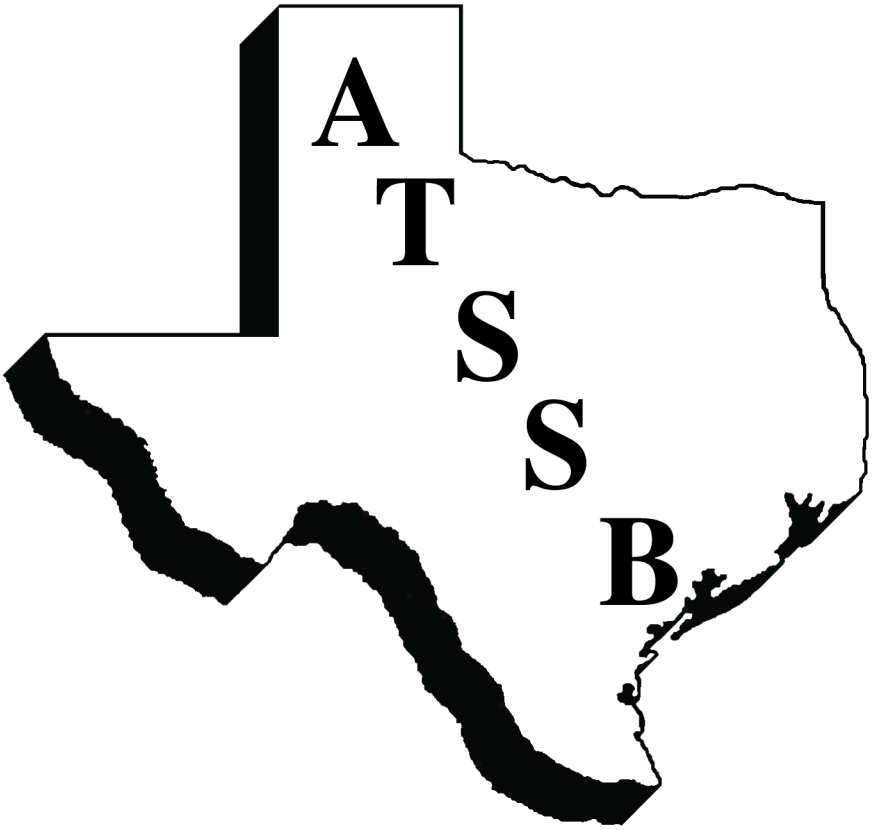

CONSTITUTION AND BY-LAWS

(Amended February 11, 2016)

CONSTITUTION

ARTICLE I

Name

The name of the organization shall be the Association of Texas Small School Bands, hereinafter referred to as "ATSSB".

ARTICLE II

Purpose

The Association of Texas Small School Bands is organized to promote, encourage participation in and maintain small school bands in the state of Texas. The organization shall maintain cooperative relationships with other agencies and organizations which have as their purpose the development of music education in Texas public schools.

This Association is organized exclusively for educational purposes, including for such purposes the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code or any future federal tax code.

No part of the net earnings of the Association shall inure to the benefit of, or be distributable to, its members, trustees, officers, or any other private persons, except that the Association 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 in this Article above. Not withstanding any other provisions of these Articles, the Association shall not carry on any other activities not permitted to be carried on by the Association exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or corresponding sections of any future federal tax code.

Upon dissolution of the Association assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code or any corresponding sections of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the Association is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purpose.

ARTICLE III

Membership

ATSSB membership shall be defined according to the following categories:

ACTIVE - A current director or assistant director of a Class 1A, 2A, 3A, or 4A high school band in Texas or a current director or assistant director of a junior high or middle school band which feeds a Class 1A, 2A, 3A, or 4A high school band in Texas as defined by the University Interscholastic League by counting enrollment in grades 9-12 (or proportionate enrollment if the high school does not encompass grades 9-12; i.e.: if a high school has only one grade in it, its enrollment would be multiplied by 4; if two grades, its enrollment would be multiplied by two; and if only three grades, its enrollment would be multiplied by 1.333), or a current director or assistant director of a private middle school through the eighth grade, or anyone who has retired from any of these positions as an Active Member. These schools must be certified by the Texas Education Agency or an accrediting agency approved by the Texas Private School Accreditation Commission (TEPSAC).

