

Cupertino Union School District<sup>1</sup>  
Stevens Creek Elementary School

STEVENS CREEK PARENT TEACHER ORGANIZATION

**CONSTITUTION**

Revised August 2009

**Article I Name**

The name of this organization shall be the Stevens Creek Parent Teacher Organization, herein known as PTO.

**Article II Purpose and Limitation**

The PTO is organized exclusively for educational purposes within the meaning of Section 501(c) (3) of the Internal Revenue Code and is not organized for the private gain of any person.

The specific purpose of the PTO shall be to promote the welfare of the children of Stevens Creek School and to increase understanding between parents and faculty. The PTO shall be non-profit, non-sectarian, and non-partisan. The PTO shall not attempt to direct the educational activities of Stevens Creek Elementary School.

Notwithstanding any other provision of this Constitution, this organization shall not carry on any other activities not permitted to be carried on by (i) an association exempt from Federal Income Tax under Section 501(c) (3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue law) or (ii) by an association, the contributions to which are deductible under Section 170(c) (2) of the Internal Revenue code of 1986 (or the corresponding provision of any future United States Internal Revenue law).

No substantial part of the activities of this organization shall consist of carrying on propaganda, or otherwise attempting to influence legislation and the organization shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

The property of this organization is irrevocably dedicated to charitable purposes and no part of the net income or assets shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution of this Association, 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 the corresponding section of any future tax code) or shall be distributed to a non-profit fund, foundation or corporation which is organized and operated exclusively for charitable and educational purposes meeting the requirements for exemption

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provided by Section 214 of the Revenue and Taxation Code and which has established its tax exempt status under Section 501(c) (3) of the Internal Revenue Code.

### **Article III Membership**

All parents and guardians of students, faculty members and staff members of Stevens Creek Elementary School shall be eligible for membership. Members shall have voting privileges and a voice at all Parent Teacher Organization meetings. The PTO shall conduct an annual membership drive but may admit persons to membership at any time.

### **Article IV Officers**

The PTO shall elect from the membership the following officers:

- President
- 1st Vice-President
- 2nd Vice-President
- Secretary
- Treasurer
- Health & Safety
- Room Parent Coordinator
- Auditor

The duties and responsibilities of the officers shall be prescribed in the By-Laws. The term of office shall be for one year. An elected officer may serve more than two consecutive years in the same office if there are no volunteers to fill the position. If there are other nominees for the position, after an officer has held the position for two consecutive years, the officer is obligated to relinquish the position. More than one person may share any of the above duties. There shall be no more than 2 co-presidents.

### **Article V Finances**

Dues shall be collected. Moneys for the requirements of the PTO shall be raised by various fund raising activities.

### **Article VI Committees**

The By-Laws shall establish those permanent committees necessary for the operation of the PTO. The President shall establish, with the consent of the Board of Directors, such special committees as deemed necessary. The President shall appoint all committee chairs with the consent of the Board of Directors.

### **Article VII Organizational Structure**

The structure of the PTO shall consist of a Parent Teacher Organization meeting of the membership, the Board of Directors, the elected officers, and the committees.

The Board of Directors shall consist of:

- The Principal
- The Elected Officers
- A Staff Liaison (a school representative selected by the faculty).

The Board of Directors shall be responsible for the day-to-day operations of the PTO.

### **Article VIII Amendments**

The Constitution and the By-Laws shall be amended by a two-thirds vote of those present at a Parent Teacher Organization meeting. A written notice of a proposed amendment may be published in the school newsletter one week prior to the meeting. The incoming Board of Directors shall review the Constitution and By-Laws annually.

### **Article IX Initiative, Impeachment, and Vacancies**

Section 1 *Initiative*. The membership shall be able to initiate a petition to call a general meeting. The petition shall be signed by ten (10) percent of the membership and shall describe the subjects to be discussed at the meeting. Discussion and action at a general meeting called by petition shall be limited to the subjects requested in the petition.

Section 2 *Recall*. A two-thirds vote of those present at a general meeting shall be required to recall and dismiss an elected officer. Written notice of the recall proceeding shall be sent to the membership at least two weeks prior to the general meeting. This notice may be published as part of the newsletter

Section 3 *Vacancies*. The membership shall elect a member to fill the unexpired term of any vacancy in the elected officers.

# BYLAWS

## Article I Meetings

Section 1 *Parent Teacher Organization Meetings.* There shall be two required meetings each school year: a fall meeting shall be held to approve the annual budget, a spring meeting shall be held to elect new officers. It is suggested the President plan monthly PTO meetings to carry on the activities of the PTO.

Section 2 *Executive Meetings.* The President may call executive meetings of the Board of Directors as needed.

Section 3 *Quorum Five* Board members shall constitute a quorum at PTO meetings and/or executive meetings.

## Article II Committees

Section 1 There shall be such committees created by the Board of Directors as may be required to carry on the work of the PTO.

Section 2 The term of office for chairs shall be one year.

Section 3 The chairs shall present plans of work to the Board of Directors for approval. No work shall be undertaken without the consent of the executive board.

