

Kenai Peninsula Education Association

Constitution and Bylaws

REVISED 2007

ARTICLE I - NAME

The name of this association shall be the KENAI PENINSULA EDUCATION ASSOCIATION.

ARTICLE II - PURPOSE

Section 1. To work for the advancement of education and the improvement of instructional opportunities for all school children.

Section 2. To develop and promote the adoption of such ethical practices, personnel policies and standards of preparation and participation as mark a profession.

Section 3. To unify and strengthen the teaching profession and to secure and maintain salaries, retirement, professional and sick leave, and other working conditions necessary to support teaching as a profession.

Section 4. To enable members to speak with a common voice on matters pertaining to the teaching profession and to present their individual and common interests before the BOARD OF EDUCATION and other legal authorities.

ARTICLE III – MEMBERSHIP

Section 1. Active

a) Active membership in the Association shall be open to all professional personnel employed in the schools of the KENAI PENINSULA BOROUGH SCHOOL DISTRICT who hold an earned bachelor's or higher degree and where required hold or are eligible to hold a regular legal certificate.

b) Active membership shall be continuous until the member leaves the school system, resigns from the Association, or fails to pay membership dues.

c) Active members of the Association shall also be members of NEA-Alaska and the National Education Association.

Section 2. Associate

a) Personnel employed in the schools of the Kenai Peninsula Borough School District who are not eligible to become active members may upon payment of dues enroll as associate members with all the rights and responsibilities of active members except the right to vote, to hold office, or to represent the association.

Section 3. Retired (KPEA-R)

a) Membership will be open to any retired teacher who was a member of KPEA at the time of retirement and who enrolls within six months of becoming eligible for KPEA-R membership. KPEA-R members must be members of NEA and NEA-AK Retired.

KPEA-R members may not be elected to any offices within KPEA, but may serve on any KPEA committee. If an elected KPEA officer retires and immediately joins KPEA-R, he/she may, with the consent of the Executive Board of KPEA, serve out the term of office. KPEA-R members shall not be entitled to a vote in any election or contract ratification.

Section 4. Revocation of Membership

a) The Executive Board may suspend from membership or expel any member who shall have violated the CODE OF ETHICS of the Education Profession; may cancel the membership of any member convicted in a court learned in the law of a crime involving moral turpitude and may reinstate a member who has previously been suspended or expelled from the Association. The Executive Board may suspend all rights and privileges of any member who is determined to be "not in good standing" due to lack of being current with dues payments. Once current, those privileges may be returned or reinstated for the balance of the school year.

Section 5. Membership Year

a) The membership year of the Association extends from July 1 to June 30.

Section 6. Membership and Fee Payers

a) Active members will have two options for payment of dues and must establish one prior to September 15th during any calendar year, or if employed after that date, within 30 days of employment or receipt of the Hudson Packet. The two options available for payment are:

- A. Payroll Deduction
- B. Cash/Check in full by December 1 of each school year

b) Active Fee Payers will have available two options for fee payments and must establish one prior to September 15th during any calendar year, or if employed after that date, within 45 days of employment, and/or 30 days after receipt of the Hudson Packet. The two options for payment available are:

- A. Payroll Deduction
- B. Cash/Check in full by December 1 of each school year

c) If an Active Member or Fee Payer fails to comply with the dues/fee payment requirement, said employee will pay additional costs, legal and/or otherwise deemed necessary by KPEA to collect such dues/fees.

ARTICLE IV – OFFICERS

The officers of the Association shall consist of a President, a Vice President, a Secretary, and a Treasurer.

ARTICLE V - EXECUTIVE BOARD

Section 1. The Executive Board shall consist of the officers of the Association, the NEA-Alaska Region III Director(s) provided he/she is a member of the KPEA, and seven Area Representatives elected by membership in their respective areas.

