

Note: Since many CEC units have used the model constitution and bylaws in the past, CEC has revised them to be consistent with the governance changes passed in April 2002. However, not all states/provinces will use this model. It is important for subdivisions to obtain and follow the model subdivision constitution and bylaws approved by your division.

CONSTITUTION AND BYLAWS
OF THE _____ [STATE/PROVINCE] SUBDIVISION
OF THE _____ [DIVISION]
OF THE COUNCIL FOR EXCEPTIONAL CHILDREN

ARTICLE I
NAME

The name of this organization shall be the _____ [state/province] Subdivision of the _____ [division] of the Council for Exceptional Children.

ARTICLE II
PURPOSE

The primary purpose of this subdivision shall be to advance the education of children and youth with exceptionalities and to establish and administer programs and activities for the education of its members. Specifically, the subdivision intends to assist and provide support to the division, and thus the Council for Exceptional Children (CEC) in their efforts on behalf of children and youth with exceptionalities.

ARTICLE III
MEMBERSHIP

Section 1. Unified Membership

The subdivision membership shall consist of members of the Council for Exceptional Children and the _____ [division] of the _____ state/provincial unit. The subdivision may not accept enrollments for subdivision membership only.

Section 2. Minimum Membership Requirements

The subdivision shall maintain a minimum of 15 paid members who shall meet the membership qualifications established by CEC.

Section 3. Membership Term

The policy pertaining to the membership year shall be consistent with the policy of the division, and thus of the Council for Exceptional Children.

Section 4. Subdivision Fees

The subdivision may collect fees for specific activities or services at differential rates for members versus non-members. The privileges of membership cannot be withheld from members due to non-payment of these fees.

**ARTICLE IV
ORGANIZATION**

Section 1. Relationship to the Division

This subdivision shall be recognized as an official subdivision of the _____ *[division]* and shall be subject to the general supervision and control of the division.

Section 2. Relationship to the State/Provincial Unit

This subdivision shall be affiliated with the _____ state/provincial unit of the Council for Exceptional Children.

Section 3. Fiscal and Administrative Term

The fiscal year and administrative term of office shall be _____.

**ARTICLE V
OFFICERS**

Section 1. Elected Positions

The officers of this subdivision shall be _____
_____.

Section 2. Prerequisite to Nomination and Election

All officers must be members in good standing of the Council for Exceptional Children, the _____ *[division]* and thus the subdivision at the time of their nomination and election and remain so throughout their term of office.

Section 3. Election of Officers

The officers of the subdivision shall be elected by the membership from those members in good standing who are nominated by the nominating committee. Nominations may also be made from the floor. The nominee for each position receiving the highest number of votes shall be elected. The election shall be held during the annual meeting.

Section 4. Term of Office

Each term shall be one year, unless stated otherwise and shall coincide with the fiscal/administrative year.

Section 5. Succession

- a. An elected officer cannot succeed himself in the same office until after the expiration of one administrative year, provided that this shall not apply in the case of an officer selected to fill any portion of an unexpired term.
- b. The president elect shall succeed to the office of president as soon as a vacancy occurs. If such a vacancy occurs prior to the term for which he or she was elected, the president elect shall fill both the unexpired term to which he or she succeeded and the term for which he or she was elected.

- c. A vacancy in any of the offices, except president and president elect, shall be declared and filled by action of the Executive Committee upon recommendation by the president, and such person(s) shall serve only until the end of the current administrative year or until replaced by a duly elected successor.

Section 6. Duties of Officers

- a. The powers and duties of the president shall be:
 - 1. To serve as the chief executive officer of the subdivision with the powers and duties usually belonging to such a position;
 - 2. To give leadership to general policy making and carry out the directives of the membership;
 - 3. To call and preside at the annual business meeting and all meetings of the Executive Committee;
 - 4. To recommend chairs of standing committees with the exception of the nominations and elections committee;
 - 5. To be an ex-officio non-voting member of all committees with the exception of the nominations and elections committee;
 - 6. To recommend to the Executive Committee the types of ad hoc committees and other appointive bodies needed;
 - 7. To prepare an annual report as required by the division.
- b. The powers and duties of the president elect shall be:
 - 1. To serve in the place of and with the authority of the president in case of the president's absence or inability to serve;
 - 2. To develop the program and plan other meetings according to the policies and directives of the Executive Committee.
- c. The powers and duties of the secretary shall be:
 - 1. To keep a careful record of the proceedings of the annual business meeting and the meetings of the Executive Committee;
 - 2. To carry on correspondence as necessary for the operation of the subdivision;
 - 3. To assume custody of all records except those specifically assigned to others;
 - 4. To keep accurate lists of Executive Committee and committee members;
- d. The powers and duties of the treasurer shall be:
 - 1. To serve as custodian of the funds of the subdivision;
 - 2. To authorize and pay all expenditures;
 - 3. To make an annual report of the financial status of the subdivision to the Executive Committee and at the annual business meeting;
 - 4. To prepare and submit an annual budget for approval by the Executive Committee at the annual business meeting;

Section 7. Removal from Office

- a. A petition for removal of an officer shall be signed by at least five members of the subdivision and submitted in writing to the president. If the president is the subject of the petition, it shall be submitted to the president elect.

