

**BRANDYWINE
EDUCATION ASSOCIATION
BYLAWS**

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THE BRANDYWINE EDUCATION ASSOCIATION
AFFILIATE OF DSEA/NEA

BYLAWS

Article I - Name, Purpose, Governance, and Affiliation

Section 1 - Name

The name of this Association shall be The Brandywine Education Association, Affiliate of DSEA/NEA, Incorporated, referred to hereinafter as "the Local."

Section 2 - Mission Statement

The Brandywine Education Association is a group of professionals united to advocate for the rights, interests, and welfare of its members and to advance educational excellence.

Section 3 - Purposes

The purposes of the Local shall be to improve the professional standing and welfare of the certificated and/or professionally licensed nonadministrative employees of the Brandywine School District, to encourage and foster the growth of better relations among all Brandywine School District employees, to further the interests of the educational profession, and to promote excellence in education for the children and youth of the District.

In order to attain the foregoing purposes, the Local shall seek to act as a negotiating body for the certificated and/or professionally licensed nonadministrative employees in dealing with the Brandywine School District and may hold properties, hold funds, and employ a staff.

Section 4 - Affiliation

The Local shall be and remain an affiliate of the Delaware State Education Association and the National Education Association.

Section 5 - Governance

The Local shall be governed by its Corporate Charter and Bylaws, the Association Representative Council and Executive Committee created in said Bylaws, provided that any provision in said documents, or any action taken by the Local that would jeopardize its affiliation with its parent organizations, the Delaware State Education Association and the National Education Association, shall be deemed void and of no effect.

Article II - Membership

Section 1 - Membership

- a. Only full and part-time certificated and/or professionally licensed nonadministrative employees of the Brandywine School District, not including substitutes, certified and noncertified administrative personnel, or noncertified support staff (secretaries, paraeducators, etc.), who are active members of the Delaware State Education Association and the National Education Association shall be eligible to become members of the Local. Active members are entitled to all services that are

available from the Local, state, and national associations. All active members of the Association have the right to run for any office or hold any position in the Association.

- b. Non-renewed employees shall retain the right to membership for such time as they have statutory or contractual reemployment rights.

Section 2 - Membership Year

The membership year shall be from September 1 through the following August 31.

Section 3 - Dues

The Representative Council of the Local shall have the authority and responsibility to set the annual membership dues of the Local for the next year prior to the end of the school year. Dues shall be paid in such manner and at such time and place as shall be determined by the Executive Committee. Dues for part-time employees of 5/10 (.5) standing or less shall be one-half (1/2) the rate of a full time employee.

Dues for new employees shall be pro-rated monthly (from starting date) during the first year of membership eligibility.

Section 4 - Membership Discipline and Due Process

No member may be censured, suspended, or expelled without good cause and a due process hearing. The hearing will be conducted before the Representative Council which will vote on the action. The charged member may appeal this decision to the DSEA Executive Board which will make the final decision.

Article III – Officers and Grade Cluster Representatives

Section 1 - Executive Officers and Terms

The elected Executive Officers of the Local shall be the President, the Vice-President, the Secretary, and the Treasurer. The term of office of the President, Vice-President, Secretary, and Treasurer shall be two (2) years beginning July first following their election and ending June 30. They may stand for re-election.

Section 2 - Grade Cluster Representatives

Four (4) Grade Cluster Representatives shall be elected as follows: There shall be two (2) representatives for the grade cluster pre-K-5, one (1) representative for the grade cluster 6-8, and one (1) representative for the grade cluster 9-12. The term of office of the Grade Cluster Representatives shall be two (2) years beginning July first following their election and ending June 30.

Section 3 - Qualifications

All candidates for Executive Officers and Grade Cluster Representatives shall be active members of the Association and shall maintain active membership in the Association.

Section 4 - Elections for Executive Officers and Grade Cluster Representatives

- a. Elections shall be held in April.

