENTS**

This constitution may be amended at any conference for the transaction of official business by vote of two-thirds of the members replying, provided in either case written notice has been given thirty (30) days prior to the time of voting. The Executive Council shall have the responsibility and authority to make any necessary adjustments in the Constitution and By-Laws for compliance with the chartering laws of the State of Texas and the regulations of the Internal Revenue Service.

## **ARTICLE VIII QUORUM**

### **Section 1**

A majority of the voting members present at the Executive Council meeting shall constitute a quorum of the Executive Council so long as it is not less than twenty-five percent (25%) of the council membership.

## **ARTICLE IX COMMITTEES**

### **Section 1**

- a. The President shall appoint such committees, with concurrence of the Executive Council, as he/she may deem advisable for carrying on the work of the organization.
  
- b. Standing committees of the Association may include:
  1. Historical Committee
  2. Nomination/Elections Committee
  3. Program Planning Committee
  4. Awards Committee
  5. Legislative Committee
  6. Past Presidents' Advisory Committee
  7. Scholarship Committee
  8. Registration Committee

### **Section 2**

The President shall be an ex-officio member of all committees except the Nomination/Elections Committee.

## **ARTICLE X EXPENDITURES**

The funds of the Association shall be disbursed only in accordance with the annual budget adopted by the Executive Council that shall have power to transfer unused balances from one item in the budget to another. The Treasurer shall work cooperatively with the Executive Director in the receiving and disbursement of the funds of the Association, and with the Executive Council shall make an annual accounting to the Association during the October Conference.

The Executive Director shall have an annual audit prepared by an outside audit firm or CPA and these results will be shared with the Treasurer prior to being given to the Executive Council. Whenever possible, the Executive Director and the Treasurer will meet in person or via conference call with the audit firm or CPA to discuss the results of the audit. The Executive Director and Treasurer will jointly prepare a statement of financial standing which will be given to members of the Association at the October meeting.

The association will maintain a minimum fund balance of \$150,000. Should unforeseen circumstances occur and the balance falls below this figure, it will be unacceptable for the fund balance to drop below \$142,500, which is 5% of the \$150,000.00. Reasons for the shortfall must be reported to the Executive Council and the membership.

## **ARTICLE XI RULES OF ORDER**

Except where contrary to mandates specified in the Constitution and By-Laws, Robert's Rules of Order (revised) shall govern all meetings of the Executive Council and of the Association.

## **ARTICLE XII DISPENSATION OF FUNDS**

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 of 1986, or corresponding section of any future Federal tax code, or shall be distributed to the Federal, state or local government for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction, in the county in which the principal office of the organization is then located, exclusively for such purposes.

## **ARTICLE XIII AFFILIATION OF LOCAL REGIONAL UNIT**

### **Section 1**

Local regional units whose purposes and policies are consistent with those of ACET may, upon written application, become affiliated with the state association upon the approval of the Executive Council. This written application shall include a statement of the local regional unit's purposes and policies.

### **Section 2**

Affiliated local regional units shall submit to ACET any changes in purposes and policies within sixty (60) days of such action.

### **Section 3**

Affiliation of local regional units may be terminated upon request by the local regional unit or by the ACET Executive Council when the local regional unit's purposes and policies are not consistent with those of ACET.

# ASSOCIATION FOR COMPENSATORY EDUCATORS OF TEXAS

## BY-LAWS

*(Approved by the ACET membership on April 8, 2015)*

### ARTICLE I MEMBERSHIP

#### **Section 1**

All qualified persons shall be eligible for a membership of 15 months upon receipt of payment for a conference.

#### **Section 2**

A procedure for pre-registration for each conference shall be established. The amount of the pre-registration fee and the registration fee at the conference shall be determined by the Executive Council.

### ARTICLE II CONFERENCES

The Association shall hold at least one fall and one spring conference each year. Elections may be held at the fall and/or spring conferences.