Area I will be Homer A representing Ninilchik, Nikolaevsk, Chapman, Fireweed Academy, Homer Flex, Homer Middle School, West Homer Elementary, Homer High School, Paul Banks;
Area II Homer B will represent Razdolna, Voznesenka, K-Selo, Susan B. English, Nanwalek, Port Graham, McNeil Canyon;
Area III Soldotna A will represent Soldotna High School, Soldotna Elementary, Soldotna Middle School, Redoubt Elementary, Peninsula Optional, District-wide, and Central Office;
Area IV Soldotna B will represent Sterling, Skyview High School, K-Beach Elementary, Tustumena Elementary;

Area V Kenai will represent KCHS, Kenai Middle, Kaleidoscope, Mountain View, Kenai Alternative High School, Aurora Borealis, Kenai Peninsula Youth Facility, Foundations, and Stages

Area VI Nikiski will represent Nikiski Junior/Senior High School, Nikiski North Star Elementary, Tebughna and

Area VII Seward will represent Cooper Landing, Hope, Moose Pass, Seward Elementary, Seward Middle School, Seward High School and Spring Creek.

As the district adds, changes, or eliminates school sites, the site will be added to the appropriate area.

Additional representation may be granted to Committee Chairs upon consent of the Executive Board.

Section 2. Under personnel policies adopted by the Representative Council and within the annual budget, the Executive Board shall have the power to employ a staff for efficient management of the Association.

Section 3. Whenever a majority of the Executive Board shall agree that an officer has been grossly negligent of the duties defined in the Bylaws or is incapacitated, they shall recommend to the Representative Council that the officer's office be declared vacant. If the Representative Council so votes by a two-thirds majority, it shall immediately elect a replacement to fill the unexpired term.

Section 4. Area Representatives and/or appointed committee chair persons missing more than three (3) consecutive meetings may be replaced by a majority vote of the Executive Board.

Section 5. The membership and rights chairs will be a permanent part of the Executive Board.

Section 6. Appointment or removal of all members of KPBSD or KPEA Committees must be approved by the Executive Board.

ARTICLE VI - REPRESENTATIVE COUNCIL

Section 1. The legislative and advisory body of the Association shall be the Representative Council.

Section 2. The Representative Council shall consist of the Executive Board, and one or more representatives from each school faculty, and chairpersons of each standing committee.

Section 3. Any member of the Association who is not a member of the Representative Council may attend its meetings, shall sit apart from the voting body, but may receive permission to speak.

Section 4. Should Building Representatives miss more than two (2) consecutive Rep. Council meetings, the Executive Board may request a new Building Rep. election within the building affected to replace the representative.

ARTICLE VII - POLICY ASSEMBLY

Section 1. The legislative and policy forming body of the Association shall be the KPEA Policy Assembly.

Section 2. The representatives to Policy Assembly shall be selected by the various schools in a

ratio of one representative to each four members or part thereof.

Section 3. The meeting date of such assembly shall be scheduled for the first Saturday of October. If a major conflict should occur the Policy Assembly may be rescheduled by a vote of the Building Representatives no later than the September meeting.

Section 4. Representatives to Delegate Assembly shall be elected for a two year term. Nominees shall be made at the Policy Assembly using the following two steps:

- (a) Those in attendance, and second year delegates unable to attend the current year's Policy Assembly shall have first priority for nomination until all delegate slots are filled. Those who are absent must request and receive an excused absence from the Policy Assembly.
- (b) Any first year slots remaining unfilled after nominations from those in attendance may be made from members who were prevented from attending due to concurrent KPEA business. These members must request and receive an excused absence from the Policy Assembly. Approval of their excused absences requires a two-thirds vote of the Assembly.
- (c) Any remaining slots may be filled with members who were prevented from attending due to a personal circumstance. These members must also request and receive an excused absence from the Policy Assembly. Approval of their excused absence requires a two-thirds vote of the Assembly.
- (d) Any first year delegates selected through steps "b" or "c" must meet with the KPEA President or a designated representative to become familiar with the processes and issues of the Policy Assembly within 30 days after the Policy Assembly. Members who are selected as first year delegates must attend the next year's Policy Assembly serve as a second year delegate.

Section 5. Second year delegates unable to attend the current year's Policy Assembly must request and receive an excused absence from the Policy Assembly.

Section 6. Representatives to NEA Representative Assembly shall be elected for a one year term. Nominees shall be made from those in attendance at the NEA-AK Delegate Assembly, unless approved by the KPEA Executive Board.

Section 7. All Policy Assembly proposed Constitution and Bylaw amendments shall be passed to the membership for a vote.

ARTICLE VIII - AFFILIATION

The Association shall affiliate with NEA-Alaska and the National Education Association.

