

## 2017 Proposed Bylaws Amendments

ATPE members representing local units from across the state will convene at the ATPE House of Delegates (HOD) on July 12, 2017, during the ATPE Summit. Delegates will vote on the following nine proposed changes to the ATPE State Bylaws.

If approved by the HOD, these amendments will be made to the ATPE State Bylaws, the set of definitions, rules, and procedures that guide ATPE operations.

### One-Member, One-Vote (OMOV) Amendments

**Summary of Proposed Amendments 1-4:** Proposed Amendments 1-4 would move ATPE's state officer elections from a House of Delegates (HOD)-based election system to a one-member, one-vote (OMOV) e-ballot election system that would retain HOD involvement in our election process while also allowing all eligible ATPE members to cast a ballot for state officer elections. One rationale and fiscal impact statement is presented for the block of four amendments.

#### Proposed Amendment 1

##### Amend to Read:

Article III: Membership

Section 6: Voting Rights

A Professional, Administrator, Associate, Student Teacher, 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, **to participate in the election of state officers**, and to participate in referendums as outlined in Article XVI, Section 3. No proxy voting shall be recognized.

#### Proposed Amendment 2

##### Amend to Read:

Article IV: Officers

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. **If three or more candidates are vying for any one**

**state officer position, the House of Delegates shall vote to select the two candidates who would be included on the state officer ballot provided to all eligible members.** The officers of the Association shall be elected by a majority vote of the ~~delegates-members qualified and participating in the annual one-member, one-vote officer election. 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, Administrator, Associate or Retired member of ATPE may hold an office.

### **Proposed Amendment 3**

#### **Amend to Read:**

Article IX: House of Delegates

Section 1: Duties and Responsibilities

The House of Delegates shall be the supreme policymaking, 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,~~ **Host the state officer candidate speeches and participate in the election process in accordance with these bylaws and/or election rules;** and
- (c) Establish appropriate policies for the operations of the Association.

### **Proposed Amendment 4**

#### **Amend to Read:**

Article X: Committees

Section 2: Duties of Standing Committees

- (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.

**Proposed Amendments 1-4 were submitted by the ATPE Board of Directors, which recommends adoption.**

**Rationale:** The Board of Directors (BOD) is proposing that ATPE amend its election process to allow all members who are accorded voting rights by the association to vote in state officer elections via an OMOV e-ballot election.

Currently, ATPE's state officers are elected by delegates who attend the annual HOD meeting, which in recent years has included approximately 700-800 voting delegates (less than 1 percent of ATPE's total membership).

Conducting the annual state officer election on one day during HOD allows only certified delegates to participate in the election. With OMOV, every eligible member has the opportunity to participate in the election of officers.

The BOD believes that all eligible ATPE members – currently 103,000 strong – should have a voice when determining which members should lead this association as a state officer. Implementing an OMOV state officer election process would be a true application of ATPE’s member-owned, member-governed tenet because all eligible members other than public members would be empowered with a vote and a voice.

This proposal was initially presented to the 2016 HOD, which provided input and voted to return the proposal to the BOD for further consideration and possible changes based on the input received. The BOD considered the input and has made the following changes to the OMOV proposal:

- The HOD would retain a role in the state officer election process by hosting the state officer candidate speeches and, if necessary, would vote to narrow the field to no more than two candidates per office in cases where three or more candidates have filed to run;
- There would still be an option for floor candidates to be presented at HOD; and
- The initial fiscal impact has been reduced by almost 50 percent.

**Fiscal Impact:** The implementation of a OMOV e-ballot election for ATPE’s state officers is projected to cost between \$20,000 to \$25,000 per year (which is .0017 percent of the projected 2017-18 state budget). The projected cost includes vendor support; the cost of conducting an e-ballot election; ballot preparation, including preparing and linking to candidate videos; and additional services such as phone-in ballots and mail ballots that will be provided as voting options to our members.