ASSOCIATE - Any other interested person, including - although not restricted to - 5A or 6A band directors, assistants or Fine Arts Directors, directors of other musical disciplines, institutions, other groups, and lay citizens.

HONORARY LIFE - An Honorary Life Membership shall be awarded to all Past Presidents of the Association. Honorary Life Membership may also be awarded to persons deemed worthy by unanimous decision of the ATSSB State Board of Directors meeting in a regular session. If bestowed on an individual currently holding an Active Membership, all privileges of Active Membership will continue for life.

COLLEGE DIVISION - Instrumental music education majors who are enrolled in a college or university music program.

ARTICLE IV

Dues

Dues for membership shall be determined by the State Board of Directors.

ARTICLE V

State Government

SECTION 1. THE PRESIDENT. The President shall assume office in the manner prescribed in the By-Laws. The President shall be concurrently employed as a band director or assistant director in a Class 1A, 2A, 3A, or 4A high school in Texas. The President shall be the presiding officer at all official meetings of ATSSB and shall appoint committees as needed to service the needs of the Association.

SECTION 2. THE PRESIDENT-ELECT. The President-Elect shall assume office in the manner prescribed in the By-Laws. The President-Elect shall be concurrently employed as a director or assistant director in a Class 1A, 2A, 3A, or 4A high school in Texas. The President-Elect shall be chairman of the State Audition Review Committee.

SECTION 3. THE EXECUTIVE SECRETARY. The Executive Secretary shall assume office in the manner prescribed in the By-Laws. The Executive Secretary may be an Active or Associate Member of ATSSB.

SECTION 4. AT-LARGE REPRESENTATIVES. One representative from each Class (1C/2C, 1A/2A, 3A, and 4A) shall assume office in the manner prescribed in the By-Laws. Each of the four representatives shall be voting members of the State Board of Directors.

SECTION 5. STATE BOARD OF DIRECTORS. The State Board of Directors shall be composed of the President, President-Elect, the Immediate Past-President, Executive Secretary, At-Large Representatives, Founding Charter Members, and Region Coordinators who are currently in good standing with the Association. It shall also include Past-Presidents and Founding Charter Members who become Associate Members as ex-officio members. The Executive Committee shall be composed of the President, President-Elect, the Immediate Past-President, Executive Secretary, and At-Large Representatives. The Presidents Committee shall be composed of the President, the President-Elect, the Immediate Past-President, and the Executive Secretary.

SECTION 6. ELECTIONS. Election of state officers shall be held as prescribed in the By-Laws.

ARTICLE VI

Regional Government

SECTION 1. REGIONAL BOUNDARIES. Texas shall be divided into geographical subdivisions called Regions to carry out ATSSB objectives at the local level, to guarantee representation on the State Board of Directors and to provide opportunity for individual participation in, and responsibility for, ATSSB activities. The powers and authority not specifically defined, reserved or restricted to the State shall be left to the respective Regions.

SECTION 2. REGION OFFICERS. Each Region shall elect a Region Coordinator who shall assume duties as set forth in the By-Laws. The Region Coordinator shall be concurrently employed as a band director or assistant director in a Class 1A, 2A, 3A, or 4A high school in Texas, or a current director or assistant director of a junior high or middle school band which feeds a Class 1A, 2A, 3A, or 4A high school band in Texas as defined by the University Interscholastic League, or a current director or assistant director of a private middle school through the eighth grade, or anyone who has retired from any of these positions as an Active Member.

ARTICLE VII

Finances and Assets

Except as provided in the By-Laws, fiscal responsibility for the operation of ATSSB shall rest in the State Board of Directors.

ARTICLE VIII

Convention-Clinic

SECTION 1.(a). The ultimate governing authority of ATSSB shall be exercised by its membership in a Business Session which may be held in conjunction with a Convention-Clinic. Decisions of the State Board of Directors may be appealed to the general membership in any Business Session.

