



SDEEA

South Dakota Education Association

Bylaws of the Association

2020-2021

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GUIDING PRINCIPLES

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STRATEGIC GOALS

REPRESENTATIVE ASSEMBLY POLICIES

**2020-2021 BYLAWS
of the
SOUTH DAKOTA EDUCATION ASSOCIATION/NEA**

Article I. Name

The organization, incorporated under the laws of the State of South Dakota, shall be known as the South Dakota Education Association/NEA and shall be referred to in the bylaws as the Association.

Article II. Objectives

The objectives of the Association shall be to: (a) promote the welfare of educational employees, through such means as bargaining, grievance processing, and political activity, (b) advocate for human and civil rights (c) advance the cause of education at all levels, (d) serve the children and youth of South Dakota, (e) improve the quality of teaching, (f) coordinate the activities of affiliated associations, (g) cooperate with other organizations having similar objectives, and (h) speak for the membership on matters affecting education.

Article III. Place of Business and Fiscal Year

The place of business and executive office of this Association shall be located in Pierre, South Dakota, and the executive director is herein designated as the agent to receive all legal instruction and writs against it.

The board of directors may establish and maintain such other offices within the State of South Dakota as may from time to time be deemed necessary in furtherance of the objectives of the Association.

The fiscal year of this Association shall be from September 1 through August 31.

Article IV. Membership

SECTION 1. ACTIVE MEMBERSHIP. Any person actively engaged in educational service of a professional nature, or on a limited leave of absence, in a public school district, university or other public institution devoted primarily to education is eligible to become an active member of the Association if such person: (a) has a bachelor's or higher degree or holds a regular vocational or technical certificate and (b) where required, holds or is eligible to hold a regular certificate of any kind except an emergency substandard certificate.

Where Association membership is available through an affiliated local association, no Association membership shall be available without membership in that local association. A person who is eligible for membership in that local cannot apply for membership in another local association. No person may hold active membership in the Association who does not also hold membership in an affiliated local association, where available, and in the National Education Association.

An active member shall have full membership services and privileges, including voting, holding office, and serving as a delegate in an affiliated local association and the Association, except where prohibited. These services and privileges will continue so long as the member has no past dues obligations.

Active membership in the Association shall be continuous, but may be terminated by the member by written resignation to the local association president prior to September 15; or at the discretion of the state president and the executive director; or by the board of directors for: (a) non-payment of membership dues, (b) failure to meet membership requirements, or (c) denial or revocation of membership pursuant to Article IV, Section 9.

SECTION 2. ACTIVE MEMBERSHIP IN EDUCATION SUPPORT POSITIONS.

Paraprofessionals and other persons-including school nurses with less than a four-year degree, interns, teacher aides and assistants, secretaries, clerks, custodians, bus drivers, and cafeteria employees--who are engaged in educational service in a public school district, university or other public institution devoted primarily to education but who are not eligible for active membership may become active members in educational support positions (active-ESP). No person may hold associate membership in the Association who does not also hold membership in the National

Education Association and an affiliated local association in the appropriate category, where available.

These members shall have full membership services and privileges, including voting, holding office, and serving as a delegate in their affiliated local associations and the Association. They shall have such other rights and privileges as determined by the board of directors. These services and privileges will continue so long as the member has no past dues obligations.

SECTION 3. LIFE MEMBERSHIP. All persons holding life membership will continue to be recognized as life members as long as they remain in active professional work. Life members shall be entitled to all the services of active membership.

SECTION 4. ASPIRING EDUCATOR MEMBERSHIP. Any student in an accredited teacher training program of a South Dakota college or university, who is not actively engaged in educational work, may become an aspiring educator member upon the payment of annual dues. Aspiring educator members shall receive the official publication of the Association and may attend meetings of the Association. They shall have such other rights and privileges as determined by the board of directors.

No person may hold aspiring educator membership in the Association who does not also hold membership in an affiliated local association, where available, and in the National Education Association, in the appropriate category.

SECTION 5. RETIRED MEMBERSHIP. Any person who has been an active or active-ESP member of the Association or another NEA affiliate any time prior to permanent retirement because of age or disability may become a retired member of the Association if he or she holds membership (life or retired) in an affiliated local retired association, where available, and in the National Education Association.

A retired member shall have full membership privileges, including voting, holding office, and serving as a delegate in affiliated local retired associations and the Association except where prohibited. A retired member shall have such other rights and privileges as determined by the board of directors. These services and privileges will continue so long as the member has no past dues obligations. A retired member shall receive the official publication(s) of the Association and may attend meetings of the Association.

SECTION 6. SUBSTITUTE MEMBERSHIP. Substitute membership is open to an educational employee employed on a day-to-day basis, who is eligible for membership in the active or active-ESP membership categories unless said employee is drawing educational retirement benefits and is eligible for NEA retired membership.

Substitute membership shall entitle the member to benefits to be specified by the Board except that substitute membership shall not allow governance rights in the NEA/SDEA.

No person may hold substitute membership in the Association who does not hold membership in an affiliated local association, where available, and the National Education Association, in the appropriate category.

SECTION 7. SUSTAINING MEMBERSHIP. Any person actively engaged in education service in a nonpublic school district, university or other nonpublic institution devoted primarily to education is eligible to become a sustaining member of the Association.

Additionally, any person who is on a leave of absence from employment that qualifies him/her for active or active-ESP membership or who has held active or active-ESP membership but whose employment no longer qualifies him or her for such membership is eligible to become a sustaining member of the Association. No person eligible for active or active-ESP membership may hold sustaining membership.