**BYLAWS COMMITTEE MAKES NO RECOMMENDATION**

**Summary of Proposed Amendment 5:** Proposed Amendment 5 would transfer from the HOD to the BOD the authority to remove a state officer.

**Amend to Read:**

Article IV: Officers

Section 4: Removal

Any officer who commits financial impropriety, is convicted of a criminal act, or violates their job duties as outlined in these bylaws, may be removed by a ~~two-thirds (2/3)~~ four-fifths (4/5) vote of the ~~members full membership of the House of Delegates~~ Board of Directors after an appropriate hearing, who are present and voting.

**Proposed amendment 5 was submitted by the ATPE Board of Directors, which recommends adoption.**

**Rationale:** Removal of an officer, while rare, could be warranted under circumstances such as financial impropriety or other criminal activity by an officer that gives rise to potential liability of the association.

Any process used to remove a state officer should be timely enough to address the liability concerns presented but also include an element of due process, meaning the officer facing removal should have the opportunity to present his/her side of the situation and events before any decision about whether to remove the officer is made. Incorporating such due process into a delegate assembly attended by more than 700 members could compromise the confidentiality of the process, and it is cumbersome and potentially embarrassing to the officer facing removal.

Additionally, state officer terms run from Aug. 1 through July 31 of the following year. If an officer who took office on Aug. 1 is proposed for removal shortly after taking office, currently ATPE would have to wait until the following July to present the case for the officer's removal to the HOD. That means the officer could continue serving in his/her position for up to 11 months after the action(s) occurred that warranted consideration of the officer's removal, which could put the association at greater legal and financial risk during the interim. Also, because the HOD traditionally meets in July, if the HOD did vote for the officer's removal, it would do so with only days remaining in the officer's term, making the removal less effective.

Moving the authority to remove a state officer from the HOD to the BOD would allow for a more timely consideration of the officer's removal, and would allow ATPE to avoid having to present the specifics of the case to a group of more than 700 members.

**Fiscal Impact:** Based on Proposed Amendment 5 as written, there would be no significant financial impact to the association if the amendment is adopted.

**BYLAWS COMMITTEE RECOMMENDS ADOPTION**

**Summary of Proposed Amendment 6:** Proposed Amendment 6 would delegate to the BOD the authority to establish ATPE's membership year.

**Proposed Amendment 6**

**Amend to Read:**

Article III: Membership

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~~ **established by the Board of Directors.**

**Proposed Amendment 6 was submitted by the ATPE Board of Directors, which recommends adoption.**

**Rationale:** The ATPE membership year is established based on the business of ATPE and involves various factors that impact how ATPE's membership year is established.

Among those factors are ATPE's fiscal year, our member insurance policy year, our budget year, school starting dates, and any laws or rules promulgated by the IRS, the Texas legislature, and other governing entities.

These factors are all business-related and fall within the current purview of the BOD, making the BOD the ideal entity to consider all factors and establish the association's membership year.

Additionally, if the need for ATPE to amend its membership year were to arise, the BOD would be able to consider and amend its membership year within three months or sooner, whereas it would take up to 18 months for the change to be made and implemented if the decision was to be made by the HOD.

Therefore, based on the factors that may influence when a membership year is established, and the need for an expedited process to change a membership year if the need were to arise, it is in the best interest of ATPE as a business to assign the BOD the authority to set ATPE's membership year.

If this bylaws amendment is adopted by the HOD, the BOD intends to make no changes to the association's membership year that is already in place for the 2017-18 year.

Finally, the BOD is a representative body elected by the members in each of ATPE's 20 regions. Transferring the authority to set ATPE's membership year remains true to ATPE's member-owned, member-governed philosophy in that members elected to lead this association would remain in control of the designation and definition of ATPE's membership year.

**Fiscal Impact:** Based on Proposed Amendment 6 as written, there would be no significant fiscal impact to the association if the amendment is adopted.