Section 4 Upon the expiration of the term of office or in case of resignation or termination, each chair shall turn over to the president, without delay, all records, books and other material pertaining to the chairmanship, and shall return to the treasurer, without delay, all funds belonging to the PTO.

Section 5 The PTO shall have the power to create special committees in order to carry out specific programs and projects.

Section 6 *Current Permanent Committees:*

- A. *Pumpkin Panic Chair* shall coordinate the activities necessary for the October Pumpkin Panic event to be held on the school campus.
- B. *Drawing/Silent Auction Chair* organizes Drawing/Silent Auction event at Pumpkin Panic.
- C. *Technology Task Force Chair* gains understanding of our current technology needs and creates a plan for replacing, upgrading and/or maintaining our school's technology lab and classroom computers.
- D. *Ice Cream Social Chair* shall conduct and coordinate the activities necessary for the Ice Cream Social, which is held the last month of school.
- E. *Student Directory Chair* shall conduct and coordinate the activities necessary for producing a Stevens Creek Student Directory.
- F. *Walkathon Chair* shall coordinate the activities necessary for the Spring Walkathon event to be held on the school campus.
- G. *Web Site Manager* shall coordinate and maintain the PTO web site.

- H. *Yearbook Chair* shall conduct and coordinate the activities necessary for producing a Stevens Creek Student Yearbook.
- I. *CEEF Chair* shall represent Stevens Creek School PTO at the annual CEEF Gala and prepare an auction basket.
- J. *After-School Coop Coordinator*: Organizes after-school Coop. Collects initial handouts and coordinates rotating parent supervision schedule.
- K. *Electronic Fundraising Chair* organizes the school's, Grocery and E-script fundraising.
- L. *Library Volunteer Coordinator* coordinates parents to help with shelving books, covering new books, checking books in/out, Super Star Reading program and assisting librarian as needed.
- M. *PTO Representative Chair* shall attend and represent the PTO at District, School Board and Coalition meetings.
- N. *Auditor* shall audit the books and records of the treasurer with final audit to be by Sept. 15, and to audit the books upon resignation of the treasurer and at any time deemed necessary.
- O. *Restaurant Fundraiser* coordinates one or two evenings each year for the teachers, families and student body to socially have dinner together while benefiting the school with their dinner purchase.

*Please consider the PTO policies document for any additional committee positions not described in this document.*

Section 7 The chairs and members of permanent and special committees shall serve until their assignments have been completed.

Section 8 *Committee Chair*. The committee chair shall:

- A. Appoint committee members as necessary to perform the functions of the committee.
- B. Oversee and coordinate the activities of the committee.
- C. Report committee activities to the Board of Directors.

### **Article III Duties and Responsibilities**

Section 1 *Board of Directors*. The Board of Directors shall:

- A. Approve all special committees.
- B. Approve the budget.
- C. Approve the disbursement of moneys as described in Article IV.
- D. Approve appointments to fill vacancies in the elected offices.

Section 2 *President*. The President shall:

- A. Preside at all PTO meetings.
- B. Appoint committee chairs.
- C. Appoint members to fill vacancies in the elected offices.
- D. Prepare agenda for all PTO meetings.
- E. Establish special committees as desired.
- F. Co-sign checks as described in Article IV.
- G. Coordinate the activities of the PTO.

- H. Sign all official correspondence.

Section 3 *1st Vice-President*

- A. Assume the duties and the responsibilities of the President in the absence or resignation of the President.
- B. Assist the President as requested with all fund raising activities.

Section 4 *2nd Vice -President.* The 2nd Vice-President shall:

- A. Assume the duties and the responsibilities of the President in the absence or resignation of the President and 1st Vice-President.
- B. Assist the President as requested with all Grants and Program Disbursements.

Section 5 *Secretary.* The Secretary shall:

- A. Act as recording secretary for the PTO and keep a record of the proceeding of all PTO meetings.
- B. Provide a copy of the minutes of each meeting to the officers.
- C. Prepare correspondence for the PTO.

Section 6 *Treasurer.* The Treasurer shall:

- A. Prepare the annual budget for approval by the Board of Directors.
- B. Receive all moneys in behalf of the PTO.
- C. Deposit moneys in the name of the PTO in a bank approved by the Board of Directors.
- D. Disburse moneys as described in Article IV
- E. Keep an accurate record of receipts, disbursements, and keep other financial transactions of the PTO.
- F. Prepare a financial report for each regular PTO meeting.
- G. The Treasurer shall have an assistant counting receipts from all fundraising activities.
- H. Submit all books and records for auditing by the Auditor and as directed by the Board of Directors.

Section 7 *Room Parent Coordinator.* The Room Parent Coordinator shall:

- A. Provide roomparent volunteers for each class.
- B. Coordinate other activities that require the roomparent volunteer efforts.

Section 8 *Hospitality.* The Hospitality chair shall:

- A. Provide refreshments at PTO functions and meetings if necessary.
- B. Provide refreshments at special events sponsored by the PTO.
- C. Coordinate and conduct the First Day Coffee and Staff Appreciation at the end of the school year.

