

ATPE State Bylaws

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CERTIFICATION AND SIGNATURE

Article I: Name and Purpose

Section 1: Name

This organization shall be known as the Association of Texas Professional Educators (hereinafter referred to as the "Association" or "ATPE"). It is incorporated as a non-profit corporation pursuant to the Texas Non-Profit Corporation Act, Art. 1396-1.01, et seq., V.T.C.S., and results from a consolidation of the Association of Texas Educators, Inc., and the Texas Professional Educators, Inc.

Section 2: Purpose

The Association is organized for the following purposes: to further education as a service and as a profession through support of public control of public schools in the state of Texas; to promote activities, services and training for educators; and to develop and maintain high standards of professional ethics among all professional educators. In pursuit of the foregoing purposes, the Association shall be committed to the following principles:

- (a) That compulsory membership in any organization shall not be required as a condition of obtaining or retaining employment as a professional educator;
- (b) That strikes and boycotts, or the threats thereof, and organized work stoppages, actual or threatened, are detrimental to professional educators, to the students, and to the public served by professional educators;
- (c) That there should be continued local public control of the public school systems; and
- (d) That the Association of Texas Professional Educators shall at all times maintain its autonomy.

In the conduct of the affairs of the Association, it shall be operated as a non-profit institution and shall not be empowered otherwise than as an insubstantial part of its activities to carry on activities which are not in the furtherance of its aforementioned purposes. No part of the net earnings of the Association shall inure to the benefit of any private individual, except that reasonable compensation may be paid for services rendered to or for ATPE affecting one or more of its purposes. No officer, director or employee of ATPE, or other private individual, shall share in the distribution of the assets of the Association on its dissolution. The Association shall distribute its assets, upon dissolution or the winding up of its affairs, exclusively to one or more corporations

organized and operated as charitable, religious, scientific, testing-for-public-safety, literary, or educational organizations which then qualify as exempt organizations under the provisions of Section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or they may hereafter be amended. The specific corporation or corporations to which such distribution shall be made, and the extent thereof, shall be determined by the majority vote of the Board of Directors of ATPE, as constituted immediately prior to such distribution.

(amended 3/23/91)

Article II: Offices

Section 1: Offices

The registered office of the Association in the State of Texas shall be located at 305 E. Huntland Drive in the City of Austin, County of Travis. The Association may have such other offices, either within or without the State of Texas, as the Board of Directors may determine or as the affairs of the Association may require from time to time.

(amended 4/25/98)

Section 2: Registered Office and Registered Agent

The Association shall have and maintain in the State of Texas a registered office and a registered agent whose office is identical with such registered office, as required by the Texas Non-Profit Corporation Act. The registered office may be, but need not be, identical with the principal office of the Association in the State of Texas, and the address of the principal office may be changed from time to time by the Board of Directors. Until otherwise changed, the registered office shall be as specified in Section 1 hereof.

Article III: Membership

Section 1: Definition

Where used herein, the following term means:

"Member." Those persons who have paid or who have received a Board of Directors-approved waiver of the prescribed ATPE membership dues for the current membership year and who have not otherwise had their membership suspended.

(amended 2 times, last amended 3/30/96)

Section 2: Membership

Any educator or person interested in public education who believes in and will support the purposes of this organization shall be eligible for membership in ATPE. All "life" members

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of the predecessor associations (ATE {Association of Texas Educators} or TPE {Texas Professional Educators}) shall be members of ATPE until otherwise directed by the House of Delegates.

(amended 3/14/92)

Section 3: Membership Year

The membership year of the Association shall be from August 1 through July 31 of the following year, effective August 1, 2009.

(amended 4/04/09)

Section 4: Classes of Members

ATPE shall have six (6) classes of members.

The classes and their qualifications are:

- (a) **Professional Members.** Those educators who are employed in Texas in a certain capacity (as defined yearly by the Board of Directors) by a public school district, institution of higher education, Regional Education Service Center, State Board for Educator Certification or the Texas Education Agency, or who are life members.
- (b) **Retired Members.** Those persons who are retired from an active position in the public education profession after working in the public education profession for at least 10 years and who receive, have received, or are eligible to receive a benefit from a recognized pension program.
- (c) **Associate Members.** Those paraprofessional and support persons who are employed in Texas in a certain capacity (as defined yearly by the Board of Directors) by a public school district, institution of higher education, Regional Education Service Center or the Texas Education Agency.
- (d) **Teacher Trainee Members.** Those students enrolled in a teacher education program in an accredited college or university who will be engaged in student teaching and/or field experience in Texas during the calendar year of membership.
- (e) **Public Members.** Those persons other than the foregoing who are interested in public education.
- (f) **College Student Members.** Individuals enrolled in an accredited college or university training program who are preparing to enter the field of education but who will not be involved in the student teaching experience.

(amended 6 times, last amended 3/31/01)

Section 5: Dues

Members must pay the prescribed state dues for each membership year. The annual dues for each class of

membership shall be as follows:

- (a) Professional Membership: \$145.00 per year
- (b) Retired Membership: \$10.00 per year
- (c) Associate Membership: \$70.00 per year
- (d) Teacher Trainee Membership: \$20.00 per year
- (e) Public Membership: \$35.00 per year
- (f) College Student Membership: \$12.00 per year

The Board of Directors may prescribe lesser dues for terms of membership of up to one year.

Any adjustment in the amounts of the foregoing annual dues shall require an amendment to these bylaws.

(amended 11 times, last amended 3/29/08)

Section 6: Voting Rights

A Professional, Associate, Teacher Trainee, College Student, or Retired member with ATPE shall be entitled to vote when a matter is submitted to such vote. The only voting rights accorded to the membership of ATPE shall be to participate in the election of directors and regional officers through their respective regional organizations and to participate in referendums as outlined in Article XVI, Section 3. No proxy voting shall be recognized.