ARTICLE IX - AMENDMENTS

The General Membership may adopt amendments to this constitution by voting in a direct mail referendum in which a two-thirds (2/3) majority of those votes returned shall constitute the election results, provided that the proposed amendments have been introduced at a Representative Council meeting and that copies of the proposed amendments have been distributed to members two weeks prior to the election.

BYLAWS TO THE CONSTITUTION

ARTICLE I - MEETINGS

Section 1. The Executive Board shall meet with the Representative Council at the request of four members of the Board or at the call of the President.

Section 2. The Representative Council shall meet on the second Tuesday of the month at 6:30 P.M., or at a day and time agreed upon at the preceding meeting. The President shall prepare an agenda for each meeting and shall circulate it to all members of the Council so that faculty representatives will have time to discuss it with their faculty members in advance of the Council meeting.

Section 3. Special meetings of the Representative Council may be held at the call of the President or upon written request to the Executive Board from five faculty representatives. Business to come before special meetings must be stated in the call, which shall be sent in writing to each representative.

Section 4. General meetings shall be called at the discretion of the Executive Board.

ARTICLE II - QUORUM

Section 1. A majority of the voting members of those offices that are filled shall constitute a quorum for the Representative Council.

Section 2. A majority of voting members shall constitute a quorum for General Membership meetings.

ARTICLE III - POWER OF OFFICERS

Section 1. President. The President shall preside over meetings of the Executive Board and the Representative Council, appoint the chairpersons and members of standing committees, appoint special committees, be an ex officio member of all standing committees and shall be the executive officer of the Association except when it employs an executive secretary. The President shall represent the Association before the public either personally or through delegates, and shall perform all other functions usually attributed to this office. The President is one of the elected representatives to Representative Assembly (RA), the national NEA summer conference, should she/he desire to attend.

Section 2. Vice President. The vice-president of the Association shall perform the functions usually attributed to the office. He/she shall work closely with one or more standing committees as the President may suggest. He/She shall become President of the Association when the presidency becomes vacant except as provided in Article V, Section 3 of the Constitution. The vice president shall make a report of the Policy Assembly actions at the November Building Representative meeting, and at the November E- Board meeting. The Vice President shall serve on the Teacher Rights Committee.

Section 3. Secretary. The Secretary shall keep accurate minutes of all meetings of the Executive Board and Representative Council, shall maintain official files, and shall assist the President of the Association with Association correspondence.

Section 4. Treasurer. The Treasurer shall hold the funds of the Association and disburse them upon authorization by the Executive Board. He shall bill members for annual dues, and transmit amounts due to NEA-Alaska and the National Education Association. He/she shall maintain a roll of members. He/she shall keep accurate accounts of receipts and disbursements, shall report to

each meeting of the Representative Council and shall prepare an annual financial statement for publication to members as directed by the Executive Board. He/she shall keep the President and the Executive Board informed of the financial condition of the Association. He/she shall assist the Budget Committee in the initial drafting of the annual budget.

Section 5.

a) The officers and Area Representatives shall serve for two years and may be reelected without an intervening term.

b) Whenever the office of both President and Vice President shall become vacant between elections, except as provided in Article V, Section 3, of the Constitution, the remaining members of the Executive Board shall choose one of their number to serve as President pro tempore until the Representative Council can fill the vacancies.

ARTICLE IV - POWER OF THE EXECUTIVE BOARD

The Executive Board shall be responsible for the management of the Association, carry out policies established by the Council, report its transactions and those of the Council to the members, and suggest policies for consideration by the Council, and may approve expenditures.

ARTICLE V - FACULTY REPRESENTATIVES

Section 1. In each public school in the Kenai Peninsula Borough School District, faculty members who are members in good standing of this Association shall elect for the term of one year, one Faculty Representative to the Representative Council for each fifteen members or major fraction thereof. There shall be at least one Representative from each building. Where more than one such Representative is elected, one shall be designated as the Senior Faculty Representative. Elections shall be held in May and Representatives shall take their seats at the May meeting of the Representative Council.

Section 2. Faculty representatives shall attend the regular meetings of the Representative Council. If the Representative cannot attend a meeting for any reason, he/she may send his/her designee, who upon written notification to the president or vice president of the Association, may be seated in his/her place.

a) Should Faculty Representatives miss more than two (2) consecutive meetings, the Executive Board may request a new building election to replace the representative.

