

Approved, by consent, by the Board of Governors on March 26, 2024.

PENNSYLVANIA BAR ASSOCIATION

Section on Education Law

BY-LAWS

ARTICLE I

Name and Purpose

Section 1. The Section shall be known as the Section on Education Law of the Pennsylvania Bar Association.

Section 2. The Purpose of the Section shall be the promotion of interest and the advancement of knowledge in those areas of the law concerned with or impacting upon the field of education so that the members of the Pennsylvania Bar Association shall be better equipped to serve the profession and the public through effective representation of clients and enlightened influence upon the development of a body of statutory, common and administrative law to effectively serve all interests in the field of education.

Section 3. In serving this purpose the Section shall, when appropriate, work cooperatively with other sections of PBA in areas of mutual interest.

ARTICLE II

Membership and Dues

Section 1. (a) Any member of the Pennsylvania Bar Association in the good standing may become a member of the Section.

(b) Application for membership shall be made upon the appropriate form supplied by the Pennsylvania Bar Association, and mailed to the Secretary of the Pennsylvania Bar Association.

Section 2. Dues. The members of the Section shall pay such annual section dues as the Council of this Section may direct, subject to the approval of the Board of Governors of the Pennsylvania Bar Association.

ARTICLE III

Officers; Council; Section Delegate

Section 1. The officers of the Section shall be a Chair, a Vice Chair, and a Secretary-Treasurer.

Section 2. The Council shall consist of the immediate past Chair of the Section, the Current officers of the Section and up to twelve additional members at large to be elected by the Section as hereinafter provided. In addition, all past Chairs of the Section, other than the immediate past Chair, who are not members of the Council by election or otherwise, and the Section Delegate, if not otherwise a member, shall become honorary members of the Council, entitled to notice of, and the right to attend, all meetings of the Council, and to participate in any discussions at such meetings, but without the right to vote.

Section 3. The Council shall have authority from time to time to create such additional offices as may be necessary, and the Chair, with the approval of a majority of the Council, shall designate the persons to fill the offices thus created until the next general election of the Section

Section 4. The Chair, the Vice Chair, and the Secretary-Treasurer shall be elected at each annual meeting of the Section to hold office for a term beginning with their election at the annual meeting and ending at the close of the next succeeding annual meeting of the Section, or, until their successors shall have been elected and qualified. A member of the Section who has been chair for two consecutive terms, shall not be eligible to serve again as chair until a period of two years has elapsed following the conclusion of his last term in that office.

Section 5. (a) At the initial annual meeting of the Section where Council members are to be elected, up to four members at large shall be elected to serve for one year, four for two years, and four for three years;

(b) Thereafter, up to four members of the Council shall be elected at each annual meeting of the Section for a term of three years beginning at the close of the annual meeting in which they shall have been elected, and ending at the close of the third succeeding meeting of the Section. Any vacancy in Council members may be filled by election at an annual meeting for the unexpired term;

(c) The past chair of the Section shall serve as a member of the Council for a term of one year following the conclusion of their term as chair, and shall serve for an additional year if a successor as chair shall have been re-elected to succeed as chair for a second consecutive term. The past shall have all the powers, rights and privileges of a Council member.

(d) A member of the Section who has served a three-year term as a member of the Council shall not be eligible for re-election as a member of the Council until the passage of one year following the conclusion of their term of office; provided however, that this provision shall not prohibit the election of a member of the Council as an officer of the Council nor shall it apply to the immediate past Chair of the Section who shall serve as a member of the Council as provided in these By-Laws.

Section 6. During intervals between meetings of the Council, the Section shall be governed by an Executive Committee which shall consist of the Officers.

Section 7. Under the By-Laws of the Pennsylvania Bar Association, at the annual meeting in each odd numbered year, this Section is required to select from its membership, one delegate to the House of Delegates to serve a term of two years beginning with the adjournment of the annual meeting at which they are elected and ending with the adjournment of the annual meeting of the Association two years thereafter. The Council of this Section shall have authority to elect said Section Delegate at its meetings held in conjunction with the annual meetings in odd numbered years, and shall have authority to fill any vacancy in that position at any other meeting. In selecting a Section Delegate the Council shall give primary consideration to those members who have actively participated in the Section's activities and are acquainted--with the Section's functions. A member who has served as Section Delegate for a full two-year term shall not be eligible for re-election to that position until the passage of two years following the conclusion of his term.

Section 8. (a) The position of a member of Council who is absent from two (2) consecutive meetings thereof without an approved excuse for such absences may be declared vacant. In the event of appeal, the effective date of the vacancy shall be the final date of the decision as hereinafter set forth in subsection (b).

(b) However, a member of Council who is absent from a meeting of Council-may request an excuse for such absence by filing a written request with the Chairman of the Section at any time before or within thirty (30) days after such Council Meeting. The Chair shall refer such request to the Executive Committee which shall approve or disapprove such absence and give written notice thereof to Council and to the Council member affected within thirty (30) days after the date of request. Any Council member may appeal to the Council any decision of the Executive Committee by filing an appeal with the Section Chair within fifteen (15) days after notice of the decision of the Executive Committee. The Council shall act upon such appeal at the first meeting thereof next following the appeal and shall promptly notify the appellant of its decision.

ARTICLE IV

Nomination and Election Procedure

Section 1. Nominations. (a) Prior to the annual meeting, the Chair shall appoint a nominating committee of not less, than three members of the Section. The Chair of the Committee shall be the immediate past Chair of the Section and the other members of the Committee shall be members of the Section who are neither officers of the Section nor voting members of its Council. This Committee shall make and report nominations to the Section for offices of Chair, Vice Chair, the Secretary-Treasurer, and any other offices that may have been created pursuant to Section 3, Article III hereof, and any vacancies in the Council as above provided;

(b) Other nominations for office or membership in the Council may be made from the floor of the meeting.

