

By-Laws of the  
**Montessori Community School  
Parent Teacher Organization**

*Article I*

**NAME**

The name of this organization shall be the “Montessori Community School Parent Teacher Organization” (hereinafter referred to as the “PTO” or the “Organization”), and which is an unincorporated association affiliated with the Montessori Community School, Inc. (hereinafter referred to as the “School”). The Organization is the successor to the Montessori Community Association.

*Article II*

**GOVERNANCE**

The business and affairs of the Organization shall be governed by the Board of Trustees of the Montessori Community School, Inc. (hereinafter referred to as the “Board”). However, within the powers of the Board, the Board may and has designated and delegated the operations of the Organization to the PTO Council [as hereinafter defined]. The PTO Council shall have the duty, among others, to adhere to the directions of the Board and the duty to report, at regular intervals, on the affairs of the Organization to the Board.

*Article III*

**PURPOSES**

- 3.1 Purposes: The main purpose of the Organization is to support the School, in its goal to create an optimal Montessori environment for children and to assist the school’s academic, social, fine arts, and athletic objectives by:
- a. building and maintaining a sense of community;
  - b. promoting volunteerism both within and beyond the school community;
  - c. supporting and aiding the faculty and administration in their activities;
  - d. raising and dispersing funds for needs of the school community as determined by the PTO Council.
- 3.2 Prohibited Activities: No part of the net earnings of the Organization shall inure to the benefit of, or be distributed to, its members, trustees, officers, or other private persons, except that the Organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and

distributions in furtherance of the purposes set forth herein. No substantial part of the activities of the Organization shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the Organization shall not participate in or intervene in [including the publishing or distribution of statements] any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions set forth herein, the Organization shall not carry on any other activities not permitted to be carried on by (i) an entity exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, as amended from time to time [or the corresponding provision(s) of any future United States Revenue law]; or (ii) an entity, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, as amended from time to time [or the corresponding provision(s) of any future United States Revenue law].

3.3 Distribution upon Dissolution: Upon the dissolution of the Organization, the Board shall, after paying or making provisions for the payment of all of the liabilities of the Organization, dispose of all assets of the Organization exclusively for the purposes of the Organization in such manner and to such organization or entity as the Board may determine, in the following precedence:

- a. to the School;
- b. to such other organization or entity organized and operating exclusively for charitable, educational, scientific or literary purposes as shall at the time qualify as an exempt Organization or entity under Section 501(c)(3) of the Internal Revenue Code, as amended from time to time [or the corresponding provision(s) of any future United States Revenue law] as the Board shall determine;
- c. to a federal, state, or local government or governmental agency to be used exclusively for public purposes;
- d. any such assets not disposed of shall be disposed of by the North Carolina General Court of Justice-Superior Court Division of the county in which the principal office of the Organization is then located, exclusively for such purposes or to such organizations, such as the said court shall determine, which are organized and operated for such purposes, or to such governments for such purposes.

## *Article IV*

### **MEMBERSHIP**

- 4.1 Membership. The membership of the Organization is composed of Families [as hereinafter defined] of children enrolled in the school. Membership is represented by continued enrollment of child (children) as indicated by current tuition status. Membership is also afforded to faculty and administrative staff employed at the School.
- 4.2 Family. A Family is defined as the child (children) enrolled in the School and the child's immediate parent(s) or legal guardian(s). A Family shall also include a faculty or administrative staff employed by the School. A person may only be part of a single Family for purposes of Voting [as hereinafter defined].
- 4.3 Voting. In those matters in which a Member vote is required or desired, each Family shall have one vote. The parent(s) or legal guardian(s) or staff member of each Family enrolled in or employed by the School shall designate which one (1) person shall vote on behalf of the Family. As required from time to time, a Family shall cause a written notice or proxy to be filed with the Organization's Secretary [as hereinafter defined] identifying the one (1) person designated as the voter for the Family. The Secretary should maintain a list of each Member [Family] and the designated voter thereof and said Membership List shall be available for inspection and/or copying by all Members [Families]. Said Membership List shall consist of only the name of the Member [Family] and the designated voter thereof.
- 4.4 Resignation and Termination. Any member may resign upon written resignation filed with the Organization's Secretary. Resignation shall not relieve a member of any unpaid amounts due and owing to the Organization, if any. Membership in the Organization may be denied, suspended, or terminated by the Executive Committee [as hereinafter defined] for failure of the Family's good standing with the School, or outstanding amounts due and owing to the Organization, or for other good cause, with notice thereof to the Board of Trustees. Termination shall not relieve a member of any amounts unpaid and due and owing to the Organization.
- 4.5 Non-Discrimination: The Organization admits members of any race, color, religion, national and ethnic origin. It does not discriminate on the basis of race, religion, color, national and ethnic origin in administration of its policies and programs.