SECTION 1.(b). The date, time and place of a Business Session and /or Convention-Clinic shall be fixed by the State Board of Directors.

SECTION 2. The State Board of Directors shall have the authority to plan and execute educational activities for the convention-clinic, including presentation of musical organizations and classes. It may delegate this authority to the President.

ARTICLE IX

Publications

The State Board of Directors shall have full supervision and control of ATSSB publications.

ARTICLE X

Rules of Order

Roberts Rules of Order, Revised shall be the authority whenever correct parliamentary procedures are required.

ARTICLE XI

Amendments

This Constitution may be amended by a vote of two-thirds of the voting members present at a regular or called Business Session of the Association. Written notice of proposed amendments shall be given by mail or shall appear in the official publication of the Association at least two weeks prior to the aforementioned Business Session.

BY-LAWS

ARTICLE I

Membership and Dues

SECTION 1. FOUNDING MEMBERS are those in attendance at the original meeting held March 16, 1991 at Wylie High School in Abilene, Texas at which the Association was formed and who are current in their dues.

SECTION 2. CHARTER MEMBERS are those who paid an initial $100 membership fee before the first Business Session (as their dues for the first year) in order to fund the fledgling organization's efforts.

SECTION 3. ACTIVE MEMBERSHIP shall be open to any individual currently serving as a band director or assistant director in a Class 1A, 2A, 3A, or 4A high school in Texas or is a band director or assistant director in a junior high or middle school which feeds a Class 1A, 2A, 3A, or 4A high school as defined by the University Interscholastic League by counting enrollment in grades 9-12 (or proportionate enrollment if the high school does not encompass grades 9-12; i.e.: if a high school has only one grade in it, its enrollment would be multiplied by 4; if two grades, its enrollment would be multiplied by two; and if only three grades, its enrollment would be multiplied by 1.333), or a current director or assistant director of a private middle school through the eighth grade. These schools must be certified by the Texas Education Agency or an accrediting agency approved by the Texas Private School Accreditation Commission (TEPSAC). Payment of the prescribed dues will allow the individual to participate in ATSSB activities, the right to vote and hold office, admittance to meetings upon compliance with registration requirements, and to enter students in grades 9-12 in the audition process leading to membership in the ATSSB All-State Band. A Regular Member who retires may continue Active Membership so long as dues are kept current.

SECTION 4. ASSOCIATE MEMBERSHIP shall be open to individuals, organizations or business firms, schools, colleges, universities, booster clubs, etc., and any other individual not otherwise eligible for Active Membership who wishes to support the cause of ATSSB. Payment of the prescribed state dues will allow the individual admittance to meetings on compliance with registration requirements and to participate in ATSSB activities with the exception of entering students in the audition process leading toward membership in the ATSSB All-State Band. Associate members shall not be allowed to vote or hold office.

SECTION 5. THE MEMBERSHIP YEAR shall be August 1 through July 31.

ARTICLE II

State Government

SECTION 1.(a). DUTIES OF THE PRESIDENT. The President shall be the presiding officer of ATSSB meetings and of the State Board of Directors. He shall appoint Area Coordinators, the All-State Band Organizers, the All-State Band Percussion Organizers, and the All-State Band Seating Audition Coordinator. He shall also appoint members to committees and shall represent ATSSB, or appoint an alternate in his place, at meetings deemed relevant to the welfare of ATSSB. He shall be responsible for the overall program at the Convention-Clinic at the discretion of the State Board of Directors and shall perform all other duties pertaining to the office. He may appoint a Parliamentarian as needed and shall be an ex-officio member of all committees.

SECTION 1.(b). PRESIDENTIAL TERM OF OFFICE. The President shall serve a term of two years. The term shall begin immediately upon the conclusion of the All-State Band concert in odd-numbered years.

SECTION 1.(c). ELECTION. The current President-Elect shall assume the office of President immediately upon the conclusion of the All-State Band concert in odd-numbered years.