- b. Candidates for the Executive Officers of the Local and Grade Cluster Representatives shall be nominated by filing a letter of intent with the President of the Local by March 1 of the membership year in which the election is to take place.
- c. The person [or two (2) people for the Pre-K-5 Grade Cluster Representatives] receiving the most votes cast, by secret ballot made available to all members of the Local, shall be declared elected. In years where there is only one (1) candidate that meets all requirements for the position of President, Vice-President, Secretary, Treasurer, 6-8 Grade Cluster Representative, or 9-12 Grade Cluster Representative, the candidate will be considered the elected candidate for said position, subject to ratification by the BEA Executive Committee. In years where there are only two (2) candidates that meet all requirements for the position of Pre-K-5 Grade Cluster Representative, the two (2) candidates will be considered the elected candidates for said positions, subject to ratification by the BEA Executive Committee.
- d. In the event no letters of intent are filed for any of the Executive Officer or Grade Cluster Representative positions of the Local, during the first Representative Council meeting held following the closing due date for letters of intent there will be a special nominating session from the floor of the Representative Council.
- e. Each member will vote in his/her home school and will vote for the Executive Officers and the Grade Cluster Representative(s) in his/her grade cluster. Any employee who does cross over grade clusters will vote only in his/her home school.

Section 5 - Duties of the President

The President shall:

- a. be the chief Executive Officer and spokesperson of the Local, and liaison with DSEA/NEA;
- b. report to the membership of the Local at such times as necessary;
- c. be the official representative of the Association;
- d. present policy and program changes to the governing bodies of the Local;
- e. preside at the meetings of the Representative Council, Executive Committee, and all general meetings of the Local;
- f. call, as authorized, special meetings of the Representative Council and Executive Committee;
- g. meet regularly with the other officers of the Local;
- h. delegate or assign duties to other persons where appropriate;
- i. appoint, with the approval of the Representative Council, the chairperson of all committees (except Budget) and serve as ex officio member on all committees;
- j. be a delegate to the DSEA Representative Assembly by reason of election as the President and shall be chairperson of the Local delegation;
- k. receive and distribute to the Representative Council proposed amendments to the Bylaws;

- l. receive petitions from candidates for the Executive Officers and Grade Cluster Representatives;
- m. receive nominations for delegates to the NEA Representative Assembly;
- n. make certain that the Local is complying with its Bylaws and policies.

Section 6 - Duties of the Vice-President

The Vice-President shall:

- a. assume the duties of the President in the absence or incapacitation of the President;
- b. perform such other duties as the President may direct;
- c. receive the names of the Representative Council delegates and alternates and provide necessary credentials for the delegates;
- d. receive nominations for delegates to the DSEA Representative Assembly and supervise the election of delegates to the DSEA Representative Assembly.

Section 7 - Duties of the Secretary

The Secretary shall:

- a. keep, record, and disseminate minutes of all Local meetings;
- b. maintain for the Local the official records of the incorporated body including:
 - (1) minutes of all meetings including District Liaison meetings;
 - (2) past Treasurer's reports;
 - (3) important correspondence;
 - (4) up-to-date copy of the Bylaws;
 - (5) previous negotiated agreements.

Section 8 - Duties of the Treasurer

The Treasurer shall:

- a. be responsible to the officers and general membership for an accounting of the funds spent by the Local;
- b. chair the Local Budget Committee to develop an operating budget each year;
- c. participate in the annual audit and such other audits as the Executive Committee feels are necessary.

Section 9 - Duties of the Grade Cluster Representatives

- a. serve as voting members of the Local Executive Committee and Representative Council;
- b. report to the membership at Representative Council;
- c. serve as communication liaison to and from grade cluster members;
- d. assist members with problems and concerns;

- e. attend all applicable training sessions offered by the Association;
- f. attend building meetings when requested by an Association Representative;
- g. attend appropriate building meetings with Executive Officers.