Sustaining membership shall entitle the member to benefits to be specified by the Board except that sustaining membership shall not allow governance rights in NEA/SDEA, legal rights, UniServ assistance nor liability protection from the Association. No person eligible for active or active-ESP membership may hold sustaining membership.

SECTION 8. STAFF MEMBERSHIP. Any person employed by the Association in a staff position may become a staff member. Staff members shall have all the rights and privileges of active membership, except that they shall not be eligible for state office in the Association, nor shall they be entitled to legal rights benefits if such legal question involves the Association or the National Education Association as an employer.

SECTION 9. ALLY MEMBERSHIP. Ally membership is open to individuals who support the principles and goals of the Association and who are not eligible for any other class of membership.

Ally Membership shall entitle the member to benefits to be specified by the Board of Directors except that Ally membership shall not allow governance rights in SDEA/NEA legal rights, UniServ assistance nor liability protection from the Association.

SECTION 10. ELIGIBILITY: PROVISIONS AND LIMITATIONS. Membership, as provided in other sections of this article, shall be open to persons who agree to subscribe to the goals and objectives of the Association and to abide by its bylaws.

Members engaged in teaching or other education work shall adhere to the Code of Ethics of the Education Profession as adopted by the Association.

Any administrator whose primary duties include advising the school board or Board of Regents in the bargaining process or making final recommendations to the employing body on the employment of personnel shall be denied active membership, if such denial is requested by the governing body of an affiliated local association in the school district or higher education institution in question.

A member is subject to censure, or denial, suspension, or revocation of membership in the Association by action of the board of directors for conduct inconsistent with the Code of Ethics of the Education Profession, or for just cause. Prior to any disciplinary action, however, any member must be served either by mail or in person with written specific charges outlining in sufficient detail the nature of the charges against the member so that the member may prepare an adequate defense if the member wishes. Prior to any final disciplinary action being taken, the member shall be entitled to at least thirty (30) days notice of hearing before the board of directors. At such hearing before the board, the issue of appropriate discipline, if any, shall be determined. The member shall be accorded all appropriate due process rights at said hearing including the right to be represented by counsel of the member's choice. The member is entitled to a written decision from the board of directors setting forth the decision of the board and the specific findings of the board upon which the decision is based.

The accused member(s) shall have the right to appeal to the Association under their due process rights. The board of directors shall have the power to reinstate any suspended or expelled member.

Any member being provided services under Member Rights shall be eligible to maintain their previous membership status and retain all rights and privileges thereof by the payment of appropriate dues.

The Association shall not deny membership to any person on the basis of race, creed, national origin, or sex.

SECTION 11. CESSATION OF PROPERTY INTEREST. All rights, title, and interest, both legal and equitable, of a member in and to the property of the Association shall cease and desist in the event of any of the following: (a) suspension, expulsion, or dropping from membership, (b) death or resignation. This shall not include coverage by the Association's master contract for education employment liability.

SECTION 12. MEMBERSHIP YEAR. The membership year shall be September 1 through August 31.

Article V. Dues

SECTION 1. ACTIVE MEMBERSHIP DUES. The dues for active membership shall be 0.00909 times the average annual South Dakota teacher salary (any fractional dollar shall be rounded to the nearest whole dollar). The average annual South Dakota teacher salary will be determined as follows: for 2019-20, the 2017 ranking for South Dakota from the 2018 NEA Rankings and Estimates publication will be used; for 2020-21, the average of the 2017 ranking and the 2018 ranking from the 2019 NEA Rankings and Estimates publication will be used; for 2021-22, the average of the 2017 ranking, the 2018 ranking and the 2019 ranking from the 2020 NEA Rankings and Estimates publication will be used. Thereafter, the average of the immediate past three years' rankings shall be used. Any yearly increase shall be capped at 2.5%. There shall be a freeze in dues for any given year in which the average for that year is lower than the previous year. Starting in 2023-24 and every five years thereafter, a task force shall be convened to address adjustments to the dues calculation.

The membership dues for persons eligible for active membership who are regularly employed for less than the normal schedule for a full-time employee as verified by the local association, shall be as follows: .5 FTE or less than one half; .51 through .75 FTE three fourths, and .76 FTE and greater full membership dues as set in this article. Teachers in their first year of

career employment shall pay one-half of the applicable state membership dues rate. Thereafter they shall pay full applicable state membership dues rate.

The dues for active certified members employed at a public university or technical institute and not eligible for membership through any other educational assignment, as verified by the local association, shall be three fourths of fulltime active certified membership dues. Members at public universities or technical institutions paying the reduced membership dues are not eligible for dues reduction because of FTE but are eligible for the provisions of prorated dues for fulltime active certified members starting in February.

In the event that any proposed dues are referred to the membership and fails passage, the dues shall be established as the same percentage increase as was used for the last year.

Members joining in September and October will pay 100% of established SDEA dues. New members to the Association or those who have not been a member for six months (or at the discretion of the SDEA Executive Council or SDEA Board) who join during the membership year may pay prorated dues according to this schedule: November – 90%; December – 80%; January – 70%; February – 60%; March through August – 50%. These rates shall be available only to persons who agree to continue active membership at the full annual rate for the ensuing membership year.

One dollar (\$1.00) of the active membership dues shall be allocated annually to the Association Scholarship Fund; the criteria for the distribution shall be determined by the board of directors. The Scholarship Issue Fund balance will accumulate to \$25,000. Revenue exceeding \$25,000 will be placed in the general fund once per annum at the beginning of the new fiscal year to provide services to members. This provision will be reviewed annually by the SDEA/NEA Board of Directors.