ARTICLE V

Powers and Duties of Officers

Section 1. Chairman. The Chair shall preside at all meetings of the Section and of the Council. He or she shall formulate and present to each annual meeting of the Pennsylvania Bar Association a written report of the work of the Section for the preceding year. He or she shall perform such other acts as usually pertain to such office, and the appointment of Committee members and chairpersons including the requisitioning of funds of the Section held by the Pennsylvania Bar Association in accordance with its By-Laws.

Section 2. Vice Chair. Upon the death, resignation, or inability, for any reason, of the Chair to act, the Vice-Chair shall perform the duties of the Chair for the remainder of the Chair's term; except in the case of a Chair's temporary physical disability, in which case, the Vice Chair shall serve only as long as such disability continues.

Section 3. Secretary/Treasurer. The Secretary-Treasurer shall keep an accurate record of the proceedings of all meetings of the Section, the Council, and of the Executive Committee of the Section; shall, in cooperation with the latter, draft for publication a summary or digest of the proceedings of the Section during the current year for presentation at the annual meeting of the Pennsylvania Bar Association; shall keep appropriate records of all dues collected from Section members by the Pennsylvania Bar Association, and all expenses of the Section; shall requisition funds of the Section from the treasury of the Pennsylvania Bar Association, at the instruction of the Section Chair, and in accordance with the By-Laws of the Association; shall make an annual report of the financial status of the Section to the annual meeting of the Section and to the Pennsylvania Bar Association; and shall perform such other duties as shall be requested of him by the Chair of the Section.

ARTICLE VI

Powers and Duties of the Council and the Executive Committee

Section 1. Subject to the rights of the members of the Section to take appropriate action, and subject to the provisions of the constitution and By-Laws of the Pennsylvania Bar Association, and of these By-Laws, the Council shall have the management of the affairs of the Section. The Council shall fix the Section dues, authorize all commitments or contracts which shall entail payment of money, and shall authorize expenditure of all Section dues and all moneys appropriated for the separate use of the Section by the Pennsylvania Bar Association. It shall not, however, authorize commitments or contracts which shall entail a payment of more money during any fiscal year than the total amount available from Section dues and any moneys appropriated for the separate use of the Section for the current fiscal year.

Section 2. The Council may authorize the Chair to make commitments or expend money and to perform such duties and exercise such powers as the Council may from time to time direct, subject always to the limitations of these By-Laws and the constitution and By-Laws of the Pennsylvania Bar Association.

Section 3. the Council during the interim between annual meetings of the Section shall fill all vacancies; in its own membership, in the office of the Chair, in the office of Vice-Chair, and in the office of Secretary/Treasurer, and any other office that may be created by the Council. Officers and members of Council so appointed shall serve until the close of the fiscal year in which they are appointed.

Section 4. The Council shall have the power to create committees; to abolish committees and enjoin or consolidate committees. It shall appropriately notify every member of any such committee and the general membership of the Section with regard to any such action.

Section 5. Council members must be present at a meeting in order to vote. However, one or more persons may participate in a meeting of Council by means of conference telephone or similar communication device where all persons participating can hear each other and such participation shall constitute presence at the meeting.

Section 6. The Chair of the Section may, and upon written request of any three members of the Council, shall submit to each of the members of the Council, in writing any proposition upon which the Council may be authorized to act, and the Council may vote upon such proposition or propositions by communicating their signed vote thereon, to the Secretary, who shall record upon the minutes the proposition so submitted, and the vote of each member of the Council thereon, and he shall file these with the permanent files of the Section. In writing shall include communications and voting by e-mail or similar electronic means.

Section 7. All powers and duties of the Council shall be exercised and performed by the Executive Committee of the Section when the former is not in session in accordance with the provisions of this Article VI.

Section 8. A quorum for the Council shall consist of a majority of members of Council entitled to vote. A simple majority of those present and qualified to vote shall determine any question, subject to the provisions of Section 5 of this Article VI.

ARTICLE VII

Meetings

Section 1. The annual meeting of the Section shall be held in-person as part of the Annual Meeting of the PBA, or as a virtual meeting within one calendar week, with such time, location, program, and order of business to be determined by the Council. At no time, however, should the annual meeting of the Section interfere with other scheduled PBA-related events or meetings.

Section 2. Special meetings of the Section may be called by the Chair at any time, and must be called by the Chair at the request of three Council members, upon approval of the Council or the Executive Committee of the Section at such time and place as the Council or the Executive Committee of the Section may determine.

Section 3. Action of the Section shall be by majority vote of the members present and qualified to vote.

ARTICLE VIII

Miscellaneous Provisions

Section 1. Fiscal Year. The fiscal year of the Section shall be the same as that of the Pennsylvania Bar Association.

Section 2. All bills incurred by the Section, or a division thereof, or any committee or officer shall be forwarded to the Treasurer of the Section for payment, and shall be approved by the Chair or such other officer as the Chair may from time to time designate.

Section 3. No salary or compensation shall be paid to any officer or member of the Council; provided, however that when authorized by the Executive Committee, reimbursement shall be made to officers, members of the Council, and committee members for out-of-pocket expenditures, consistent with PBA policy.

Section 4. Any action of the Section must be approved by the Pennsylvania Bar Association, in accordance with the Association By-Laws, before the same becomes effective as the action of the Pennsylvania Bar Association.

ARTICLE IX

Amendments

These By-Laws may be amended at any regular meeting of the Section by a majority vote of the members of the Section present and voting, provided that no amendment hereof shall conflict with the By-Laws of the Pennsylvania Bar Association.