(amended 2 times, last amended 3/14/92)

Section 7: Suspension or Expulsion of a Member

The Board of Directors, by affirmative vote of two-thirds (2/3) of all the members of the Board, may suspend or expel a member for cause after an appropriate hearing. A member thusly expelled is ineligible for subsequent membership, unless reinstated as specified in Article III, Section 9.

Section 8: Resignation

Any member may resign by filing a written resignation with the Secretary, but such resignation shall not relieve the member so resigning of the obligation to pay any dues, assessments, or other charges theretofore accrued and unpaid.

Section 9: Reinstatement

Upon written request signed by a former member and filed with the Secretary, the Board of Directors may reinstate, by the affirmative vote of two-thirds (2/3) of its members, the former member on such terms as the Board of Directors deems appropriate.

Section 10: Transfer

Membership in this Association is not transferable or assignable.

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Article IV: Officers

Section 1: Officers

The officers of ATPE shall be a President, a Vice President, a Secretary, a Treasurer, and the Immediate Past President. No two offices may be held simultaneously by the same person.

Section 2: Executive Committee

The officers of ATPE shall collectively constitute the Executive Committee, and shall have duties as hereinafter described. A majority of the total membership of the Executive Committee shall constitute a quorum for the transaction of business. The Executive Committee shall have and exercise the authority of the Board of Directors in the management of the Association between meetings of the Board of Directors. However, no such committee shall have the authority of the Board of Directors in reference to amending, altering, or repealing the bylaws; electing, appointing, or removing any member of any such committee or any Director or officer of the Association; amending the Articles of Incorporation; adopting a plan of merger or plan of consolidation with another corporation; authorizing the sale, lease, exchange, or mortgage of all or substantially all of the property and assets of the Association; authorizing the voluntary dissolution of the Association or revoking proceedings thereof; adopting a plan for the distribution of the assets of the corporation; or amending, altering or repealing any resolution of the Board of Directors which by its terms provides that it shall not be amended, altered, or repealed by such committee.

Section 3: Election

The President shall automatically succeed to the office of Immediate Past President. The Board of Directors shall appoint a Nomination/Election Committee to receive nominations of candidates for each office other than that of Immediate Past President. In the event that only one nominee can be secured for an office, the chairman of the Nomination/Election Committee will present a letter to the Board of Directors concerning the efforts of the committee to secure a second nominee. This letter is to be signed by all members of the Nomination/Election Committee. Only nominations received in the state office by the fifteenth (15th) day of March preceding the annual meeting of the House of Delegates at which the election shall be held shall be included by the Nomination/Election Committee on the list of nominated candidates. Additionally, nominations may be submitted from the floor

of the House of Delegates. Forty-five (45) days notice of the Nomination/Election committee list of nominated candidates shall be given to the members in accordance with Article IX, Section 4. The officers of the Association shall be elected by a majority vote of the delegates present and voting during the regular annual meeting of the House of Delegates. Each officer shall be elected for a one-year (1) term of office, and shall hold office until his successor has been duly elected or has qualified. Any professional, associate or retired member of ATPE may hold an office.

(amended 11 times, last amended 7/19/13)

Section 4: Removal

Any officer may be removed by a two-thirds (2/3) vote of the members of the House of Delegates who are present and voting.

(amended 4/25/98)

Section 5: Vacancies

A vacancy in the office of President shall be filled by succession of the Vice President to the office of President for the remainder of the term. A vacancy in any other office may be filled for the unexpired portion of the term by an appointee of the Board of Directors.

Section 6: Term

All officers shall take office on August 1 of the year of their election and shall serve through the following July 31. No officer may hold the same office for two years in succession, except that any person who assumes an office for the remainder of an existing term may be elected to a full term in that office immediately following his partial term. No person may be elected to more than two terms in the same office.

*(amended 2 times, last amended 3/27/10;
editorial change made 7/16/12)*

Section 7: Duties

The officers of ATPE shall have and shall exercise the following duties:

- (a) **President.** The President shall preside at all meetings of the Board of Directors and the House of Delegates. He shall be empowered to designate the chairperson of all standing committees as hereinafter provided. He shall be authorized to sign, with the Secretary or any other proper officer of the Association authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors have authorized to be executed, except in cases where the signing and

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execution thereof shall be expressly delegated by the Board of Directors, or by these Bylaws, or by statute to some other officer or agent of the Association. He shall submit a report to the House of Delegates at the annual convention stating the progress and/or resulting actions by committees, the Board of Directors and state staff in behalf of ATPE on current resolutions. In general he shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors or the House of Delegates from time to time.

- (b) **Vice President.** In the absence of the President or if, in the judgment of the Board of Directors, the President is unable to act or refuses to do so, the Vice President shall perform the duties of the President. When so acting, he shall have all the powers of and be subject to all the restrictions upon the President. The Vice President shall perform such other duties as may be assigned to him from time to time by the President, the Board, or the House of Delegates.
- (c) **Secretary.** The Secretary shall keep the minutes of the meetings of the Board of Directors and the House of Delegates; give all notices in accordance with the provisions of these bylaws or as required by law; be custodian of the corporate records and of the seal of the Association, and affix the seal of ATPE to all documents, the execution of which on behalf of the Association under its seal is duly authorized in accordance with the provisions of these bylaws; keep a register of the post office addresses of each member; and in general perform all duties incident to the office of Secretary and such other duties as may be assigned to him from time to time by the President, the Board of Directors, or the House of Delegates. The Secretary may utilize the services of the Executive Director and his administrative staff for the performance of any of the above duties.
- (d) **Treasurer.** Upon assuming his office, the Treasurer shall give a fidelity bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors shall determine. The cost of such bond shall be borne by the Association. He shall have charge and custody of and be responsible for all funds and securities of the Association; receive and give receipt for monies due and payable to ATPE from any source whatsoever, and deposit all such monies in the name of the Association in such banks, trust companies, or other depositories as

shall be selected in accordance with the provisions of these bylaws; and perform all the duties as may be assigned to him by the President, the Board of Directors, or the House of Delegates. He shall keep the Board of Directors or the House of Delegates apprised of the financial condition of the Association and shall render a written report of its financial condition at least annually to the membership. The Treasurer may utilize the services of the Executive Director and his administrative staff for the performance of any of the above duties. The Executive Director and his administrative staff shall be covered by a fidelity bond as is the Treasurer.