Section 3. The Faculty Representatives, with the Senior Faculty Representative as chairperson, shall call faculty meetings of the Association members to discuss Association business, shall appoint such faculty committees as the Association shall require, and shall organize and oversee the subsequent elections of faculty representatives, the enrollment of members, and two-way communication within the building.

Section 4.

a) Faculty, for determining representatives to the Representative Council, shall mean the teaching staff within a building with a principal or head-teacher as the supervisor of the staff.

b) A building or special rooms housing only administration officers shall be considered a school building for purposes of the Association and each such officer shall be considered a member of the faculty of that building.

Section 5. Faculty Representatives shall have been members of the Association at least one year prior to their election, if practicable and shall maintain their membership in good standing during their term of service.

ARTICLE VI - STANDING COMMITTEES

Section 1. Structure. There shall be six standing committees carrying the specific functions outlined below. Each committee may, with the approval of the Executive Board, organize special sub-committees and task forces for the specific activities from the membership of the Association.

Section 2. Meetings. Each standing committee shall meet regularly according to a calendar developed by the Executive Board and may hold special meetings at the call of the chairperson.

Section 3. Reports. Each committee shall choose a secretary who shall keep a continuing record of activities. Chairpersons shall report as necessary to the Representative Council and shall prepare an annual written report summarizing objectives, action programs, gains, and unreachd goals, which the Executive Board shall distribute to the members and which shall become a part of the continuing record of committees in the Association files.

Section 4. Title and Duties.

- a) The Committee on Teacher Rights shall explore and prepare action programs for securing satisfactory personnel policies and procedures for the redress of grievances.
- b) The Committee on Membership and Professional Information shall organize and conduct membership enrollment among non-members and to inform members of the policies, programs, and accomplishments of all Associations. The Membership and Professional Information committee will develop and conduct programs for the orientation of the new teachers to the community, the school system and the Association.
- c) The Committee on Public Relations shall organize such social activities that may serve the needs of the members and promote fellowship within the Association. The Committee on Public Relations shall with approval of the President and/or Executive Board, to prepare news releases to local media.
- d) The Children's Fund for Alaskan Schools shall disseminate information concerning legislation and elections and support legislation and candidates favorable to education.
- e) The Committee on Negotiations shall develop, present, and negotiate proposals for bargaining and may organize sub-committees as they deem necessary. The Negotiations Committee shall represent the Association in bargaining personnel policies with the governing and appropriating bodies of the school system. Within policies established by the Representative Council, it may make decisions binding the Association in these matters.
- f) The Committee on Elections shall propose procedures and guidelines to be used for elections and shall be responsible for conducting all election, except contract ratification votes.

ARTICLE VII - SPECIAL COMMITTEES

Each year the President shall appoint special committees as may be necessary and shall discharge them upon completion of their duties. These committees shall operate according to rules approved by the Representative. Appointment or removal of all members of KPBSD or KPEA Committees must be approved by the Executive Board. No officer shall serve on either the Elections or Audit Committee.

ARTICLE VIII - ELECTIONS

Section 1. Nominations.

- a) The active members of the Association in each building during the month of February may nominate a candidate for President, Vice President, Secretary, Treasurer, and Area

representatives for the Executive Board. The Senior Faculty Representative shall deliver all nominations in writing to the Committee on Elections.

b) The Committee on Elections shall report all nominations to the Representative Council at the March meeting. Members of the Representative Council may nominate other candidates from the floor.

c) The Committee on Elections shall publish to the members, brief information on each candidate.

Section 2. Balloting.

a) On the first school day in April, members shall vote for above members of the Executive Board by ballot, in accordance with procedures developed by the Committee on Elections and approved by the Representative Council. These procedures are to include but are not limited to...

1. Electronic ballots to building reps to be printed and distributed to members
2. Current list of members
3. Sign off by members when members' ballots are received
4. Accounting by building rep of the number of ballots collected and returned
5. For buildings without active building reps, the committee will be responsible for ballots getting to the unrepresented members
6. Election committee will follow up with building reps should any building fail to report
7. If ballots are lost, misprinted, and/or destroyed prior to certification a revote will be held for the affected Area or Areas.

b) The Committee on Elections shall report results by area totals and overall totals to the President who shall cause them to be published.

c) Nominees must receive over 50% of the votes cast to be elected.

d) The transition of Executive Board Officers shall occur concurrently with that of state and national officers. (the adjournment of R.A.)