A two dollar (\$2.00) special assessment shall be added to the annual dues for the establishment of the SDEA/NEA Educational Foundation, which will support innovative educational and student-oriented projects proposed by members. The criteria and mechanism for the distribution of funds shall be determined by the board of directors. The collection of the special assessment shall be suspended until the Foundation Investment Account falls below \$5,000.

There shall be an additional \$10.00 reverse check-off for SD-EPIC contributions and two dollars (\$2.00) reverse check-off for ballot issue campaigns. This amount shall be in addition to the annual dues. The Ballot Issue Fund Balance will accumulate to \$25,000. Revenue exceeding \$25,000 will be placed in the general fund once per annum at the beginning of the new fiscal year to provide services to members. This provision will be reviewed annually by the SDEA/NEA Board of Directors. Members requesting a refund of the SD-EPIC/ballot issue contribution must make application to the Association office by October 15 of the membership year. Refund shall be made by January of the membership year. Refund requests made after October 15 will be considered at the discretion of the president and executive director.

The board of directors may, upon application by an affiliated local association and the recommendation of the executive director, approve organizing membership dues less than that established herein. Such organizing membership dues shall be prorated according to the number of months remaining in the membership year, and shall be available only to persons who agree to continue active membership at the full annual rate for the ensuing membership year. No person shall pay organizing membership dues in a local association more than once.

The Association shall allow continuing active membership to those Association members laid off due to reduction in force, with reduction of dues to fifty percent. Such eligibility for active membership shall continue as long as such persons are eligible to be recalled or for three years, whichever is longer.

SECTION 2. ACTIVE MEMBERSHIP IN EDUCATIONAL SUPPORT POSITIONS DUES.

The dues for active members in full time educational support positions, as verified by the local association, shall be 40% of full, active certified membership dues. The dues for active members in educational support positions employed .51 through .75 shall be three-fourths the full time educational support positions dues, and those employed .26 through .50 shall be one half the full time educational support position dues. Educational Support Position members in their first year of employment in a public K-12 institution shall pay one-half of the applicable state membership dues rate. Thereafter, they shall pay full applicable state membership dues rate.

SECTION 3. STUDENT MEMBERSHIP DUES. The dues for student members shall be thirteen dollars (\$13.00) per year.

SECTION 4. RETIRED MEMBERSHIP DUES. The dues for retired members shall be ten dollars (\$10.00) per year or one hundred dollars (\$100.00 SDEA-R = \$80 and SDEA = \$20) for life membership plus statewide local dues as stipulated in the bylaws of SDEA/NEA-R.

SECTION 5. SUBSTITUTE MEMBERSHIP DUES. The dues for substitute membership shall be \$10.00 per year.

SECTION 6. SUSTAINING MEMBERSHIP DUES. The dues for sustaining members shall be \$25.00 per year.

SECTION 7. STAFF MEMBERSHIP DUES. The dues for staff members shall be one-half of full, active membership dues.

SECTION 8. ALLY MEMBERSHIP DUES. The dues for Ally members shall be \$50.00 per year.

SECTION 9. SPECIAL ASSESSMENTS. The representative assembly may establish special assessments to the dues to fund certain specified projects.

Article VI. Publications and Releases

The Educators' Advocate shall be the official publication of the Association. It shall be sent to each member paying dues as prescribed in the bylaws. Any other person may receive the publication under conditions prescribed by the board of directors, which shall determine a subscription rate.

The complete Bylaws of the South Dakota Education Association shall be available on-line on the SDEA website accessible in a "members only" section.

Article VII. Officers and Board of Directors

SECTION 1. OFFICERS. The elected officers of the Association shall be active, active-ESP, or retired members and shall consist of a president, a vice president, and a treasurer. The president shall be a full-time officer.

Upon election, a new president will receive a salary equal to 4/3 of the highest step (excluding any off-schedule salaries) of the SDEA/NEA professional staff salary schedule on January 15 in the year of election. The salary will not increase for the duration of the term. If a president is re-elected for a second term, the president's salary will increase by 3% for the fourth year and it will remain the same for the duration of the second term.

SECTION 2. BOARD OF DIRECTORS. The board of directors shall consist of the president, vice president, treasurer, state NEA director, and UniServ and at-large representatives as provided in Article IX.

SECTION 3. QUALIFICATIONS OF OFFICERS AND BOARD OF DIRECTORS. All officers, UniServ representatives, at-large representatives, and the state NEA director of this Association shall hold active, active-ESP, or retired membership where available.

Each candidate for president must supply evidence to the Association that arrangements have been made to allow service as a full-time president.

Each UniServ representative on the board of directors must be employed in the Association UniServ unit represented, and be elected by the Association members in that UniServ unit. If the institution in which the UniServ representative is employed has territory in more than one Association UniServ unit, the representative shall be considered to be employed in the Association UniServ unit in which the chief administrative office of the institution is located. The position on the board of directors of a UniServ representative who ceases to be employed in the Association UniServ unit represented shall be declared vacant and shall be filled as provided by the bylaws.

At-large representatives must be employed in the category for which they were elected to serve.

Elected officers of the Association, with the exception of the president, must relinquish office when employed full-time by the Association.

No person may be a candidate for more than one position for an officer of the Association. UniServ representative, at-large representative, or state NEA director of the Association.

SECTION 4. TERM OF OFFICE. The president, vice president, and treasurer shall be elected for a term of three years. No person shall be elected to more than two consecutive terms as president, vice president, or treasurer.