Section 10 - Vacancies

A vacancy in the office of President shall be filled for the unexpired term by the Vice-President. A vacancy in any other Executive Office or Grade Cluster Representative position shall be filled for the unexpired term by election by the Representative Council.

Section 11 - Recall

The Representative Council shall have the power to conduct an election to recall any elected member of the Executive Committee upon two-thirds (2/3) vote of the members of the Representative Council. The meeting must be convened in accordance with the Bylaws. The election shall be conducted within forty-five (45) days of the Representative Council vote. Secret ballots shall be made available to all active members of the Association. A majority vote by the active members will remove the elected Executive Committee member for cause.

Article IV - Representative Council

Section 1 - Purpose

The Representative Council shall be the corporate board of directors of this corporation serving as the legislative body of the Local.

Section 2 - Authority/Responsibility of the Representative Council

- a. Adopt the annual budget.
- b. Establish the Local dues amount.
- c. Amend the Bylaws.
- d. Serve as the policy making body of the Local and conduct the ongoing business of the Association.
- e. Approve committee chairpersons.

Section 3 - Members

- a. The voting members of the Executive Committee shall be members of the Representative Council.
- b. Association Representatives elected in accordance with Section 4 of this Article shall be members of the Representative Council.
- c. The Past President of the Local shall be an ex officio, non-voting member of the Representative Council for a term of one (1) year from the completion of his/her term as President as long as he/she maintains active membership in the Association.

Section 4 - Allocation of Association Representatives

- a. One (1) Association Representative for each fifteen (15) active members of the Local as of December 31 of the membership year, employed in a school building, shall constitute a representative unit with each building guaranteed at least one (1) Association Representative.
- b. One (1) Association Representative for the major fraction eight (8) of a unit remaining—if any, after full units have been counted—shall be counted as a representative unit.
- c. One (1) Association Representative from each building shall be designated as the Senior Association Representative by that building's Association Representatives. The Senior Association Representative shall coordinate the communication with members and facilitate carrying out the actions and programs of the Local.
- d. One (1) alternate for each Association Representative shall be elected in the same manner as the Association Representatives.
- e. The Representative Council shall elect ethnic minority representatives at least proportionate to the Local's ethnic minority membership. Should proportional ethnic minority representation not occur through the prescribed procedures for nomination and election, nomination for ethnic minority representatives shall be conducted from the floor. Ethnic minority shall mean those persons designated as ethnic minorities by statistics published by the U.S. Bureau of the Census.

Section 5 - Election of Association Representatives

- a. Association Representatives shall be active members.
- b. Election of Association Representatives shall be by open nomination and secret ballot in each school building prior to the September meeting of the Representative Council.
- c. Association Representatives shall serve a term of one (1) year beginning the first Representative Council meeting in September.

Section 6 - Duties of the Association Representative

The Association Representative shall:

- a. serve as the representative of the electing membership to the Local Representative Council with the right to vote on all business matters brought before the body;
- b. conduct all Association business within the school or unit. Under conditions that prevent the Senior Association Representative from performing these duties, it shall be his/her responsibility to delegate another representative or alternate to perform these duties. In the absence of the Senior Association Representative it will be the responsibility of the assistant to carry out the functions of the office. In schools or units with only one (1) Association Representative the alternate shall carry out the function of the office in the absence of the representative;
- c. attend all Association meetings. Alternates shall attend in the absence of the Association Representative;

- d. serve as a communications liaison to and from the Association;
- e. report all governance actions of the Association and receive input from the membership within their respective schools or units;
- f. promote member involvement in the Local by recruiting members for Association activities and programs and to facilitate the recruitment of new members as well as contributions to the DSEA Advocacy Fund for Children and Public Education and the NEA Fund for Children and Public Education;
- g. assist members with their problems and concerns.