## *Article V*

### **DUES**

Payment of dues is not a requirement of membership.

## *Article VI*

### **EXECUTIVE COMMITTEE OF THE PTO COUNCIL**

- 6.1 Positions: The officers of the Organization, shall constitute the Executive Committee, (hereinafter referred to as the “Executive Committee”). The officers shall consist of the President, Vice-President, Treasurer and Secretary.
- 6.2 Eligibility: Any member of the Organization shall be eligible for election to Vice-President, Treasurer or Secretary. Any member of the Organization who has previously served on the Executive Committee of the Organization is eligible for election to President.
- 6.3 Elections: Elections for officers shall occur no later than May 25<sup>th</sup> of each year in accordance with Article 4.3 entitled “Voting” hereinabove. Nominations shall be at least two weeks prior to elections.
- 6.4 Terms of Office: The President shall be elected to serve for a term of two years or until his/her successor has been duly elected and has taken office. The Vice-President, Treasurer, and Secretary shall be elected to serve for terms of one (1) year or until their successors have been duly elected and taken office. The term periods will begin on the last day of the School Year. Officers may be re-elected to the same office or a different office.
- 6.5 Vacancies: Any vacancy except that of President shall be filled by a vote of the PTO Council. The newly elected officer shall serve until the last day of the respective School year. In the event that there is a vacancy in the office of the President, the Vice-President shall assume the office of the President until the expiration of the President’s term, and the PTO Council shall elect a new Vice-President who shall serve until the last day of the respective school year.
- 6.6 Removal: The Board may remove the Executive Committee, in whole or in part upon the affirmative vote of a majority of a quorum of the Board at a regular or special meeting of the Board, with or without cause.
- 6.7 Duties:
- a. PRESIDENT: The President
1. shall preside at all meetings of the Organization, the PTO Council, and the Executive Committee;
  2. shall set the date, hour, and place of the Organization, PTO Council, and Executive Committee meetings;
  3. shall coordinate the work of the Executive Committee and committees of the Organization;
  4. shall be an ex-officio member of all committees of the Organization;
  5. shall submit an annual report on the work of the Organization to the Board, the School, and the school community which shall be available upon request.

- b. VICE-PRESIDENT: The Vice-President shall:
    - 1. assist the President in his/her duties;
    - 2. perform all the duties of the President in the absence of that officer;
    - 3. be an ex-officio member of all committees of the Organization;
    - 4. automatically become the President in the event that the President is unable to complete his/her term;
    - 5. serve as the By-laws chair.
  
  - c. TREASURER: The Treasurer shall:
    - 1. receive all funds of the Organization;
    - 2. keep a full and accurate account of the receipts and expenditures of the Organizations;
    - 3. make reasonably available the Organization's financial records to any member of the PTO Council, the Board or the MCS community;
    - 4. prepare an annual financial proposal with the aid of other officers of the Executive Committee and the PTO Council;
    - 5. submit an annual report to the Board, the School, and the MCS community that shall be summarized and available to the community upon request;
    - 6. work with the Business Manager of the School; the Organization's fiscal year shall be the same as the School's fiscal year.
  
  - d. SECRETARY: The Secretary shall:
    - 1. keep the minutes of all meetings of the Organization, the PTO Council and the Executive Committee;
    - 2. distribute a draft copy of the PTO minutes to the PTO Council for approval. Make available a copy of approved minutes to all members of the Organization, the Board and the School;
    - 3. assist the President with general correspondence of the Organization;
    - 4. maintain all non-financial records of the Organization.
- 6.8 The PTO Council shall determine, on an annual basis, which Executive Officer shall serve as the PTO representative to the Board.