The UniServ representatives shall be elected by the voting members in their respective

UniServ units for terms of two years. At least one representative from each UniServ shall be elected each year.

Starting with the 2017 election cycle, a UniServ representative shall serve no more than three (3) consecutive terms which shall include both elected terms and terms appointed pursuant to Article VIII, Duties of Officers and Board of Directors, Section 9, Vacancies. The determination of the number of consecutive terms served shall commence with the 2017 election cycle going forward. All terms served prior to the 2017 election cycle shall not count toward the number of consecutive terms served.

At-large representatives shall be elected by an all member ballot for terms of two years.

Starting with the 2017 election cycle, an at-large representative shall serve no more than three (3) consecutive terms which shall include both elected terms and terms appointed pursuant to Article VIII, Duties of Officers and Board of Directors, Section 9, Vacancies. The determination of the number of consecutive terms served shall commence with the 2017 election cycle going forward. All terms served prior to the 2017 election cycle shall not count toward the number of consecutive terms served.

The state NEA director shall be elected every third year for a three year term and shall be elected to no more than two terms.

A person may hold only one position at one time on the board of directors except as provided in Article VIII of these bylaws.

The elected officers and representatives shall take office on July 15, except the state NEA director who shall take office in accordance with the NEA bylaws.

SECTION 5. REMOVAL FROM OFFICE. The board of directors shall have the power to reprimand an officer, UniServ representative, or at-large representative of the Association for failure to perform the duties of the office held. Failure to respond shall result in suspension or removal from office by action of the board of directors.

Article VIII. Duties of Officers and Board of Directors

SECTION 1. GENERAL DUTIES. The officers and board of directors members shall perform duties assigned to such positions, as prescribed by the bylaws and the representative assembly, and as the board of directors may from time to time require.

SECTION 2. DUTIES OF THE PRESIDENT. In addition to duties described elsewhere in the bylaws, the president shall:

- A. Preside at all meetings of the board of directors and the representative assembly.
- B. Call special meetings of the board of directors at the president's discretion or upon request of five or more members of the board of directors.
- C. Work with the board of directors and executive director in the planning of meetings of the representative assembly and such other conferences and meetings as may be sponsored by the Association.
- D. Make a report on Association activities at the annual meeting of the representative assembly and report to the board of directors and the membership on all matters within the president's knowledge which the interest of the Association may require to be brought to their notice.
- E. Sign, when required by the board of directors, contracts and other instruments connected with the business and professional activities of the Association.
- F. Serve, consistent with board of directors policy, as the official representative of the Association.
- G. Appoint, with the approval of the board of directors, all committees and task forces, except as otherwise provided in the bylaws.
- H. Appoint, with the approval of the board of directors, the number of ethnic minority representatives recommended by NEA guidelines.
- I. Appoint, with the approval of the board of directors, proportional representation by education position as recommended.
- J. Be an ex officio member of all standing committees and other committees and task forces of the Association.
- K. Represent the Association as alternate NEA director when in compliance with NEA guidelines and as a delegate to the NEA representative assembly, serving as chairperson of the Association delegation.
- L. Perform such other duties as may properly pertain to the office of president.

SECTION 3. DUTIES OF THE VICE PRESIDENT. In addition to duties described elsewhere in the bylaws, the vice president shall:

- A. Perform all the duties of the president in the absence or disability of the president, and when so acting have all the powers of and be subject to all restrictions upon, the president.
- B. Assist the president, when requested, in the planning of Association activities.
- C. Be an ex officio member of all Association committees.
- D. Serve as a delegate and Vice Chairperson of the Association delegation to the NEA Representative Assembly in the three years following election.
- E. Perform such other duties as may properly pertain to the office of vice president, and as are required by the board of directors.

SECTION 4. DUTIES OF THE TREASURER. In addition to duties described elsewhere in the bylaws, the treasurer shall:

- A. Receive and be responsible for the safekeeping and accounting of the funds of the Association with such staff assistance as the board of directors deems necessary.
- B. Cause to be prepared monthly financial reports to the board of directors and such other financial reports as the board of directors and/or representative assembly may require.
- C. Appoint, with the approval of the board of directors, the auditor to perform the annual audit.
- D. Be bonded in such amount as the board of directors deems necessary.
- E. Serve as a delegate to the NEA Representative Assembly in the three years following election
- F. Perform such other duties as may properly pertain to the office of treasurer, and as are required by the president and board of directors.

SECTION 5. DUTIES OF THE STATE NEA DIRECTOR. In addition to duties described elsewhere in the bylaws, the state NEA director shall represent the Association to the NEA board of directors.

SECTION 6. DUTIES OF THE BOARD OF DIRECTORS. In addition to duties described elsewhere in the bylaws, the board of directors shall:

- A. Incur indebtedness in the name of the Association for such sums as are necessary for current operations and any sums for a major project of the Association, provided that such project has been approved by the representative assembly.
- B. Determine policies not in conflict with those established by the bylaws or representative assembly to govern the activities of the Association.
- C. Have custody of the property of the Association, and acquire or transfer property by gift, grant, devise, request, or otherwise, and accept and administer any trust of real, personal, or mixed estate for any purpose within the objectives of the Association.
- D. Adopt a budget designed to achieve the goals and objectives of the Association. The preparation and adoption procedure shall include provisions encouraging member input.
- E. Individual UniServ representatives shall serve as ex officio members, with vote, on their respective UniServ councils.
- F. If both the president and vice president are absent from a meeting, the board of directors shall elect a presiding officer for the meeting.