- (e) **Immediate Past President.** The Immediate Past President shall serve as a member of the Executive Committee and shall perform such other duties as may be assigned to him from time to time by the President, the Board of Directors, or the House of Delegates.

(amended 3/23/91)

Article V: Board of Directors

Section 1: General Power

Subject to these bylaws and the overall policy directives of the House of Delegates, the affairs of the Association shall be managed by its Board of Directors.

Section 2: Number, Tenure, Qualifications and Term of Office

- (a) The members of the Board of Directors shall be the five (5) association officers and a Regional Director from each of the twenty (20) regions herein described. No two positions on the Board may be held simultaneously by the same person.
- (b) The Association officers shall serve terms on the Board of Directors consistent with the terms of office herein provided. Each Director shall hold office until his successor shall have been elected and qualified. For each even numbered year, the even-numbered regions shall elect Directors for two-year (2) terms of office, and for each odd numbered year, the odd numbered regions shall elect Directors for two-year (2) terms of office.
- (c) All Directors shall be members of the Association.
- (d) Each Director shall be elected to serve no more than two full consecutive terms of office.
- (e) The members of the Board of Directors other than the state officers shall be elected by the members eligible to vote from each board member's respective region.

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- (f) Each Director shall serve a two-year (2) term of office, beginning on August 1 following his election through July 31, two (2) years thereafter.
(amended 5 times, last amended 3/27/10; editorial change made 7/16/12)

Section 3: Duties

The Board of Directors shall have the power to:

- (a) Determine annually the number of members of, and appoint such members to, all standing committees. To facilitate this, the Executive Committee shall recommend a committee list for consideration. The Board will take such action at its first regular meeting following its election. From the committee members so appointed, the President shall have the authority to designate the chairman.
- (b) Appoint such special committees as considered necessary or desirable.
- (c) Determine the location of all offices of the corporation.
- (d) Subject to the confirmation of the House of Delegates as hereinafter provided, hire the Executive Director and establish all other employment positions.
- (e) Employ such legal, audit, consulting and specialized services as may be deemed necessary or desirable.
- (f) Require each Association officer, the Executive Director, and all committees to submit periodic and annual reports to the Board of Directors. Such reports shall be subject to such action as the Board of Directors may deem appropriate. Annual reports from standing committees shall be forwarded by the Board of Directors to the House of Delegates, and the Board shall have authority to present all others as appropriate.
- (g) Receive, review, and present to the House of Delegates the annual report of the Treasurer and the auditor's annual report of financial matters of the Association. Following approval, the auditor's report shall be printed and distributed to each member of the House of Delegates at its annual meeting.
- (h) Use final authority in setting the annual budget of the Association by taking into consideration the budget recommendations of the Executive Committee.
- (i) Set the time and place of the annual, as well as any special, meetings of the House of Delegates and to approve the minutes of such meetings.
- (j) Grant to the Executive Committee such authority as may be deemed appropriate to supervise Association matters between meetings of the Board of Directors, and such

- other authority as may be deemed necessary.
- (k) Set Association policy not inconsistent with the policies established by the House of Delegates.
- (l) Charter local units and regional organizations.
- (m) Address ethical issues and disputes of regions and local units, including but not limited to instances of alleged financial malfeasance, when reported.

(amended 7/21/11)

Section 4: Presiding Officer

The President shall preside at all meetings of the Board of Directors.

Section 5: Meetings

The Board of Directors shall meet at least quarterly.

Section 6: Notice

Notice of any meeting of the Board of Directors shall be given at least ten (10) days previously thereto by written notice delivered personally or sent by mail, facsimile or e-mail to each Director at his address, e-mail address or facsimile number as shown on the records of the association. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed with postage thereon prepaid. If notice is to be given by e-mail or facsimile, such notice shall be deemed to be delivered when the e-mail or facsimile is sent. In case of emergency, at least five (5) days verbal notice shall be given. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice to such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted nor the purpose of any meeting of the Board need be specified in the notice, or waiver of notice, of such meeting unless specifically required by law or by these bylaws.

(amended 1 time, last amended 3/31/07)

Section 7: Vacancies

Vacancies on the Board of Directors will be filled in one of the following methods:

- (a) If more than one-third (1/3) of the term remains, the vacancy will be filled by an election within the regional organization.
- (b) If less than one-third (1/3) of the term is remaining, the Board of Directors shall fill the vacancy by appointment from the membership within that respective region.

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Section 8: Quorum

A majority of the members of the Board of Directors shall constitute a quorum for the transaction of business. The act of majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these bylaws.

Section 9: Attendance

A member of the Board of Directors who misses two (2) consecutive meetings without just cause, as determined by the Board of Directors, will be contacted by the President concerning the member's absence. Absence of the member at the following meeting shall result in an immediate vacancy in that directorship.

Section 10: Informal Action by Directors

Any action required by law, or any action which may be taken at a meeting of the Board, may be taken without a meeting if a consent-in-writing setting forth the action to be taken is signed by all of the directors.

Article VI: Executive Director

Section 1: Contract

The Board of Directors may employ an Executive Director. The selection shall be subject to confirmation at the next meeting of the House of Delegates. The Association shall execute a contract with the Executive Director on such terms and conditions as may be agreeable to the Executive Director, the Board of Directors, and the House of Delegates. Provisions for annual evaluation of the Executive Director shall be included in the contract.