Section 7 - Certification and Seating of Association Representatives

- a. The Senior Association Representative of each building shall, at least two (2) weeks prior to the designated date for the September meeting of the Representative Council, certify to the Vice-President of the Local the names of the duly elected Association Representatives and alternates. The Vice-President shall, upon receipt of such certification, provide to each Association Representative the necessary credential so that he/she may be seated in the Council.
- b. The Local Representative Council shall have jurisdiction over the seating of its members.

Section 8 - Meetings

- a. The Local Representative Council shall meet monthly during the school year.
- b. Special meetings may be called by the President of the Local, by a majority of the Representatives to the Representative Council, or by a majority vote of the Executive Committee.

Section 9 - Recall of Association Representatives

An Association Representative may be recalled for poor performance of duty by a two-thirds (2/3) vote of the membership of the building he/she represents. They may also be removed by a two-thirds (2/3) vote of the Representative Council for missing meetings of the Council.

Section 10 - Vacancies

When a vacancy occurs in an Association Representative position, the elected alternate shall assume the position. If no elected alternate exists, then nominations shall be received and an election held in that building.

Article V - Executive Committee

Section 1 - Purpose

The Executive Committee shall be responsible for the implementation of Association actions and, when necessary, be the interim policy making body between meetings of the Representative Council.

Section 2 - Members

- a. The President, Vice-President, Secretary, Treasurer, and Grade Cluster Representatives shall be voting members of the Executive Committee during their terms of office.
- b. The President and Vice-President of the Local shall be the President and Vice-President of the Executive Committee.
- c. The Local chairperson of each standing committee may sit as a non-voting member of the Executive Committee at the discretion of the Executive Officers.
- d. The Past President of the Local shall be an ex officio, non-voting member of the Executive Committee for a term of one (1) year from the completion of his/her term as President as long as he/she maintains active membership in the Association.

Section 3 - Duties

The Executive Committee shall have the authority and responsibility to:

- a. set its meetings except as otherwise herein provided;
- b. implement and coordinate the actions of the Representative Council;
- c. ensure that the Local is meeting its responsibilities of incorporation;
- d. make program requests to the Representative Council;
- e. make recommendations of policies and positions to the Representative Council;
- f. determine legislative policies and positions until they are recommended to and enacted upon by the Representative Council;
- g. act as the primary planning body for the Local, developing a plan that includes goals and strategies to achieve them and that ensures that the membership and the Representative Council are meaningfully involved in the planning process;
- h. make policy decisions in the interim between Representative Council meetings;
- i. develop and implement a membership involvement program;
- j. propose the annual budget to the Representative Council;
- k. make contingency expenditures when they have not been budgeted.

Section 4 - Equitable Representation

The Representative Council shall elect additional voting members of the Executive Committee as appropriate to ensure ethnic minority representation in direct proportion to the percentage of ethnic minority membership in the Association. Executive Committee members so elected shall serve from the date he/she is elected by the Representative Council until the following June 30 and shall maintain active membership in the Association during that term. Should ethnic minority members not be nominated through the prescribed procedures for nomination, nominations for ethnic minority representatives shall be conducted from the floor.

Section 5 - Meetings

The Executive Committee shall meet monthly. Special meetings may be called by the President of the Local or by a majority of the voting members of the Executive Committee.

Article VI - Committees

Section 1 - Standing Committees

The standing committees are:

- Instruction and Professional Development
- Newsletter Editor
- Legislative/Political Action
- Negotiations
- Budget
- Grievance
- Membership
- Minority Action
- Website

The Local President shall appoint the chairperson of each of the standing committees (except Budget). All Local committee functions must be reported to both the Executive Committee and the Representative Council.

Section 2 - Negotiations Committee

The Local President, in consultation with and with the approval of the Executive Committee, shall appoint a Negotiations Committee, the functions of which shall be to supervise the process of collective bargaining by the Local and to aid in the enforcement of any executed agreements of the Local.

Section 3 - Special Committees

Each year the Local President may appoint special ad hoc committees as may be necessary and shall discharge them upon completion of their duties. All special committees shall report to the President, Executive Committee, and Representative Council.