**BYLAWS COMMITTEE MAKES NO RECOMMENDATION**

**Summary of Proposed Amendment 7:** Proposed Amendment 7 would delegate to the BOD the authority to establish ATPE's fiscal year.

**Proposed Amendment 7**

**Amend to Read:**

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~~ **established by the Board of Directors.**

**Proposed amendment 7 was submitted by the ATPE Board of Directors, which recommends adoption.**

**Rationale:** The ATPE fiscal year, much like the association's membership year, is established based on the business of ATPE and involves various factors that impact how ATPE's fiscal year is established.

Allowing the BOD to set ATPE's fiscal year would put ATPE in a better position to quickly react to any tax or nonprofit law changes that might impact ATPE's current fiscal year.

ATPE's fiscal year is used for accounting, budgeting, and taxation purposes. As such, these business functions should fall within the authority of the BOD.

Additionally, if the need for ATPE to amend its fiscal year were to arise, the BOD would be able to consider and amend ATPE's fiscal year within three months or sooner, whereas it would take up to 18 months for the change to be made if the decision was to be made by the HOD.

Therefore, based on the factors that may influence when a fiscal year is established, and the need for an expedited process to change a fiscal year if the need were to arise, it is in the best interest of ATPE as a business to assign the BOD the authority to set ATPE's fiscal year.

If this bylaws amendment is adopted by the HOD, the BOD intends to make no changes to the association's fiscal year that is already in place for the 2017-18 year.

Finally, the BOD is a representative body elected by the members in each of ATPE's 20 regions. Transferring the authority to set and define ATPE's fiscal year remains true to ATPE's member-owned, member-governed philosophy in that members elected to lead this association would remain in control of the designation and definition of ATPE's fiscal year.

**Fiscal Impact:** Based on Proposed Amendment 7 as written, there would be no significant fiscal impact to the association if the amendment is adopted.

**BYLAWS COMMITTEE RECOMMENDS ADOPTION**

**Summary of Proposed Amendment 8:** Proposed Amendment 8 would delegate to the BOD the authority to establish, name, and define ATPE's membership classifications.

### **Proposed Amendment 8**

#### **Amend to Read:**

Article III: Membership

Section 4: Classes of Members

**ATPE membership classifications shall be established, named, and defined by the Board of Directors. Any change to a member classification name adopted by the Board of Directors shall be reflected in any section of these bylaws in which the name of the classification is referenced. ATPE shall have seven (7) 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) Administrator Members. Those educators who are employed in Texas by a public school district as a principal, assistant/deputy/area superintendent, or superintendent, and whose position requires certification by the State Board for Educator Certification.~~**

**~~(c) 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.~~**

**~~(d) 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.~~**

**~~(e) Student Teacher Members. Those students enrolled in a teacher education program in an accredited college/university or alternative certification program who will be engaged in observation, student teaching, and/or field experience in a Texas public school during the membership year.~~**

**~~(f) Public Members. Those persons other than the foregoing who are interested in public education.~~**

**~~(g) 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.~~**

**Proposed Amendment 8 was submitted by the ATPE Board of Directors, which recommends adoption.**

**Rationale:** This proposed amendment would authorize the BOD to set and define ATPE's membership classifications by transferring the authority to do so from the HOD to the BOD.

The HOD would retain the authority to grant rights and responsibilities, including voting rights, delegate status, and dues amounts, to any membership classification created by the BOD.

Currently, any amendment to an ATPE membership classification designation or definition requires up to 18 months to consider and implement. Proposed bylaws amendments must be submitted by March 15 each year, and the HOD meets in July to consider proposed bylaws amendments. Due to the timeline for printing and distributing membership recruitment materials to our members and volunteers by mid-summer each year, any proposed bylaws amendment adopted in July of one year could not be properly implemented until the following membership campaign, meaning there could be to up an 18-month gap between when the amendment is submitted until the time the change can be implemented.