Section 2: Salary

The amount of salary to be paid to the Executive Director shall be established in his contract.

Section 3: Duties

The Executive Director shall be the principal executive of the Association with the responsibility for the general supervision and day-to-day management and direction of the business affairs of the Association. In so doing, he shall be organizationally responsible to the Board of Directors and the House of Delegates. He shall perform all duties specified in his contract and such other specific duties as shall be assigned to him from time to time by either the Board of Directors or the House of Delegates.

Section 4: Hiring of Staff

The Executive Director shall have authority to employ, assign duties, supervise, evaluate, and dismiss all employees of the Association. Salaries for employees will be set by the Executive Director, subject to the annual budget total for staff salaries.

Section 5: Ex Officio Duties

The Executive Director shall be a non-voting, ex-officio member of all committees, the Board of Directors, and the House of Delegates. He shall act as advisor to the President, the Board of Directors, and the House of Delegates in their respective planning and policy-making functions. The Executive Director will attend, or designate a staff representative to attend, all meetings of these bodies when necessary to assist with such meetings.

Article VII: Local Units

Section 1: Authority for Organization

ATPE is to be composed of local units which shall be associated with the parent organization.

Section 2: Procedure for Association with ATPE

Members of a local unit must meet the following qualifications and comply with the following procedures:

- (a) All members of a local unit who have paid the prescribed dues to the Association are members of ATPE.
- (b) Each local unit will submit a copy of its duly adopted bylaws and its officer list.
- (c) The Board of Directors shall thereafter decide whether to charter a local unit.
- (d) Only one local unit will be chartered within each public school district within the state of Texas with the following exceptions: A local unit may be chartered in each state school, state-approved charter school, college or university student body, college or university faculty, and regional service center, and in circumstances where the school district is situated in more than one city with several miles between campus locations (subject to review by the Board of Directors).
- (e) A person may be a member of the state Association from only one local unit, but may join more than one local unit.
(amended 4 times, last amended 4/3/04)

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Section 3: Functions

The functions of local units shall be:

- (a) To enroll members in the Association
- (b) To select delegates to the annual House of Delegates as provided by established local unit procedures
- (c) To promote activities consistent with the purpose of ATPE
(amended 3/23/91)

Section 4: Meetings

Local units shall conduct meetings as necessary.

Section 5: Membership Fees

Local units may require a membership fee. Each local unit shall be responsible for its own operational expenses.

Section 6: Officers

All officers of a local unit shall be members of the Association, as prescribed in Article III, Section 1.

(amended 4/9/94)

Section 7: Operational Year

All chartered local units of the Association shall operate under an August 1 through July 31 year for their membership, fiscal and officer terms.

(amended 7/21/11; editorial change made 7/16/12)

Article VIII: Regional Organizations

Section 1: Boundaries

Geographical regions of ATPE shall be established by the Board of Directors subject to the approval by majority vote of the House of Delegates. There shall be twenty (20) geographical regions with boundaries as established by the Texas Education Agency (TEA) for Education Service Center Regions in its Texas School Directory dated October, 1979. The Board of Directors of ATPE shall approve and charter each affiliated regional organization.

(amended 7/16/12)

Section 2: Membership

Members of ATPE within the boundaries of the region are members of that respective regional organization.

(amended 3/14/92)

Section 3: Charter Procedures

Each regional organization will submit a copy of its duly adopted bylaws and its officer list.

Section 4: Officers

The officers of each ATPE regional organization shall be a president, a vice president, a secretary, a treasurer, an immediate past president and a director; each regional organization may provide for additional officers. Each officer of a regional organization shall be a member of the Association, as prescribed in Article III, Section 1, and shall be a member of the region served.

(amended 3 times, last amended 4/02/05)

Section 5: Duties of Officers

The officers shall have and exercise the following duties:

- (a) **President.** The president shall plan the meetings. He shall preside at those meetings, direct the planning of all programs, assist in the coordination of the activities between ATPE and the regional organization, and perform all duties incident to the office of president and all other duties given to him by the bylaws of the regional organization.
- (b) **Vice President.** In the absence of the president, or in the event the president is unable to act or refuses to do so, the vice president shall perform the duties of the president. When so acting, he shall have the powers of and shall be subject to all the restrictions placed upon the president. The vice president shall perform such other duties as may be assigned to him by the president or the regional organization.
- (c) **Secretary.** The secretary shall keep the minutes of all meetings, and perform all duties incident to the office of secretary and such other duties as may be assigned to him by the president.
- (d) **Treasurer.** The treasurer shall have charge and custody of and shall be responsible for all funds. He shall perform all the duties incident to the office of treasurer and such other duties as may be assigned to him by the president. He shall keep the officers fully apprised of the financial condition of the regional organization and shall render a written fiscal report at least annually.
- (e) **Immediate Past President.** The immediate past president shall perform such duties as may be assigned to him from time to time by the president.
- (f) **Director.** The director shall perform the duties as outlined in Article V, Sections 3 and 10. In addition, he shall be responsible for the coordination of the activities between ATPE and his region and aid in the formation of local units.

(amended 3/20/99; editorial change made 7/16/12)

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Section 6: Term of Office

The president, vice president, secretary, and treasurer of the regional organization shall hold office from August 1 following their election through the next July 31. The Director shall be elected for a two-year (2) term as provided in Article V, Section 9.

(amended 7/21/11; editorial change made 7/16/12)

Section 7: Voting Rights

The president, vice president, secretary, treasurer, immediate past president, and Director of each region shall be voting delegates in the House of Delegates of ATPE during their respective terms of office.

Section 8: Meetings

Regional meetings shall be held at least annually at a time determined by the Region Executive Committee. Region members voting at regional meetings shall be selected in the manner stated in that region's bylaws.