### ARTICLE III EXECUTIVE COUNCIL MEETINGS

The Association shall hold at least one fall and one spring meeting of the Executive Council each year. The election of officers shall be held at a conference. Special meetings may be called by the President.

### ARTICLE IV ELECTIONS

Officers shall be elected as follows:

#### **Section 1**

The Nomination/Elections Committee shall prepare a list of candidates for each position of President-Elect, Vice-President for Membership, Secretary, Treasurer and NAFEPA Representatives. The President-Elect shall be elected for a one-year term, shall serve as President the next year, and then serve as the Immediate Past President the following year. The permission of each candidate must be secured prior to his/her name being nominated. To run for Vice-President, Secretary, or Treasurer, a person must have been a member of the Association for at least two years.

In order to run for the position of President-Elect, the member must have served for at least two years in one or more of the following positions: Regional Director, Vice President of Membership, Secretary, Treasurer, as a committee Chairperson, or have served on the Program Planning Committee. In order to serve as a NAFEPA Representative, the person must have served as President.

Regional Directors shall be elected by the respective regional members. If during the election process there is a tie vote, the regional members will take another vote via secret ballot. If that vote results in a

tie, then the candidates tied for the position will draw for the position. The person who is not selected as the representative will become the alternate regional director.

### **Section 2**

Provision shall be made for nominations from the floor for the positions of President-Elect, Vice-President for Membership, Secretary, Treasurer and NAFEPA Representatives, provided prior permission is secured from the person nominated.

### **Section 3**

Candidates receiving the greatest number of votes shall be declared elected. If the vote results in a tie, then the candidates tied for the position will draw for the position. In the event only one candidate is placed in nomination for an office, that candidate may be elected by voice vote of the assembly (VIVA VOCE).

### **Section 4**

The newly elected officers shall assume their duties immediately after the conference at which they are elected.

### **Section 5**

In the event that the President-Elect, Vice-President for Membership, Secretary, Treasurer, or NAFEPA Representatives cannot complete his/her term, the Executive Council shall appoint a qualified member to serve the remainder of the term, if it is beyond one month of when that office would be elected.

In the event that a Regional Director cannot attend an Executive Council meeting, the Alternate will attend the meeting, with voting rights, to represent the voice of the region. Regional Director vacancies shall be filled by the Alternate, who was elected at the same time as the Regional Director. Should that person not be available to serve, the President shall appoint a member from that region to serve as the interim Regional Director until the next election.

## **ARTICLE V DUTIES OF OFFICERS**

### **Section 1 The President**

The President shall preside at all regular and called meetings of the Association and otherwise discharge the duties incumbent upon this office, including those duties elsewhere stated in this Constitution and By-Laws. He/she shall appoint the Parliamentarian and Chairpersons for standing committees for his/her term of office and serve as an ex-officio member of all committees.

The President will assure that (1) the Executive Director, Treasurer, and President positions are bonded; (2) an annual audit of the Association's finances is completed and the results are duly reported to the membership; (3) an annual evaluation of the Executive Director is completed each year by the end of January. The evaluation will contain information gathered from the Executive Council.

### **Section 2 President-Elect**

The President-Elect shall preside in the absence of the President at all meetings of the Association or the Executive Council and shall perform such duties as may be delegated by the President and the Executive Council. The President-Elect shall have the primary responsibility for planning, coordinating and

implementing conferences, workshops and programs for the Association with the approval of the Executive Council.

In case the President is unable to serve his/her term, the President-Elect will assume all duties of the President in addition to his/her duties as President-Elect.

### **Section 3 Vice-President for Membership**

The Vice-President for Membership shall be responsible for recruiting new members, promoting the retention of current members and disseminating a list of the membership to the officers.

Additionally the Vice-President shall be responsible for securing facilitators for conference sessions and for conference evaluations.

### **Section 4 Secretary**

The Secretary shall keep accurate written records of the proceeding of all business meetings of the Association and the Executive Council. These records shall include but are not limited to the minutes, agendas and correspondence. After approval by the members of the Executive Council, all records will be filed with the Executive Director for inclusion in the permanent files of the organization. Copies of minutes must be provided to the President within two weeks after the meeting date.