SECTION 7. MEETINGS. The board of directors shall meet at least four (4) times during the fiscal year, at such times and places as determined by the board of directors. Any meeting may be conducted by teleconference which is defined to mean information exchanged by any audio, video, or electronic medium, including the internet, or any combination thereof.

SECTION 8. QUORUM. A quorum of the board of directors shall consist of a majority of the voting members.

SECTION 9. VACANCIES. In case of a vacancy in the office of president, the vice president shall become president for the remainder of the unexpired term. In the case of a vacancy of an officer other than the president or an at-large representative, the board of directors shall appoint an active, active-ESP or retired member to serve in that position. In case of a vacancy in a position of UniServ representative, the board of directors shall appoint an active or active-ESP member to serve in that position based on procedures specified in that UniServ unit's bylaws. If fewer than twelve months remain in the unexpired term, the person shall serve for the remainder of the term. If more than twelve months remain in the unexpired term, the person appointed shall serve until the next regular Association election, at which time the vacancy shall be filled by

election according to Article IX. The person elected shall serve the remaining year of the unexpired term.

Article IX. Nominations and Elections

SECTION 1. NOMINATIONS. Nominations of officers shall be open, except where limitations are required to comply with Article VII, Section 3. A candidate for office and/or delegate must file notification of candidacy with the president by January 15.

SECTION 2. VOTING. The referendum balloting on officers, UniServ representatives, at-large Representatives, and NEA delegates shall be conducted within a period of sixteen days after the close of the annual meeting of the representative assembly. Voting shall be by printed ballot and the order of the ballot shall be determined by lot. The president shall be responsible for the preparation and distribution of ballots to members eligible to vote before the close of the annual meeting of the representative assembly. An all-member publication containing information on all candidates appearing on the ballot shall be mailed and available on-line to each member prior to balloting. Ballots received by the posted date of ballot counting shall be counted.

SECTION 3. ELECTION. A majority of votes shall decide the officer elections. In the event no candidate receives a majority vote, a run-off election will be held between the two candidates receiving the greater number of votes. In the event a tie for second place occurs, the candidates to be placed on the ballot shall be decided by lot. All run-off elections for SDEA officers shall be held within 60 days after the close of the Representative Assembly. A plurality of votes shall decide UniServ Representatives, At-Large Representatives, and NEA Delegates. In the event of a tie, the winner shall be decided by lot.

SECTION 4. NEA DELEGATES. The voting members of each unit shall elect one or two delegate(s) depending on member composition in each unit, for a total of seven to attend the NEA Representative Assembly as state delegates. Additionally, one state delegate position shall be designated for an ethnic minority member to be elected by all active, active-ESP, and retired members of the state.

The remaining delegates needed to fill the Association allocation shall be elected by all active, active-ESP, and retired members of the state on the referendum ballot.

Unit composition shall be determined annually by the SDEA/NEA Board of Directors to meet the one-person, one-vote criterion. Such determination shall be based on the previous year's membership and be published no later than December 1 of a given membership year.

SECTION 5. ELECTIONS COMMITTEE. The president shall appoint, with the approval of the board of directors, an elections committee. The committee shall count and certify the final tally in the election of officers, UniServ representatives, at-large representatives and NEA State delegates within one week after the sixteen day period in which the SDEA election is held. Results shall be posted on the SDEA website by the end of the next business day and will also be available by calling the SDEA office in Pierre. Results shall be printed in the next issue of the official publication.

SECTION 6. RECOUNT. Within five calendar days after the posting of the elections results, a recount may be requested by any candidate defeated by two percent or less of the total number of votes cast for that office. Procedures for the recount shall be established by the board of directors.

Article X. UniServ Units

SECTION 1. UNISERV UNITS. Five geographic UniServ units shall be established for the purpose of representation on the Association board of directors and UniServ governance. At least two UniServ representatives shall be elected to the board of directors from each geographic UniServ unit.

SECTION 2. AT-LARGE REPRESENTATIVES. At-large representatives shall be elected by an all member ballot for each of the following categories (a) educational support personnel, (b) minority, and (c) Board of Regents employees.

SECTION 3. REAPPORTIONMENT. The geographic UniServ units provided in Section 1 of this Article shall be reapportioned at least every three years, in order to assure that UniServ unit representation shall be substantially equal. A plan of reapportionment, based on the current year's membership as of February 1, as prepared by the board of directors, shall be presented to the representative assembly at least every three years. Such reapportionment shall become effective July 15 of the year of reapportionment, unless directed otherwise by the SDEA Representative Assembly.

SECTION 4. CRITERIA. In preparing the UniServ unit boundary recommendations, the board of directors shall be guided by such principles as: (a) one-person, one-vote, (b) efficiency of service delivery, and (c) reasonable compactness.

SECTION 5. STUDENT ASSOCIATION. Student members shall have representation on the board of directors as follows:

A. The Student Association shall be entitled to one nonvoting representative on the board of directors, to be elected by its members.

B. When membership in the Student Association meets the one-person, one-vote test of compliance, it shall be entitled to one voting representative on the board of directors, elected by its members.

SECTION 6. RETIRED ASSOCIATION. Retired members of the Association shall have representation on the board of directors as follows:

A. The Retired Association shall be entitled to one nonvoting representative on the board of directors, to be elected by its members.

B. When membership in the Retired Association meets the one-person, one-vote test of compliance, it shall be entitled to one voting representative on the board of directors, elected by its members.