Section 10 *Publicity.* The Publicity chair shall:

- A. Update weekly the marquee in front of the school office.
- B. Assist other chairs with publicity materials as needed for their special events.

Section 11 *Health and Safety.*

- A. The Health and Safety projects at Stevens Creek are usually related to health and welfare programs sponsored by the Stevens Creek Elementary School PTO.
- B. Health and Safety projects include, but are not limited to: (1) Classroom emergency food pack coordination (2) Information support at all School functions (3) Provide and maintain Emergency Backpacks for all classrooms.

Section 12 *Volunteer Coordinator.*

- A. Collects and maintains a database of volunteers
- B. Works with the Committee Chairs and Officers to find volunteers as needed.

Section 13 *Historian.*

- A. Shall maintain a record of all PTO publications, minutes, records and other pertinent information in the binder, which is kept in the school office.

**Article IV Finances**

Section 1 *Fiscal Year.* The fiscal year of the PTO shall be from July 1 to June 30.

Section 2 *Budget.* An annual budget shall be presented to the membership for approval at the fall PTO meeting.

Section 3 *Disbursement of Moneys.*

- A. The Treasurer is authorized to disburse money for all budgeted line items.
- B. The membership shall vote on all unbudgeted or miscellaneous expenditures exceeding \$100.00.
- C. Unbudgeted items under \$100.00 shall be approved by the President and Treasurer prior to the purchase.
- D. Withdrawal from any major PTO account shall require two signatures. Other transactions may be allowed as specified in the Treasurer's "Policies and Procedures" which will be reviewed and approved by the Board of Directors annually.
- E. In the event the PTO disbands, any remaining moneys will be spent for educational and physical equipment for the children of Stevens Creek School.

**Article V Nominations and Elections**

Section 1 *Nominations*

- A. Nominations from the membership shall be accepted by the Board before the May meeting, if such nominees are available at that time.
- B. The week prior to the May meeting the slate of candidates for the officers shall be provided, if such slate is available.
- C. If nominees for officers are not forthcoming, such jobs may be advertised and described in the school newsletter and the principals "end of year" letter to all parents to recruit officers.

Section 2 *Elections*

- A. The candidates for each office shall be introduced and elected at the May meeting, if such candidates are available at that time.
- B. Election may be by secret ballot. The candidate receiving the majority of the votes cast shall be elected.
- C. The term of office shall be from July 1 to June 30.

## **Article VI Parliamentary Procedure**

Roberts Rules of Order, Revised, shall govern all procedures and meetings.

## **Article VII Indemnification**

*Section 1 Right of Indemnity.* To the fullest extent permitted by law, this organization shall indemnify its directors, officers, committee chairs and other persons described in Section 5238(a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any “proceeding”, as that term is used in that Section, and including an action by or in the right of the organization, by reason of the fact that there person is or was a person described in that section. “Expenses,” as used in this bylaw, shall have the same meaning as in Section 5238(1) of the California Corporations Code.

*Section 2 Approval of Indemnity.* On written request to the board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the board shall promptly determine under Section 5238(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the board shall authorize indemnification. If the board cannot authorize indemnification because the number of directors who are parties to the proceeding with respect to which indemnification is sought prevents the formation of a quorum of directors who are not parties to that proceeding, the board shall promptly call a meeting of members. At that meeting, the members shall determine under Section 5238(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the members present at the meeting in person or by proxy shall authorize indemnification.

*Section 3 Advancement of Expenses.* To the fullest extent permitted by law and except as otherwise determined by the board in a specific instance, expenses incurred by a person seeking indemnification under Sections 7.01 and 7.02 of these bylaws in defending any proceeding covered by those Sections shall be advanced by the corporation before final disposition of the proceeding, on receipt by the corporation of an undertaking by or on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the corporation for those expenses.

## **Article VIII Insurance**

The corporation shall have the right to purchase and maintain insurance to the full extent

permitted by law on behalf of its officers, directors, employees, and other agents, against any liability asserted against or incurred by any officer, director, employee, or agent in such capacity or arising out of the officer's, director's, employee's, or agent's status as such.

**Article IX Articles of Organization (Constitution) and By-Laws**

*Section 1* This Parent Teacher Organization is a nonprofit organization. Its "articles of organization" consist of its constitution and bylaws as from time to time amended. In the event of any conflict with the constitution and bylaws, the PTO shall take prompt action to amend the articles in conflict

**Article X Amendments**

*Section 1* These bylaws may be amended by a two-thirds (2/3) vote at any regular meeting, provided notice has been given at the previous regular meeting

AMENDED BY THE  
**PARENT TEACHER ORGANIZATION**

APPROVED BY

Julie A van Gelder 10/8/09  
PTO Co-President (signature and date)

Vincent J Franko  
Principal (signature and date)

Louise Schie 10/8/09  
PTO Co-President (signature and date)

Chao Prakash 11/12/09  
Secretary (signature and date)