SECTION 1.(d). VACANCY IN OFFICE. In the event of a vacancy in the office of President for any reason, a President *Pro tem* shall be elected from and by the State Board of Directors who shall serve for the unexpired term.

SECTION 2.(a). DUTIES OF THE PRESIDENT-ELECT. The President-Elect shall preside at ATSSB meetings and at meetings of the State Board of Directors in the absence of the President. He shall appoint special committees necessary to the operation of his duties and shall be chairman of the State Audition Review Committee which is charged with the continuous review of the 5-year rotating Prescribed Audition List.

SECTION 2.(b). PRESIDENT-ELECT TERM OF OFFICE. The President-Elect shall serve a term of two years and will immediately assume the office of President. The term shall begin immediately upon the conclusion of the All-State Band concert in odd-numbered years.

SECTION 2.(c). ELECTION. The general membership of ATSSB shall vote by secret ballot in the Business Session on the office of President-Elect in odd-numbered years. If there is no clear majority, the winner is the candidate with the most votes, provided the runner-up has a shortfall from 50% that is at least double that of the leading candidate; if there is no such candidate, then a secret ballot will be cast between the top two with the individual receiving a simple majority of the total votes cast being declared the winner. Proxy voting is not allowed in the election of President-Elect.

SECTION 2.(d). VACANCY IN OFFICE. In the event of a vacancy in the office of President-Elect for any reason, the President shall appoint a nominating committee which shall have two weeks to solicit a minimum of two candidates for the office (including those names which appeared on the last President-Elect ballot). The Executive Secretary shall send a ballot by first-class mail to all Active Members of record. If there is no clear majority, the winner is the candidate with the most votes, provided the runner-up has a shortfall from 50% that is at least double that of the leading candidate; if there is no such candidate, then a second ballot will be cast by mail between the top two with the individual receiving a simple majority of the total votes cast being declared the winner.

SECTION 3.(a). DUTIES OF THE EXECUTIVE SECRETARY. The Executive Secretary shall keep a complete record of all ATSSB Business Sessions and regular or called meetings of the Association and State Board of Directors, keep an accurate record of membership of the Association, receive all monies due ATSSB, countersign all disbursements, keep an accurate and true account of all money received and paid out by him, be custodian of all ATSSB property and publish an account of ATSSB finances annually in the ***ATSSB Newsletter***, be responsible for the formulation, editing, printing, and distribution of the ***ATSSB Newsletter***, and fulfill other duties customarily assigned to his office or directed by the State Board of Directors. The Executive

Secretary shall conduct the business of the Association in accordance with the Constitution and By-Laws and in all matters shall be under the direction of the State Board of Directors. He may engage assistants as needed to whom he may delegate authority in the execution of ATSSB business.

SECTION 3.(b). EXECUTIVE SECRETARY TERM OF OFFICE. The Executive Secretary shall serve a term of two years, after which the appointment shall be reviewed by the State Board of Directors.

SECTION 3.(c). SELECTION. The Executive Secretary shall be appointed by the Executive Committee of the Association (minus the Executive Secretary) and approved by the State Board of Directors. The appointment is subject to review by the Executive Committee in odd-numbered years. The Executive Committee will recommend reappointment or appointment as needed to the State Board of Directors.

SECTION 3.(d). VACANCY IN OFFICE. In the event of a vacancy in the office of Executive Secretary for any reason, the President shall immediately assume the responsibilities of the Executive Secretary. The President shall take possession of all files, equipment, and supplies stored by the Executive Secretary. The President shall assume responsibility for all financial receipts and disbursements. The President may delegate certain responsibilities to members of the Executive Committee as may be necessary. The Executive Committee shall post the vacancy within thirty (30) days through the websites of ATSSB, TMEA, TBA, and/or any other appropriate sites. If time allows, the vacancy may also be published in various music association journals, newsletters, and/or magazines. The position shall be posted for a period of at least two weeks. Upon receipt of applications, the Executive Committee shall review and interview applicants. The Executive Committee shall select and appoint the new Executive Secretary, subject to review by the State Board of Directors at its next scheduled or called meeting.