- b. The president (or president elect) shall, within seven days, notify each Executive Committee member in writing of the receipt of such a petition, solicit relevant evidence from all parties concerned, and call a special meeting of the Executive Committee to consider the matter within 30 days following receipt of the petition.
- c. At the Executive Committee meeting, an opportunity shall be made available to all interested parties to present any relevant evidence; a two-thirds majority vote of the members present, provided there is a quorum, is necessary for removal of the officer. Removal from office is effective immediately.
- d. The officer being considered for removal shall be provided with the results of the Executive Committee action in writing within seven days.

**ARTICLE VI
EXECUTIVE COMMITTEE**

Section 1. Composition

The Executive Committee shall consist of the president, president elect, immediate past president, secretary, treasurer, and chairs of standing committees.

Section 2. Duties of the Executive Committee

The duties of the Executive Committee shall be:

- a. To formulate and propose policies for the subdivision;
- b. To fill vacancies; and
- c. To make recommendations to the subdivision.

**ARTICLE VII
MEETINGS**

Section 1. Meetings

There shall be an annual meeting of the subdivision.

Section 2. Special Meetings

Special meetings may be called by the president with the consent of the Executive Committee.

Section 3. Quorum

_____ of the membership shall constitute a quorum at a regular or specially-called meeting.

**ARTICLE VIII
COMMITTEES**

Section 1. Standing Committees

Standing committees shall include _____
_____.

Section 2. Ad Hoc Committees

Ad hoc committees may be established and their functions assigned at the discretion of the president. Such establishment must clearly indicate the purpose and length of service of the committee.

Section 3. Appointment of Committee Chairs

The president, with the approval of the Executive Committee, shall appoint the chairs of the standing committees. The immediate past president shall serve as chair of the nominations and elections committee.

Section 4. Appointment of Committee Members

With the exception of the nominations and elections committee, committee members shall be appointed by the chair, subject to approval by the president.

Section 5. Duties of Committees

- a. The duties of the membership committee shall be:
 1. To maintain a current record of members and to provide all officers and committee chairs with such a list upon request;
 2. To maintain an active program for the recruitment of new members;
 3. To support the Council for Exceptional Children's headquarters office in its follow-up of membership renewals;
 4. To keep a written record of the activities conducted to maintain and increase membership.
- b. The publications committee shall publish the newsletter.
- c. The duties of the governmental relations committee shall be:
 1. To develop a legislative program under the direction of the Executive Committee;
 2. To disseminate information pertinent to national and state/provincial legislative programs.
- d. The duties of the nominations and elections committee shall be to prepare a slate of nominees for each office to be filled and present it to the membership.

ARTICLE IX DURATION AND DISSOLUTION

The duration of the subdivision shall be perpetual unless the officers of the subdivision unanimously determine that it should be dissolved. Upon the dissolution and final liquidation of the subdivision, the officers shall, after paying or making provision for the payment of all debts and liabilities of the subdivision, follow specific procedures for handling of the remaining monies as determined by the division, or, if no such procedures are mandated:

1. Forward them to the division with a request that they be retained in a non-interest bearing account and made available to the subdivision should it ever be reorganized; or
2. Contribute them to the Yes I Can! Foundation for Exceptional Children, a nonprofit, tax-exempt public foundation which operates to advance the education of exceptional children and youth.

**ARTICLE X
PARLIAMENTARY PROCEDURE**

Roberts Rules of Order, Newly Revised, latest edition, shall be used as a guide by this subdivision in carrying out its parliamentary procedure.

**ARTICLE XI
AMENDMENTS**

This Constitution and Bylaws may be amended at any regular meeting by a two-thirds vote of the membership present, providing there is a quorum. Such amendment or amendments shall have been submitted in writing to the Executive Committee. Within 30 days of the date received, it shall be submitted to the membership in writing. The membership shall have received the proposed amendment or amendments at least 14 days prior to the meeting.

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