(amended 4/25/98)

Section 9: Finances

In order to receive a full rebate, each region shall:

- (a) Prepare an annual financial statement and shall present said statement to the members of the region at the annual region meeting and to the ATPE Region Director; and
- (b) Undergo a mandatory biennial financial review coordinated with the state association and present the results of the financial review to the members of the region at the annual region meeting.

(amended 7/21/11)

Article IX: House of Delegates

Section 1: Duties and Responsibilities

The House of Delegates shall be the supreme policy-making, governing body of the Association, giving overall direction and mandating policy for the operations of the Association. In the event of conflict between action or policy of the House of Delegates and the Board of Directors, that of the House of Delegates shall prevail.

The House of Delegates shall:

- (a) Approve all changes in the Articles of Incorporation and bylaws of the Association,
- (b) Elect all officers of ATPE, and
- (c) Establish appropriate policies for the operations of the Association.

Section 2: Composition

The House of Delegates shall include the following voting Association members:

- (a) All state officers during their respective terms of office;
- (b) All dues-paying Past Presidents of the Association;
- (c) One President, Vice President, Secretary, Treasurer, Immediate Past President and the Director from each regional organization;
- (d) One president from each recognized Local Unit organization;
- (e) Notwithstanding (a) through (d) above, members selected by each recognized local unit from within its own membership. Each local may select, pursuant to its own bylaws, one voting Professional Member Delegate for each twenty-five (25) of its Professional Members, or major fraction thereof; one voting Associate Member Delegate for each twenty-five (25) of its Associate Members, or major fraction thereof; one voting Retired Member Delegate for each twenty-five (25) of its Retired Members, or major fraction thereof; and one voting Teacher Trainee/College Student Member Delegate for each twenty-five (25) of its Teacher Trainee/College Student Members, or major fraction thereof (Teacher Trainee and College Student Members shall be considered one (1) membership classification.). The calculation of the number of delegates permitted from each local unit shall be based upon the composition of that local unit as of February 1 of that same calendar year.
- (f) Associate and Retired Members who hold office in the local unit or who serve as campus representatives may be certified as voting delegates in the Professional Member category in the event the number of Professional Member Delegates attending from a local unit is less than the number allotted.
- (g) Notwithstanding (a) through (f) above, each local unit shall be allowed to select a minimum of one (1) Professional Member Delegate, one (1) Associate Member Delegate, one (1) Retired Member Delegate, and one (1) Teacher Trainee/ College Student Member Delegate.
- (h) No member of the House of Delegates shall have more than one vote. Only local unit members can be named as alternates as outlined in Article IX, Section 8.

(amended 9 times, last amended 4/04/09)

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Section 3: Meetings

The House of Delegates shall meet annually at the association's annual convention, which shall be held at a time determined by the Board of Directors. All members of ATPE shall be entitled to attend meetings of the House of Delegates. Special meetings of the House of Delegates may be called by petition of one-third (1/3) of the voting membership or by majority vote of the Board of Directors. In the event of petition, such meeting shall be called not less than thirty (30) days after the Board of Directors received the membership petition.

(amended 3/16/85)

Section 4: Notice

Each member who has provided the Association with a valid electronic mail and/or postal mail address shall be notified of the time and place of the annual or special meeting of the House of Delegates not less than forty-five (45) days prior to the first day of such meeting. The Board, or such of its members as might be empowered by the Board, shall prepare and publish an agenda for the meeting. In the event the agenda includes a proposed bylaws change, the foregoing forty-five (45) day notice of meeting shall include notice to all members of the wording of the proposed bylaws change which will not be thereafter altered in subject substance.

(amended 2 times, last amended 7/16/12)

Section 5: Quorum

A majority of the duly certified delegates who have been verified in attendance at the annual meeting of the House of Delegates or a special meeting of the House of Delegates, shall constitute a quorum for the transaction of business. The act of a majority of delegates present and voting at a meeting of the House of Delegates at which a quorum is present, shall be the act of the House of Delegates, unless that act of a greater number is required by law or by these bylaws.

(amended 4 times, last amended 4/12/97)

Section 6: Term of Office

Unless otherwise specified herein, delegates who serve in the annual House of Delegates shall continue in their office until a duly selected successor serves.

(amended 2 times, last amended 3/23/91)

Section 7: Presiding Officer

The President shall preside at all meetings of the House of Delegates.

Section 8: Vacancies

- (a) With the exception of state and regional officer delegates and Past Presidents of the Association delegates, vacancies in the House of Delegates shall be filled by selection from their respective local unit and shall be certified to the State Secretary as outlined in Article IX, Section 9 (c).
- (b) The local unit president may make a written request to the State Secretary for an emergency substitution when extenuating circumstances prohibit the attendance of certified delegates or alternates. The written request shall describe the extenuating circumstances and shall be presented at the registration table.

(amended 4 times, last amended 4/01/00)

Section 9: Certification of Delegates

- (a) The State President shall be responsible for certifying and updating the names of State Officer delegates and Past President delegates to the Secretary of ATPE thirty (30) days prior to the first day of the annual meeting of the House of Delegates.
- (b) The President of each Regional Organization shall be responsible for certifying and updating the names of Regional Officer delegates to the Secretary of ATPE thirty (30) days prior to the first day of the annual meeting of the House of Delegates.
- (c) The Local Unit President shall be responsible for certifying the names of Local Unit delegates and alternates to the Secretary of ATPE thirty (30) days prior to the first day of the annual meeting of the House of Delegates. In the absence of a Local Unit President, the Local Unit Vice President may certify the names of Local Unit delegates.

(amended 5 times, last amended 7/16/12)

Section 10: Agenda

If an item has not been placed on the agenda of the House of Delegates, any member of the Association may file a request with the Secretary to be heard at a time to be designated by the presiding officer and shall be allowed to speak not more than five (5) minutes.