SECTION 4.(a). DUTIES OF THE AT-LARGE REPRESENTATIVES. Each of the four At-Large Representatives (one from Class C/CC, one from Class 1A/2A, one from Class 3A, and one from Class 4A) shall serve as voting members of the State Board of Directors so as to maintain a balance of opinion among the different classes of schools.

SECTION 4.(b). AT-LARGE REPRESENTATIVE TERM OF OFFICE. The At-Large Representatives shall serve a term of two years. The term shall begin immediately upon election and shall last until successors are duly elected.

SECTION 4.(c). ELECTION. The general membership of ATSSB shall vote by secret ballot in the Business Session on At-Large Representatives. If there is no clear majority, the winner is the candidate with the most votes, provided the runner-up has a shortfall from 50% that is at least double that of the leading candidate; if there is no such candidate, then a secret ballot will be cast between the top two with the individual receiving a simple majority of the total votes cast being declared the winner. Only Active Members who are involved with Class 1C or 2C schools may vote on the Class 1C/2C At-Large Representative, only Active Members who are involved with Class 1A or 2A schools may vote on the Class 1A/2A At-Large Representative, only Active Members who are involved with Class 3A schools may vote on the Class 3A At-Large Representative, and only Active Members who are involved with Class 4A schools may vote on the Class 4A At-Large Representative. Class 1A/2A and Class 4A Representatives shall be elected in even-numbered years; Class 1C/2C and Class 3A Representatives shall be elected in odd-numbered years. Retired Active Members may vote on the Class Representatives of their choice. Proxy voting is not allowed in the election of At-Large Representatives.

SECTION 4.(d). VACANCY IN OFFICE. In the event of a vacancy of an At-Large Representative for any reason, the President shall appoint a replacement to fill the unexpired term.

SECTION 5.(a). THE STATE BOARD OF DIRECTORS. The State Board of Directors shall be composed of all Founding Members, current Region Coordinators, the President, the President-Elect, the Immediate Past-President, the Executive Secretary, and the four At-Large Representatives, each of whom must be a member in good standing for the current year. It shall also include Past-Presidents and Founding Charter Members who become Associate Members as ex-officio members. It shall be responsible for: 1) the business management and operation of ATSSB and for the management and control of funds thereof; (2) fixing the time and place of meetings and cooperating with the President in planning details of such meetings; (3) adopting annual budgets as needed; (4) approving Presidential appointments filling vacancies as they occur; (5) fixing the amount of dues for memberships; (6) fixing Regional and Area boundaries; (7) interpreting the Constitution and By-Laws; and (8) having the authority to pass upon all matters referred to it by the membership in Business Sessions and by the President. The Executive Committee shall be composed of the President, President-Elect, the Immediate Past-President, Executive Secretary, and At-Large Representatives. It shall be responsible for hearing appeals in the prescribed Appeal Process and for carrying on the business of the Association when it is impractical to convene the State Board of Directors or when expediency is required. The Presidents Committee shall be composed of the President, the President-Elect, the Immediate Past-President, and the Executive Secretary. It shall be responsible for representing ATSSB on the ATSSB/TMEA Dialogue Committee and other matters conferred upon it by the State Board of Directors.

SECTION 5.(b). MEETINGS OF THE STATE BOARD OF DIRECTORS. The State Board of Directors shall meet on call of the President or on a request of two-thirds of the membership of the Board. A majority of its voting members present shall constitute a quorum. Proxy voting is allowed in State Board of Director meetings so long as the proxy is made in writing and presented to the Executive Secretary prior to the beginning of a State Board of Director meeting.

SECTION 5.(c). Executive authority not defined, delegated or prohibited herein is reserved to the State Board of Directors.

SECTION 5.(d). The State Board of Directors shall have the authority to deny membership to any applicant and may suspend any member or officer who violates a part of the Constitution and By-Laws or established rules and regulations.

SECTION 5.(e). APPEAL. A decision of the State Board of Directors may be appealed to the ATSSB membership in a regular or called Business Session.