Article XI. UniServ

SECTION 1. COMPOSITION. Each affiliated local association within a UniServ unit shall be a member of its respective UniServ council with such representation, power, duties, and responsibilities as the UniServ unit bylaws and the joint agreement shall require. Each unit shall establish guidelines to specify the Association board of directors geographic representation or points of contact. Established UniServ policies and guidelines of the NEA and the Association shall govern the formation and operation of each UniServ council.

SECTION 2. DIRECTOR. The Association shall employ UniServ Directors sufficient to serve the membership at least at the NEA ratio, and, acting upon the executive director's recommendation, such additional personnel as necessary.

SECTION 3. EMPLOYMENT. The Association shall be the employer of the UniServ Director. Each UniServ council shall appoint an employment committee in compliance with board of directors policy in hiring UniServ Directors. The president shall appoint a person to represent the Association on the employment committee.

SECTION 4. RESPONSIBILITIES OF THE DIRECTOR. Each UniServ Director shall be employed under the terms and conditions of the Association staff agreement and in accordance with established policies which are subject to whatever modifications may be included in the agreement which is signed by the Association.

SECTION 5. FINANCIAL SUPPORT. Each UniServ council shall determine a program budget subject to applicable Association and NEA guidelines and the provisions of the joint agreement of the parties.

Article XII. Local Associations

SECTION 1. AFFILIATED LOCAL ASSOCIATIONS. No affiliated local association shall accept for membership any person eligible for active or active-ESP Association membership who is not a member of the Association.

Any local education association, at its request in writing, shall be granted a charter as an affiliated local association of the Association whenever the board of directors shall determine that it fulfills the requirements set forth in this article. Each such affiliated local association of the Association shall be designated by the name of the community or area where it is located, followed by the words Education Association.

SECTION 2. OBJECTIVES. The objectives of the local education association shall be in compliance with Article II of the bylaws. In carrying out these objectives the local education association shall establish appropriate programs of action and may raise funds if necessary for their support.

SECTION 3. COMPOSITION. Local education associations shall be composed of all active and/or active-ESP members of the Association within (a) an independent school district, (b) a common school district, (c) a private, parochial, or federal school, (d) any institution of higher education, or (e) the Division of Elementary and Secondary Education or other educational

agencies which employ persons who qualify for active or active-ESP membership. Districts or institutions may combine at their discretion to form larger local education associations.

SECTION 4. BYLAWS AND OFFICERS. Each local education association shall adopt bylaws consistent with the bylaws of the Association. Local bylaws shall be updated every five years. Each local shall elect a president and a treasurer, and those officers as deemed necessary by the local association. Each local shall elect a delegate or delegates to the representative assembly as provided in the bylaws. All officers and delegates shall be members of the local education association and the Association. Each local shall maintain effective contact with the Association by submitting to the Association president the name of its president by July 1, and a list of its other officers by October 1, and of delegates by March 1. Each local shall maintain on file with the Association a current copy of its bylaws and provide such other information as the board of directors may require.

SECTION 5. ADMISSION, SUSPENSION AND REINSTATEMENT OF AFFILIATES.

Application for affiliation shall be submitted to the board of directors for approval or disapproval. If the application for affiliation is due to the merger of two or more existing locals in good standing, the recognition date of the new merged affiliate shall be upon approval by the Board of Directors. The existing affiliates shall cease to exist July 1 of the year of consolidation of the existing school districts or approval by the board of directors of the merged affiliate whichever is later. The board of directors shall have the power to censure, suspend, expel, or reinstate an affiliate pursuant to procedures adopted by the board of directors. Such procedures shall guarantee due process including an appeal procedure.

Article XIII. Representative Assembly

SECTION 1. PURPOSE. The representative assembly shall be the legislative or policy-forming body of the Association. Its delegates shall participate in the business sessions of the annual meeting to vote on reports and recommendations of the officers, board of directors, committees, task forces, and motions by delegates. Procedures are described in Article XIV.

SECTION 2. DELEGATES. The delegation of the representative assembly shall consist of the members of the board of directors and delegates or alternates chosen from each of the affiliated local education associations according to the following rules:

A. Delegates from local associations shall be elected by secret ballot.

B. Delegates shall be apportioned according to total unified active, life and active-ESP membership as of February 1, as shown by Association records for the current membership year, one delegate being allowed for the first fifteen members and one for each additional fifteen members or major fraction thereof. Consideration should be given ethnic minority and education position representation as established by NEA. Each affiliated local association with three or more members shall be guaranteed at least one delegate.

C. Aspiring Educator delegates to the representative assembly shall be apportioned according to total Aspiring Educator membership per campus as of February 1, as shown by Association records for the current membership year, one delegate being allowed for the first fifteen members and one delegate for each additional fifteen members or major fraction thereof. Each campus with ten members shall be guaranteed one delegate.

D. Retired Association delegates to the representative assembly shall be apportioned according to the total retired membership as of February 1, as shown by Association's records for the current membership year, one delegate being allowed for the first thirty members and one delegate for each additional thirty members or major fraction thereof.

E. In determining apportionment of delegates, no person shall be counted as a member of more than one affiliated local association.

F. The secretary of each affiliated local association shall send an alphabetically arranged list of delegates and alternates representing the affiliated local association to the president by March 1. Such list shall indicate which are delegates and which are alternates and the priority of the alternates, and shall identify delegates and alternates by ethnic minority and education position.

G. In the event a delegate is not present at the meeting, the alternate chosen in that delegate's place shall have all rights and privileges of such delegate.