### **Section 5 Treasurer**

The Treasurer shall work cooperatively with the Executive Director in the receiving and disbursing of all monies, keeping an accurate accounting of Association's funds, and filing all necessary documents with the Internal Revenue Service.

In addition, the Treasurer will monitor the Association's fund balance to assure that it does not fall below \$150,000. With the assistance of the Executive Director he/she shall assure that an annual audit of the organization's finances is conducted and that the results of the audit are presented to the membership by October of each year.

### **Section 6 NAFEPA Representatives**

The focus of these positions will be to provide continuity with the NAFEPA Board and to help build capacity for our organization on the NAFEPA Board. The positions will fill the positions that ACET has on the NAFEPA Board. The representatives selected should be members whom have a broad base in all aspects of serving students in at-risk situations and whom would best represent ACET's entire membership. The NAFEPA representatives shall serve staggered three-year terms.

### **Section 7 Executive Council**

The Executive Council shall approve or amend the budget of the Association, approve the dates and places of all conferences and workshops, authorize the appointment of special committees as necessary, and in general attend to the business of the Association.

### **Section 8 Executive Director**

The Executive Director shall be responsible for fiscal operations; conference and workshop planning including registration, facilities, exhibitors, and printing; communications; web-site maintenance; and other duties as designated by the President and the Executive Council.

### **Section 9 Dereliction of Duties**

Officers (President, President-Elect, Vice-President, Secretary, Treasurer, NAFEPA Representatives, and Parliamentarian) and Regional Directors who fail to fulfill their duties may be considered to be derelict in his/her duties and may be removed from office.

Dereliction of duties may include any one of the following:

1. Failure to attend meetings.
2. Failure to file required reports within two weeks of a meeting.
3. Failure to reply to directions from the President and/or President-Elect within one week of receiving a request.
4. Failure to provide Financial Reports or any other report requested by the President and/or President-Elect.

The replacement for the removed officer will be named by the Executive Council, unless it occurs within one month of the next election for that position. The general membership shall be notified a replacement has been named to fulfill the term of that office.

## **ARTICLE VI REGIONAL DIRECTORS**

### **Section 1 Duties of Regional Directors**

The twenty Regional Directors will serve as part of the Executive Council and shall make every effort to be at each meeting of the council and shall plan to be present for the majority of the meeting. If they cannot be present, they shall make arrangements for an alternate to attend the meeting.

The duties of the Regional Directors may include, but are not limited to:

1. Assuring that the membership in their region receives timely notification of any meetings/conferences of the organization
2. Assuring that members receive materials and information that further the mission of the organization.
3. Recruiting membership for ACET from their region.
4. Working on committees when asked, working at registration, serving as a facilitator during the conference.
5. Facilitating the dissemination, collection, evaluation and forwarding of scholarship information.
6. Conduct regional meetings at the ACET Conference.



## **ARTICLE VII REIMBURSEMENT FOR EXPENSES**

### **Section 1 Covered Expenditures**

The Officers, Regional Directors, Committee Chairpersons, and Committee Members will be reimbursed for limited expenses that are not covered by their districts/employers. The items and amount of reimbursement will be as follows:

1. All expenses for special meetings utilizing the fee structure found in the following Section 2 of this section, and which are not covered by their districts or employers.
2. All expenses involved in providing information to regional members and potential members as specified in the ACET Procedures Manual.
3. All expenses involved in hosting regional meetings which are not covered by the district and or employer as specified in the ACET Procedures Manual.

### **Section 2 Fee Reimbursement Structure**

Officers, Regional Directors, Committee Chairpersons, NAFEP Representatives, and Committee Members should first try to pay for their expenses utilizing any district/employer funds that they may have available. If no district/employer funds are available or are limited, the committee members will be reimbursed utilizing the fee structure specified in the ACET Procedures Manual.