## *Article VII*

### **PTO COUNCIL**

- 7.1 Positions: The PTO Council shall consist of the Executive Committee and the Head of School, or a representative chosen by the Head of School, shall serve as an advisor to the PTO Council.
- 7.2 Duties: It shall be the duty, among others, of the PTO Council to provide for the operations of the Organization as designated by the Board. The PTO Council shall have the duty to adhere to the directions of the Board and the duty to report, at regular intervals, on the affairs of the Organization to the Board. Further, the PTO Council shall approve all plans of each committee. The PTO Council shall also vote on the proposed annual expenditures presented by the Treasurer. The PTO Council shall have general supervision of the Organization and shall perform duties as specified in the By-laws. All committees shall assist with encouraging volunteerism within the school community.
- 7.3 Removal: The Board may remove the PTO Council, in whole or in part, upon the affirmative vote of the majority of a quorum of the Board at a regular or special meeting of the Board, with or without cause.
- 7.4 Meetings: The PTO Council shall meet monthly during the school year. If a PTO Council member, including a member of the Executive Committee, misses two consecutive meetings without explanation, his/her position may be considered vacant. PTO Council meetings shall be open to all members of the Organization. Additional meetings of the PTO Council may be called by the President by giving at least one week's written notice. The purpose of the meeting shall be stated in the notice. In case of emergencies, two days notice shall be given.
- 7.5 Quorum and Voting of the PTO Council: A majority of members of the PTO Council shall constitute a quorum for the transaction of all business. All matters shall be decided by majority of votes cast by the PTO Council members.
- 7.6 Committees: Committees of the PTO shall be event driven and decided upon by the PTO Council on a year-by-year basis. Committees are responsible for designating their own committee chairs.

## *Article VIII*

### **FINANCES**

The finances of the Organization shall be maintained on a financial computer software system consistent with, and under the supervision of, the Board and the Business Manager of the School. The Organization's account shall constitute a sub-account of the School's general account. Year-end reporting documents are given to the Business Manager of the School to be sent on the MCS auditors.

*Article IX*

**AMENDMENTS and RULES OF ORDER**

- 9.1 Amendment: The By-laws may be amended or rescinded or repealed in accordance with the following:
- a. amendments may be proposed by the PTO Council or by written proposal signed by any five (5) members of the Organization who have furnished the PTO Council with a written copy of the proposed amendments at least one month prior to the meeting at which action on such amendment is to be taken;
  - b. after notice has been given to the Organization membership at least two weeks before the meeting date. A vote of two-thirds (2/3) of the members present and voting is necessary to amend, rescind, or repeal the By-laws;
  - c. the By-laws Chair shall have the authority to make necessary non-substantive changes to the By-laws in order to assure editorial continuity.
  - d. however, to be effective, final approval of any amendments, in whole or in part, must receive the affirmative vote of a majority of a quorum of the Board at a regular or special meeting of the Board.
- 9.2 Rules of Order: All meetings of the Membership, the PTO Council and the Executive Committee, except where the By-laws provide otherwise, shall be conducted in an open, orderly and fair manner and Robert's Rules of Order, as revised, shall apply to all deliberations.
- 9.3 Captions and Pronouns. The captions or paragraph headings are for convenience and ease of reference only and shall not be construed to limit, modify or alter the terms herein. The use of any gender shall be deemed to refer to the appropriate gender, whether masculine, feminine or neuter, and the singular shall be deemed to refer to the plural where appropriate, and vice versa.

We, the undersigned President and Secretary of the Parent Teacher Organization, with the consent of the Board of Trustees of the Montessori Community School, Inc., hereby certify that the hereinabove Bylaws, after due and proper notice and procedures, were duly adopted a the By-laws of said organization, effective the 17 day of March, 2016.

Montessori Community School  
Parent Teacher Organization

By: Chmaleit (Seal)  
President

ATTEST:

By: Karen Kreeger (Seal)  
Secretary

CONSENT BY THE BOARD

By: Gary Furst (Seal)  
President, Board of Trustees