Article X: Committees

Section 1: Standing Committees

The Standing Committees of ATPE shall be the following:

- (a) Nomination/Election
- (b) Resolutions
- (c) Legislative

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- (d) Bylaws
- (e) Membership
- (f) Services
- (g) Public Information
- (h) Minority and Diverse Population Recruitment
- (i) Leader Development

(amended 4 times, last amended 3/27/10)

Section 2: Duties of Standing Committees

The Standing Committees of ATPE shall have the following duties and responsibilities:

- (a) **Nomination/Election.** To receive all nominations for state officers, to propose a slate of candidates as provided in Article IV, Section 3 and to recommend for approval by the Board of Directors the rules to govern the election of state officers at the annual meeting. These rules are to be presented to the Board of Directors prior to the date necessary to give notice as provided in Article IX, Section 4.
- (b) **Resolutions.** To review and/or propose resolutions to be considered by the House of Delegates.
- (c) **Legislative.** To research, draft, and promote legislation to be endorsed, or opposed, by ATPE; to represent ATPE in any appropriate activities involving legislation; and to monitor political activities that would affect the membership of ATPE or education in Texas.
- (d) **Bylaws.** To present all proposed changes in the bylaws of the Association to the House of Delegates for its consideration; to place the proposals in the proper wording for inclusion into the bylaws; to correct all grammatical errors; to combine proposals of like substance; to recognize authors of proposed amendments during the committee presentation to the House of Delegates; to work with the State Treasurer to develop a fiscal impact statement for each proposed amendment; and to offer the recommendations of the committee regarding the usefulness and propriety of each proposed amendment. The author of a proposed amendment shall have five (5) minutes to speak before the House of Delegates in defense of the change.
- (e) **Membership.** To promote the growth of ATPE by reviewing and providing input and recommendations on the development and implementation of recruitment programs and materials.
- (f) **Services.** To review and provide input and recommendations on all programs involving services for the membership

of ATPE including, but not limited to, discount programs, placement, insurance and travel programs.

- (g) **Public Information.** To recommend to the Board methods that would increase public awareness of the association's goals, objectives and accomplishments; and to recommend to the Board the recipients of the annual Alafair Hammett Media Award.

- (h) **Minority and Diverse Population Recruitment.**

To promote the growth of ATPE among diverse populations such as urban-area educators, ethnic minorities, new teachers and student teachers by the development and implementation of recruitment programs and materials targeting these groups.

- (i) **Leader Development**

To review and make recommendations regarding association programs related to the identification, recruitment, training, maintenance and recognition of ATPE's volunteer leader corps.

(amended 11 times, last amended 3/27/10)

Section 3: Appointment

The membership of Standing Committees shall be appointed from among association members. A list of proposed Standing Committee appointments shall be submitted to the Board of Directors by the President. The Board of Directors will make necessary changes and approve the appointments.

(amended 2 times, last amended 3/25/95)

Section 4: Other Committees

The Board of Directors shall appoint, from among Association members, such special committees as are considered necessary or desirable. A committee member may be removed by the Board of Directors whenever, in its judgment, the best interests of the Association shall be served by such removal.

Section 5: Term of Office

Each member of a committee shall serve for one year from the date of appointment, or until the duties of the committee are fulfilled, unless the committee shall be terminated sooner, or the member be removed, or cease to qualify.

The above paragraph notwithstanding, members of the Membership Committee and the Legislative Committee shall serve two (2) years on the committee, with the terms being staggered so that one half (1/2) of the members will be appointed each year. Members of the Membership Committee

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and the Legislative Committee may not serve more than two (2) consecutive terms.

All other standing committees should have a partial carryover of members to that committee.

(amended 4 times, last amended 3/31/07)

Section 6: Chairmen

One member of each committee so appointed shall be designated chairman by the President.

Section 7: Vacancies

Vacancies in the membership of any committee may be filled by appointment as stated in Article X, Section 3.

Section 8: Quorum

Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

Section 9: Rules

Each committee may adopt rules for its own government not inconsistent with these bylaws or with rules adopted by the Board of Directors. All recommendations for implementation of programs will be the responsibility of the Board of Directors unless these bylaws specify action by the House of Delegates.

Section 10: Limitation of Service on Committees

No member of ATPE may simultaneously serve on more than two (2) committees of ATPE, whether standing or special.

Article XI: State Group Alliances

Section 1: Eligibility

State professional associations may be provided allied status provided that any association seeking allied status shall be an education association:

- (a) Whose purposes are compatible with those of ATPE,
- (b) Whose membership is provided freedom of choice in joining national association affiliations, and
- (c) Whose membership does not endorse strikes, agency shop, or any labor union mechanism to accomplish goals in the field of public education.

Section 2: Entitlement

An association granted allied status shall be entitled to:

- (a) Participate in leadership training and other professional improvement programs sponsored by ATPE,
- (b) Work cooperatively toward the achievement of legislative goals, participate in legislative workshops, and receive related materials sponsored by ATPE,
- (c) Assistance from ATPE in service areas as approved by the Board of Directors,
- (d) Receive limited quantities of ATPE material, and
- (e) Work jointly with ATPE toward achievement of mutually agreeable goals.

Section 3: Responsibilities of Allied Groups

Allied groups shall:

- (a) Operate by a formally adopted constitution and bylaws based on democratic principles,
- (b) Promote the ideals expressed in the ATPE purposes,
- (c) Conduct association meetings regularly, and
- (d) Provide reports and information necessary for ATPE to discharge its obligations and duties.

Section 4: Mechanism for Alliance

- (a) The Board of Directors of ATPE is authorized to establish orderly procedures for granting allied status to associations in keeping with the requirements set forth in this Article. Final authority to grant allied status shall rest with the House of Delegates. Authority to review or withdraw shall rest with the Board of Directors pending final review and action by the House of Delegates.
- (b) The allied organization shall pay an annual registration fee set by the Board of Directors.