Over the years, the Texas legislature and State Board for Educator Certification have both made a number of changes to names and definitions used to identify candidates vying for educator certification and those engaging in student teaching and related activities. To ensure the clarity of our membership recruitment and marketing materials, ATPE should have the ability to make more timely updates to the names (and descriptions) of our membership classes to align them with terms used in current state law and administrative rules.

In these times of high competition and immediate communication, ATPE must have the ability to adjust quickly and responsibly to the changing dynamics of our profession and our competitive environment. This proposed amendment would give ATPE the ability to quickly respond to any changes to our defined membership classifications that are needed.

If this bylaws amendment is adopted by the HOD, the BOD intends to make no changes to the association's membership classes that are already in place for the 2017-18 year.

Finally, the BOD is a representative body elected by the members in each of ATPE's 20 regions. Transferring the authority to set and define ATPE's membership classifications remains true to ATPE's member-owned, member-governed philosophy in that members elected to lead this association would remain in control of the designation and definition of ATPE's membership classifications.

**Fiscal Impact:** Based on Proposed Amendment 8 as written, there would be no significant fiscal impact to the association if the amendment is adopted.

**BYLAWS COMMITTEE MAKES NO RECOMMENDATION**

**Summary of Proposed Amendment 9:** Proposed Amendment 9 would delegate to the BOD the authority to set membership dues amounts.

**Proposed Amendment 9**

**Amend to Read:**

Article III: Membership

Section 5: Dues

**Membership dues amounts shall be established annually by the Board of Directors. 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: \$175.00 per year**
- (b) Administrator Membership: \$225.00 per year**
- (c) Retired Membership: \$10.00 per year**
- (d) Associate Membership: \$90.00 per year**
- (e) Student Teacher Membership: \$20.00 per year**
- (f) Public Membership: \$35.00 per year**
- (g) 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.**

**Proposed Amendment 9 was submitted by the ATPE Board of Directors, which recommends adoption.**

**Rationale:** This proposed amendment would authorize the BOD to set the annual dues amounts for each of ATPE's membership classifications by transferring the authority to do so from the HOD to the elected BOD.

Currently, any amendment to ATPE members' dues amounts requires up to 18 months to propose, consider, and implement. Proposed bylaws amendments must be submitted by March 15 each year, and the HOD traditionally meets four months later in July to consider proposed bylaws amendments. Due to the timeline for printing and distributing membership recruitment materials to our members and volunteers by mid-summer each year, any proposed bylaws amendment adopted in July of one year could not be properly implemented until the following membership campaign, leaving up to an 18-month gap between when the amendment is proposed until the time the change can be implemented if the amendment is adopted.

Recently, ATPE incurred a \$3 per member premium increase for our members' liability insurance and employment rights protection program. Because only the HOD can raise dues, ATPE was required to fund more than \$300,000 from its reserve to cover the increased premium cost. If the BOD had been granted the authority to raise dues, the increased premium cost could have been covered by a dues increase and not required funding from the ATPE reserve.

In these times of high competition and immediate communication, ATPE must have the ability to adjust quickly and responsibly to the changing dynamics of our profession and our competitive environment. This proposed amendment would give ATPE the ability to quickly respond to any changes to our member dues amounts that the BOD determines are needed.

If this bylaws amendment is adopted by the HOD, the BOD intends to make no changes to the association's membership dues amounts that are already in place for the 2017-18 year.

Finally, the BOD is a representative body elected by the members in each of ATPE's 20 regions, and transferring the authority to set ATPE members' dues amounts to the BOD remains true to ATPE's member-owned, member-governed philosophy in that members elected to lead this association would remain in control of the dues amounts our members pay to ATPE.

**Fiscal Impact:** Based on Proposed Amendment 9 as written, there would be no significant fiscal impact to the association if the amendment is adopted.

**BYLAWS COMMITTEE MAKES NO RECOMMENDATION**

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The meeting was adjourned at 3:27 p.m.

Respectfully submitted,  
Gayle Sampley, Chair