SECTION 6. STANDING COMMITTEES. The State Audition Review Committee shall be a standing committee, chaired by the President-Elect, charged with annually reviewing the 5-year rotating Prescribed Audition List, considering errata and making recommendations to the State Board of Directors regarding changes. The Past President Committee shall be a standing committee, chaired by the Immediate Past President, charged with recruitment, mentoring, and member welfare. Other standing committees may be formed at the discretion of the State Board of Directors.

ARTICLE III

Regional Government

SECTION 1. REGIONAL BOUNDARIES shall be fixed by the State Board of Directors in cooperation with the Director of Music Activities of the University Interscholastic League.

SECTION 2. REGION COORDINATORS shall be elected by the membership of ATSSB in regional meetings to be held annually to conduct the local business of ATSSB. The Region Coordinator shall be concurrently employed as a band director or assistant director in a Class 1A, 2A, 3A, or 4A high school in Texas, or a current director or assistant director of a junior high or middle school band which feeds a Class 1A, 2A, 3A, or 4A high school band in Texas as defined by the University Interscholastic League, or a current director or assistant director of a private middle school through the eighth grade, or anyone who has retired from any of these positions as an Active Member. He shall be a member of the State Board of Directors and shall call meetings, appoint committees as he may deem necessary and perform other duties pertaining to the presiding office. He shall encourage, solicit and enlist members within his region.

SECTION 3.(a). OTHER REGION OFFICES may be originated at the local level as needed to carry out the functions of ATSSB at the local level, including the office of ASSISTANT COORDINATOR to serve in the absence of the Coordinator and to plan and implement audition procedures at the regional level and SECRETARY-TREASURER to keep an accurate account of meetings and funds expended locally as necessary to carry out the mandates of ATSSB on the regional level. These offices shall be filled by nomination and election at annual regional meetings as needed.

SECTION 3.(b). TERMS OF OFFICES AND VACANCIES. Region Coordinators and other elected officials shall serve for a term of two years. Vacancies shall be filled by appointment of the President to fill unexpired terms or until the Region membership can meet to elect a successor.

SECTION 4. REGION MEETINGS AND QUORUM. Region meetings shall be called by the Region Coordinator or, upon request of ten active members, by the President. Twenty percent of the Active Members of a Region present shall constitute a quorum. Notification of Region meetings shall be made in writing.

ARTICLE IV

Publications

SECTION 1. OFFICIAL PUBLICATION. The ***ATSSB Newsletter*** shall be the official publication of the ATSSB. Notices, rules, regulations, policies, and any other actions of the Association appearing therein become official.

SECTION 2. OTHER PUBLICATIONS. Books, brochures, pamphlets, or other publications pertaining to ATSSB shall be approved by the State Board of Directors.

ARTICLE V
Convention-Clinic

SECTION 1. Business of the Association not covered in any other meetings for the year shall be conducted at a Business Session held in conjunction with a Convention-Clinic at a site, date and time designated by the State Board of Directors. Twenty percent of the Active Members registered at this Convention-Clinic present at the Business Session shall constitute a quorum.

SECTION 2. PROGRAMS. The President shall plan and execute a comprehensive program which shall benefit the membership of ATSSB. Region Coordinators shall suggest clinicians, teachers, performing organizations, and other activities for inclusion in the Convention program.

ARTICLE VI
Fiscal Year and Special Funds

The Fiscal Year shall be from August 1 through July 31.

A

ARTICLE VII
Oath of Office

I, (repeat your full name), realizing the dignity attendant upon the position I hold and the responsibility involved as (repeat the name of your office), do promise to carry out the duties of this position to the best of my ability until my successor has been duly appointed or elected and installed. I furthermore promise to uphold the Constitution and By-Laws, rules and regulations, and to serve **ATSSB** faithfully, always working for the advancement of small school bands in the state of Texas.

ARTICLE VIII
Order of Business

1. Call to Order
2. Invocation
3. Approval of the Minutes
4. Reports of Special Committees
5. Reports of Standing Committees
6. Unfinished Business
7. New Business
8. Adjournment