Article XIV. Procedures of the Representative Assembly

SECTION 1. MEETINGS. The two-day annual meeting of the representative assembly shall be held during the time frame from March 15 through the end of April. The time, place, and

method of conducting the annual meeting shall be determined by the board of directors. The meeting may be conducted by teleconference which is defined to mean information exchanged by any audio, video, or electronic medium, including the internet, or any combination thereof.

A representative assembly may be called to special meeting by the board of directors or by request of the governing bodies of fifteen affiliated local associations. Notice of a special meeting and the agenda must be mailed, either by postal mail or by email, to all affiliated local association presidents in advance of the date of the meeting. The time and place of the special meeting shall be determined by the board of directors. The meeting may be conducted by teleconference which is defined to mean information exchanged by any audio, video, or electronic medium, including the internet, or any combination thereof. No business may be considered at a special meeting except that listed on the agenda.

SECTION 2. REPORTS AND RECOMMENDATIONS. Members of the Association, as individuals or through their affiliated local associations, shall be encouraged to submit proposed recommendations to the board of directors or the appropriate committee, such proposals to arrive by January 15.

Except for a different arrangement with the president, final reports and recommendations shall be furnished to the president not later than March 1 for incorporation into the Representative Assembly packet.

The on-going process for review of the Guiding Principles includes the following.

-Individual members, affiliated local association, uniserv councils and the board of directors may submit amendments to the Guiding Principles by January 15.

-The SDEA Board of Directors or appropriate committee designated by the Board will review the amendments and provide notice of the proposed changes to affiliated local associations by March 15.

-The SDEA Representative Assembly shall take action on the proposed changes.

SECTION 3. OPEN HEARINGS. If directed to do so by the president, each standing committee shall provide an open hearing during the specified time of the annual meeting of the representative assembly. The committee shall constitute a panel to explain the committee's work, its reports, recommendations, and to answer delegates' questions. The panel may also receive recommendations presented by the delegates.

Committees may meet preceding the first business session of the annual meeting to prepare presentations to the representative assembly and to consider proposals.

Following the open hearings, the committee chairpersons shall meet with the president to process new proposals, if any, and distribute them to the appropriate committee for consideration.

The committee chairperson shall inform the maker of each proposal as to the committee's disposition of it. The committee chairpersons shall arrange for new proposals adopted by the committee to be presented from the floor of the representative assembly and for dissemination of copies of such proposals to the delegates. The chairperson or a member or members of the committee shall be prepared to explain the committee's acceptance or rejection of amendments presented from the floor.

SECTION 4. BUSINESS SESSIONS. The board of directors shall determine the time, place, and number of business sessions of the representative assembly.

Business items may establish or amend policies of the representative assembly, adopt items of new business, or entertain questions calling for an expression of approval or disapproval by the representative assembly. Policies of the representative assembly shall be on-going directions regarding the operations and programs of the Association. New business items are specific action items and are terminal in application.

SECTION 5. RULES OF ORDER. The president shall appoint with the approval of the board of directors, a rules and credentials committee to determine the conduct of the business sessions. At least ten days before the annual meeting the president shall notify the rules and credentials chairperson of the committee's duties, including procedures for certification of delegates and alternates. The rules of order, as determined by the committee, shall be presented to the representative assembly at the first business session for approval.

The parliamentary authority shall be the most recent edition of Robert's Rules of Order on all questions not provided for by the bylaws or the rules and credentials committee.

SECTION 6. QUORUM. A quorum shall consist of seventy-five delegates representing fifteen affiliated local associations.

Article XV. Association Staff

SECTION 1. MEMBERSHIP AND EMPLOYMENT. The board of directors shall employ an executive director and, acting upon the executive director's recommendations, additional personnel necessary for the efficient operation of the Association. An evaluation of the Executive Director shall be conducted within the first year of a new or renewed contract. The evaluation process shall be determined by internal concerns and may include input from many applicable resources. Evaluation will occur at least every other year of a contract thereafter.

SECTION 2. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR. The executive director shall be the chief administrator of the Association with powers and duties usually assigned to such position and as prescribed by the board of directors.

Article XVI. Committees and Task Forces

SECTION 1. The committee on bylaws, the committee on elections and the committee on rules and credentials shall be committees whose duties are described in these bylaws.

SECTION 2. The president shall appoint, with the approval of the board of directors, a bylaws committee. The committee shall review bylaws incorporating changes in Association structure as related to current needs and trends for effective Association operation.

In addition to amendments originating in the committee, this committee shall receive and study amendments to the bylaws submitted by members, affiliated local associations, UniServ councils, and the board of directors, such amendments to be received no later than January 15.

This committee shall have authority to edit or combine such proposals received. They shall submit all coordinated amendments to the board of directors for their recommendation no later than February 1 in order for the committee to give notice of such proposed amendments to affiliated local associations by March 15. Action shall be taken on the amendments at the representative assembly.

This committee shall annually review any affiliated local association bylaw changes to monitor compliance. It shall be the responsibility of this committee to review all affiliated local association bylaws every five years to verify compliance with NEA standards.

SECTION 3. The board of directors or the representative assembly may establish committees as needed, setting forth powers and duties of such committees. Committee appointments shall be subject to ethnic minority representation.

SECTION 4. The board of directors shall establish a process for determining tasks, committees, and volunteers.

Article XVII. Professional Development

SECTION 1. PLANS AND PROGRAM. The president, in cooperation with the board of directors, shall have general supervision over plans and programs for professional development, and may appoint a special committee to assist. Programs may include general sessions and sessions of round tables.