Section 4 - Appointment

All committee chairpersons shall be confirmed by Representative Council.

Article VII - Delegates to the DSEA and NEA Representative Assemblies

Local delegates to the DSEA and NEA Representative Assemblies shall be nominated and elected in accordance with requirements specified by the respective affiliated parent organization. Delegates shall be active members of the Association and shall serve a term of one (1) year. Open nominations and a secret ballot must be a part of the process. However, in any year where the number of candidates is less than or equal to the number of delegates to be elected, the candidates will be considered the elected candidates for said positions, subject to ratification by the BEA Executive Committee.

Article VIII - Meetings, Quorum, and Parliamentary Authority

Section 1 - Meetings

- a. Any member of the Local in good standing is entitled to attend any regular or special general membership meeting of the Local, and may be invited by the chairperson to attend any committee meeting. Voting power shall be restricted to the duly elected delegates, members, or appointees of the body.
- b. General membership meetings of the Local shall be called at the discretion of the President or by a two-thirds (2/3) vote of the Representative Council.

Section 2 - Quorum

A majority of the authorized members shall constitute a quorum for the transaction of business for any elected body of the Local.

Section 3 - Parliamentary Authority

The most recent edition of Robert's Rules of Order, Newly Revised, with exceptions as provided for in the Bylaws, shall be the parliamentary authority on procedure in all official meetings of any bodies of the Local. These rules of procedure shall not be suspended, added to, or amended except by a two-thirds (2/3) vote of the members in attendance at any of the business sessions of any properly called body.

Article IX - Fiscal Year, Audit, and Budget

Section 1 - Fiscal Year

The fiscal year of the Local shall be from July 1 to the following June 30.

Section 2 - Audit

The Treasurer shall provide for an annual, independent audit of the accounts of the Local by a certified public accountant. The accountant's report shall be given to the Executive Committee upon completion. The report shall be made available to any member requesting the opportunity to review the report.

Section 3 - Budget

The budget for the next fiscal year, along with the annual Local dues amount, shall be adopted by the Representative Council prior to the close of school each year. The Representative Council, upon the recommendation of the Executive Officers and/or Executive Committee, may amend the budget to address planning/goal needs or a change in dues income.

Article X - Amendments

Section 1

Except as otherwise provided in Section 2 hereof, the Bylaws of the Local may be amended by a two-thirds (2/3) vote of the Representative Council members present at the April Representative Council meeting, provided that a proposed amendment has been presented in writing to the President of the Local at least thirty (30) calendar days

prior to the announced date for the meeting, who shall distribute the proposed amendments to the Representative Council members at least fourteen (14) calendar days prior to the April meeting. The April requirement may be waived for organizational emergencies, but the amendment(s) require a three-fourths (3/4) vote of the Representative Council and the thirty (30) day and fourteen (14) day requirements must be met. Amendments to the Bylaws shall become effective prospectively at the close of the meeting at which passed, unless a different effective date is specified.

Section 2

Any Bylaw of the Local that relates to the affiliation of the Local with DSEA and/or NEA may be amended in the manner set forth in Section 1 above, provided that such amendment shall require for enactment a three-fourths (3/4) affirmative vote of the ballots cast by the members of the Local.

Article XI - Member's Rights to Fair Treatment

Section 1

Each member of the Local shall have the right to fair treatment in the application of the Bylaws and Policies of the Local. In matters relating to discipline of Local members, the essential requirements of due process of law (notice, hearing, and judgement based upon the evidence) shall be observed, without, however, requiring the technical formality followed in courts of law.

Section 2

Appeals shall be processed in accordance with procedures adopted by the DSEA Board of Directors.

Article XII - Initiating and Terminating a Strike

A majority of the Executive Committee and Representative Council must approve any strike recommendation before a strike vote may be submitted to the general membership. A strike shall be initiated and terminated by a 75% vote of the ballots cast by the general membership. The results of the vote will be made known to all members.