Section 3. Negotiated Agreement Ratification

a) Upon declaration of a Tentative Agreement between KPEA and the District, KPEA shall hold an election of membership to determine whether the KPEA Membership shall ratify the Negotiated Agreement. A Simple Majority (50% plus one) of votes cast shall determine the outcome of the election.

b) Once the membership has determined the outcome, the Representative Council and The Executive Board must certify the election results. Then, the results are sent to the School Board for ratification.

c) Any modifications or Memorandums of Agreement to alter an existing Negotiated Agreement must be ratified by the Representative Council and the Executive Board prior to approval. The Rep. Council and the Executive Board may also require membership ratification of any

modifications and/or Memorandum of Agreements (MOA's) depending upon the nature of the change.

Section 4. Delegate Assembly

Representatives to Delegate Assembly shall be elected for a two year term. Nominees shall be made at the Policy Assembly using the following steps:

(a) Those in attendance and second year delegates unable to attend the current year's Policy Assembly shall have first priority for nomination until all delegate slots are filled. Those who are absent must request and receive an excused absence from the Policy Assembly.

(b) any first year slots remaining unfilled after nominations from those in attendance, may be made from members who were prevented from attending due to concurrent KPEA business. These members must request and receive an excused absence from the Policy Assembly. Approval of their excused absence requires a two-thirds vote of the Assembly.

(c) Any remaining slots may be filled with members who were prevented from attending due to a personal circumstance. These members must also request and receive an excused absence from the Policy Assembly. Approval of their excused absence requires a two-thirds vote of the Assembly.

(d) Any first year delegates selected through steps "b" or "c", must meet with the KPEA President or a designated representative to become familiar with the processes and issues of the Policy Assembly within 30 days after the Policy Assembly. Members who are selected as first year delegates must attend the next year's Policy Assembly to serve as a second year delegate.

(e) The Committee on Elections shall submit rules and procedures for election of representatives to delegate Assembly at the October meeting of the Representative Council.

ARTICLE IX - MEMBERSHIP DUES

a) The dues of the Association shall be \$173.00 for the membership year 2008-09, \$216 for the membership year 2009-10, and \$260.00 for the membership year 2010-11 and there after or .0033 membership year 2008-09, .0042 membership year 2009-10, .005 membership year 2010-11 and after of the previous year's teacher's average salary, whichever is greater, plus the current rate established by affiliate associations.

b) The dues for Associate members shall be .001 of the previous year's average teacher salary plus the current rate established by the affiliated associations.

c) Student and Student Teacher membership dues shall be that of the current NEA-AK and NEA rate.

d) KPEA-R dues shall be equivalent to NEA-AK student dues.

ARTICLE X - MILEAGE REIMBURSEMENT

KPEA shall pay mileage at the maximum allowable amount under IRS regulation for the current year. This mileage shall be administered by the KPEA President with concurrence of the treasurer.

Expenditures beyond the budgeted amount shall require Representative Council approval.

ARTICLE XI - AUTHORITY

Robert's Rules of Order shall be the parliamentary authority for the Association on all questions not covered by the Constitution and Bylaws and such standing rules as the Representative Council may adopt.

ARTICLE XII - DELEGATE ASSEMBLY

The President and Vice President shall automatically fill the positions of Delegates-at-Large for Delegate Assembly.

ARTICLE XIII - AMENDMENTS

The General Membership may adopt amendments to this set of Bylaws by a direct mail referendum in which the majority of those votes returned shall constitute the election results, provided that the proposed amendments have been introduced at a Representative Council meeting and that copies of the proposed amendment have been distributed to members two weeks prior to the election.

ARTICLE XIV - DISBURSEMENT OF FUNDS

The Executive Board, after paying or making provisions for the payment of all liabilities of the Association, shall dispose of all of the assets to such organizations organized and operated exclusively for such purposes as shall at the time qualify as an exempt organization under Section 501 (c)5 of the Internal Revenue Code as the Representative Council shall dete