Article XVIII. Initiative and Referendum

Five percent of the active and active-ESP members of the Association may propose any measure by petition or may order a referendum upon any act of the representative assembly within thirty days or of the board of directors within thirty days following publication of the resume of the minutes of the board of directors' meeting in the official publication. When such initiated measure or referendum is proposed, it must be submitted by the board of directors within thirty days to affiliated local associations for vote by the active and active-ESP members of the Association. Such proposal or referendum shall become effective if it receives a majority of the votes cast on the proposition by individual active and active-ESP members.

Article XIX. Definitions

Ethnic minority shall mean those persons designated as ethnic minority by statistics published by the United States Bureau of the Census. Designation of such persons shall be consistent with NEA guidelines.

Article XX. Members' Rights to Collective Bargaining Agreements

Members of the Association shall have the right to receive, from the Association, copies of collective bargaining agreements of local associations that are applicable to the member.

Article XXI. Amendments

These bylaws may be amended at the annual meeting of the representative assembly by a two-thirds vote of the assembly. Proposed amendments must be submitted to the chairperson of the bylaws committee according to the procedures set forth in Article XVI, Section 2. Any exceptions to this procedure must have the majority recommendation of the board of directors and the majority consent of the representative assembly to allow consideration, and then may be adopted only by a two-thirds vote of the assembly.

Amendments to the bylaws will become effective on September 1 in the same year they are adopted.

GUIDING PRINCIPLES

#1-SDEA/NEA believes that free public schools are the foundation of our democracy, and that every Pre-K-12 child is entitled to a free, public education that includes a well-rounded curriculum to meet his/her abilities, interests, and needs.

#2-SDEA/NEA believes that public post-secondary education is necessary to further develop the skills and talents of students, to prepare them for the workplace and careers, and to provide opportunities for lifelong learning.

#3-SDEA/NEA believes that it is the responsibility of all citizens to assist children and youth to become healthy, productive citizens.

#4-SDEA/NEA believes that public education must be supported from public monies, including full funding of all state and federal mandates, and strongly opposes any attempts to divert public monies to non-public schools or programs. The Association further believes that legislation designed to establish or implement pre-K through 12 voucher plans is detrimental to the public interest.

#5-SDEA/NEA believes that a united and effective professional organization influences the direction of public education.

#6-SDEA/NEA believes in offering membership rights and benefits to all teachers, education support professionals (ESP), substitute teachers, student members, post-secondary faculty, retired teachers, sustaining members, staff, and other persons who are directly engaged in educational services, and intends to provide services and materials only to members, except as provided in statute.

#7-SDEA/NEA believes continuous communications and cooperation of local, state and national associations are the keys to building a strong professional organization and the success of local affiliates.

#8-SDEA/NEA believes the development, implementation and support of programs that produce organizational excellence will strengthen and enhance the local association organizational structure, and promote membership growth within the association.

#9-SDEA/NEA believes that assisting local associations in the negotiation process and contract maintenance advocating for master contracts, seeking enactment of legislation that strengthens public employees' negotiation statutes, and using legal action when necessary to protect the rights of members will lead to improved economic benefits and professional status for education employees.

#10-SDEA/NEA believes that all persons, regardless of race, religion, color, age, disability, national origin, gender and sexual orientation, must be given equal opportunity for education, employment, promotion, compensation, and leadership in all activities.

#11-SDEA/NEA believes that all working and learning environments must be safe, and free from harassment.

#12-SDEA/NEA believes that rigorous state standards for entry into the teaching profession must

be maintained as well as strong, on-going programs for professional growth throughout the profession. The Association further believes that teachers must be actively involved in the development of principles and procedures that lead to self-governance for the profession, professional growth, and the improvement of instruction.

#13-SDEA/NEA believes that all school personnel must be certified and qualified for the positions they hold in the school and that there must be strong, on-going programs for professional growth for all education employees.

#14-SDEA/NEA believes that collaborating with other organizations having similar objectives will further the promotion of excellence in public education.

STRATEGIC GOALS

Goal Area 1

SDEA, with Association stakeholders and potential partners, will advocate for public education, influence policy development, secure adequate funding, enhance professional practice, and promote racial and social justice for our members and our students.

Goal Area 2

SDEA will advance a culture designed to build the capacity of the Association and affiliates.

Goal Area 3

SDEA/NEA will elevate the work of our members and the work they do for students so that our members are recognized as experts and valued education professionals.

Goal Area 4

SDEA will protect and advance the rights and voice of our members.

REPRESENTATIVE ASSEMBLY POLICIES

SDEA-1: Progress Reports

The president and the executive director shall submit to the representative assembly adequate, comprehensive, and meaningful written reports on the progress toward accomplishment of the goals and objectives of the Association and these reports shall include specific recommendations for improved performance.

SDEA-2: Board of Directors Votes

The South Dakota Education Association/NEA directs that the vote of each individual board member on action items shall be recorded in the resume of the minutes of the Board of Directors' meetings published in the Educators' Advocate.

SDEA-3: Smoke-free Environments

All SDEA/NEA buildings, offices and meetings shall be smoke-free environments. (1992)

SDEA-4: Editorial Consistency of Governance Documents

The SDEA/NEA Board of Directors shall make grammatical and editorial changes in the SDEA/NEA Bylaws and Goals and Objectives for the purpose of consistency and clarity in the content of the governance documents. (2011)

SDEA-5: Publication of Bylaws and New Business

The bylaws and new business items shall be published by October 1 of each year and shall be distributed to all local association presidents. Additional copies of the publication are available upon request to the Association. (2011)