Article XII: Contracts, Checks, Deposits and Funds

Section 1: Contracts

The Board of Directors may authorize any officer or officers, agent or agents of the Association in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association. Such authority may be general or confined to specific instances.

Section 2: Checks and Drafts

All checks, drafts, orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Association shall be signed by such officer or officers, agent or agents of the Association in the manner determined by resolution by the Board of Directors. In the absence of such

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designation by the Board of Directors, the instruments shall be signed by the Treasurer and countersigned by the President or Vice-President of the Association.

Section 3: Deposits

All funds of the Association shall be deposited from time to time to the credit of the Association in such banks, trust companies, or other depositories as the Board of Directors may select.

Article XIII: Books and Records

Section 1: Books and Records

- (a) The Association shall keep:
 - (1) Correct and complete books and records of account.
 - (2) Minutes of the meetings of its committees, Board of Directors, House of Delegates, and Executive Committee, and
 - (3) A listing at its registered or principal office of the names and addresses of all ATPE members.
- (b) All books and records of the Association may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

Article XIV: Fiscal Year

Section 1: Fiscal Year

The fiscal year of the Association shall be from August 1 through July 31 of the following year, effective August 1, 2009.

(amended 4/04/09)

Article XV: Seal

Section 1: Seal

The Board of Directors shall provide a corporate seal which shall be in the form of a circle and shall have inscribed thereon the words "Association of Texas Professional Educators."

Article XVI: Miscellaneous Provisions

Section 1: Rebates

All chartered regional and local unit organizations shall receive a rebate from the Association. The total of rebates paid shall not exceed six percent (6%) of state membership dues collected from members of such organizations. The rebates may be used for membership development, professional growth services, officer expenses, and officer candidate expenses as deemed appropriate by the regional organization and/or the local unit membership. Rebates shall be determined by the count of the total state

membership as of February 1 of each year and shall be payable as soon thereafter as is reasonably possible.

(amended 2 times, last amended 4/9/94)

Section 2: Procedure

Unless otherwise specifically provided, the proceedings of ATPE and its regional organizations and local units shall adhere to standards of procedure established in Robert's Rules of Order, as the current edition now provides, or as it may be hereinafter updated.

Section 3: Referendum Provisions

- (a) A referendum of the membership on any issue may be called for by either of the following methods:
 - (1) The House of Delegates may call for a vote of the membership on any issue by approving the form of the ballot by a three-fourth (3/4) majority of the full membership of the House.
 - (2) Any member of the Association may call for a vote of the membership on any issue by gathering signatures on petitions setting out the exact wording of the question to be voted upon; the petitions must contain signatures of individual members totaling a number at least equal to ten percent (10%) of the membership of ATPE on February 1 of the immediate preceding year. Petitions must be presented to the Secretary of the Association, who will certify petitions within 45 days of receipt.
- (b) Any issue approved for a vote of the membership by either of the foregoing methods shall be put to the membership by the mailing of ballots to all members within 30 days of the House of Delegates' vote authorizing such a referendum, or within 30 days of the date the petitions requesting such a referendum have been certified by the Secretary of the Association. Such ballots must be returned postmarked within 30 days from the date the ballots were mailed, and received within 40 days from the date the ballots were mailed. The ballots shall call for a vote of "yes" or "no," or "for" or "against," the question being put. The result of the vote, including the number of votes cast, shall be announced to all ATPE members as soon as possible.

(amended 3/27/10)

Section 4: Licensing of Use of ATPE Logo

Any regional or local unit of ATPE may petition the Board of Directors for a license to use the logo of the Association. Such petition shall contain a specific description of the use

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to be made of the logo and a pledge that all monies collected through such use will be paid directly to the unit presenting the petition and not to any individual. The Board may approve such uses by majority vote.

(amended 3/20/82)

Article XVII: Amendments to Bylaws

Section 1: Authority to Amend

These bylaws may be altered, amended, or repealed, and new bylaws may be adopted, by a three-fifths (3/5) vote of the delegates present and voting at any meeting of the House of Delegates at which time a quorum is present, provided proper notice of the intention to alter, amend, or repeal these bylaws, or to adopt new bylaws at such meeting, has been given in compliance with other provisions of these bylaws.

(amended 3/12/88)

Section 2: Submission Requirements

All proposed amendments to these bylaws shall be received in the state office in writing, signed by the ATPE member making the proposal, by the fifteenth (15th) day of March preceding the announced date of the next House of Delegates meeting.

(amended 3 times, last amended 3/27/10)

Section 3: Effective Dates of Adopted Bylaws

Unless otherwise noted, bylaws that are adopted by the House of Delegates are effective immediately.

(amended 3/23/91)

CERTIFICATION AND SIGNATURE

Certified as the true and correct bylaws of the **Association of Texas Professional Educators**, as amended and adopted on December 13, 1980, and effective December 31, 1980. This certification executed on the 8th day of February 1981.

Ginger Franks, Secretary of ATPE

Ratified by ATE House of Delegates March 15, 1980

Ratified by TPE Membership March 29, 1980

Amended by ATPE House of Delegates July 19, 1980

Amended by ATPE House of Delegates Dec. 13, 1980

Amended by ATPE House of Delegates March 20, 1982

Amended by ATPE House of Delegates March 11, 1983

Amended by ATPE House of Delegates March 24, 1984

Amended by ATPE House of Delegates March 16, 1985

Amended by ATPE House of Delegates April 12, 1986
Amended by ATPE House of Delegates March 21, 1987
Amended by ATPE House of Delegates March 13, 1988
Amended by ATPE House of Delegates April 8, 1989
Amended by ATPE House of Delegates March 3, 1990
Amended by ATPE House of Delegates March 23, 1991
Amended by ATPE House of Delegates March 14, 1992
Amended by ATPE House of Delegates March 27, 1993
Amended by ATPE House of Delegates April 9, 1994
Amended by ATPE House of Delegates March 25, 1995
Amended by ATPE House of Delegates March 30, 1996
Amended by ATPE House of Delegates April 12, 1997
Amended by ATPE House of Delegates April 25, 1998
Amended by ATPE House of Delegates March 20, 1999
Amended by ATPE House of Delegates April 1, 2000
Amended by ATPE House of Delegates March 31, 2001
Amended by ATPE House of Delegates April 6, 2002
Amended by ATPE House of Delegates March 29, 2003
Amended by ATPE House of Delegates April 3, 2004
Amended by ATPE House of Delegates April 2, 2005
Amended by ATPE House of Delegates April 1, 2006
Amended by ATPE House of Delegates March 31, 2007
Amended by ATPE House of Delegates March 29, 2008
Amended by ATPE House of Delegates April 4, 2009
Amended by ATPE House of Delegates March 27, 2010
Amended by ATPE House of Delegates July 21, 2011
Amended by ATPE House of Delegates July 16, 2012
Amended by ATPE House of Delegates July 19, 2013

House of Delegates Standing Resolutions

Resolution No. 1

SUBJECT: Resolution Process

YEAR ADOPTED: 2006

RESOLVED, that the ATPE Board of Directors and officers administer the resolution process to facilitate timely consideration of resolutions and written notification of pre-filed resolutions prior to discussion on the floor of the House of Delegates.

RESOLVED, that the ATPE Board of Directors shall review the status of standing and current resolutions following each annual House of Delegates meeting and direct the appropriate action. Standing resolutions shall be limited to philosophical positions and/or procedures related to the ATPE House of Delegates business. Current resolutions or motions will be directed to the appropriate committee and/or placed in the ATPE Governance Guide as administrative procedures. In the event that the Board determines to place a current resolution in the ATPE Governance Guide or to discontinue a resolution that has been placed in the ATPE Governance Guide, that action will be reviewed by the next year's Resolutions Committee. Current resolutions adopted by the House of Delegates will be in effect and in force for a period of one year, after which time they will expire, unless renewed by a majority vote of the House of Delegates.

BE IT FURTHER RESOLVED, that the Resolutions Committee shall review progress and content of all resolutions and present its annual report to the House of Delegates.

Resolution Number 2

SUBJECT: ATPE Convention

YEAR ADOPTED: 1991

RESOLVED, that ATPE will open the state convention with the Pledge of Allegiance to the Flag of the United States of America, the Pledge to the Texas Flag and a prayer, excusing those whose beliefs are in conflict with this act.

Resolution Number 3

SUBJECT: Business and Education

YEAR ADOPTED: 1991

RESOLVED, that ATPE supports business and education communities working together for an excellent education system that will prepare public school students to meet the needs of a highly technical, industrialized and global environment.

Resolution Number 4

SUBJECT: Consultation Training

YEAR ADOPTED: 1992

RESOLVED, that it be the official policy of ATPE to educate members of ATPE as to the pros and cons of consultation committees and communication committees at the district level. Additional leadership may be provided to locals that may demonstrate a need for special assistance beyond the program of general education; and be it further

RESOLVED, that it be the official policy of ATPE to include consultation committee member training at its leadership workshops and state conventions.

Resolution Number 5

SUBJECT: Cooperation with Other Independent Educator Organizations

YEAR ADOPTED: 1992

RESOLVED, that the experience and history of ATPE be shared with other independent educator organizations throughout the country in an effort to establish and continue nonunion influence in education policy-making in the United States.

Resolution Number 6

SUBJECT: Legislator Involvement in Public Schools and Classrooms

YEAR ADOPTED: 1997

RESOLVED, that ATPE encourage and support regions and local units in developing ways to actively involve legislators in local public schools and classrooms to keep them knowledgeable about current educational issues and conditions.

Resolution Number 7

SUBJECT: Political Participation

YEAR ADOPTED: 1992

RESOLVED, that it be the official policy of ATPE to encourage members to be politically active individually; and be it further

RESOLVED, that it be the official policy of ATPE to discourage local units from endorsing candidates in the name of the organization.

House of Delegates Standing Resolutions

Resolution Number 8

SUBJECT: Professional Status

YEAR ADOPTED: 1992

RESOLVED, that ATPE accept both the obligations and rights of professionals; and be it further

RESOLVED, that future legislative action by the association seek to secure for Texas educators the rights, privileges, benefits and respect befitting a true professional.

Resolution Number 9

SUBJECT: Professional Rights

YEAR ADOPTED: 2000

RESOLVED, that ATPE supports vigorous enforcement of due process laws.

Resolution Number 10

SUBJECT: Right to Work

YEAR ADOPTED: 1992

RESOLVED, that ATPE supports networking with other state and national nonunion groups that support the right-to-work philosophy.

Resolution Number 11

SUBJECT: Student Members

YEAR ADOPTED: 1992

RESOLVED, that the local and regional units of ATPE work in conjunction with the state staff to continue efforts to support, educate and provide funds to help college students within their respective regions attend the region and state convention each year.

Resolution Number 12

SUBJECT: Election Process

YEAR ADOPTED: 2010

RESOLVED, that ATPE shall begin conducting runoff elections for state officer positions 15 minutes after the need for a runoff election is announced to the House of Delegates.

Resolution Number 13

SUBJECT: Overturning Exclusive Consultation

YEAR ADOPTED: 2011

RESOLVED, that ATPE state staff work proactively and provide financial support to local units to overturn exclusive consultation in districts where it exists and work to prevent it in districts with an increased potential for exclusive consultation. Financial support can include political action committee (PAC) monies (where not prohibited by state and federal laws) for school board candidates aligned with ATPE's belief on exclusive consultation.