

CONSTITUTION

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NY SCHOOLS DATA ANALYSIS TECHNICAL ASSISTANCE GROUP

ARTICLE I. NAME AND PURPOSE OF THE ORGANIZATION

Section 1. The name of this organization shall be the "NY Schools Data Analysis Technical Assistance Group" (DATAG).

Section 2. The purpose of this organization is:

- A. To provide a leadership role in identifying, cataloging, and modeling best practices in the analysis and use of data for New York schools.
- B. To assist schools in understanding performance assessments in order to effect changes in curriculum and instruction to meet New York educational standards.
- C. To support the use of data to inform and improve curriculum, instruction, and assessment as well as guide professional development and district comprehensive or strategic planning.

Additionally: For the purposes of this organization, "data" shall be used as singular or plural noun meaning quantitative or qualitative factual information used as a basis for reasoning, discussion, or calculation.

ARTICLE II. REQUIREMENTS FOR MEMBERSHIP AND SELECTION OF MEMBERS

Section 1. Membership in this organization shall not be denied to anyone on the basis of race, Creed, religion, gender, political affiliation, sexual orientation or physical handicap.

Section 2. There shall be two types of membership in the organization:

- A. Honorary membership – persons who are recognized by the DATAG Board of Directors as educational leaders who contribute to or support DATAG goals. Honorary membership is conferred by the Board of Directors and honorary members are invited guests at DATAG meetings or Conferences.
- B. Regular membership – persons engaged in the use of data as educational professionals in New York State who pay dues. Regular membership includes yearly voting privileges and discounts on registration at DATAG conferences.

ARTICLE III. OFFICERS

Section 1. The elected officers of the organization shall be the Chair, Program Director, Associate Program Director, Secretary, Treasurer and other officers as necessary.

Section 2. Duties of officers shall be the same as prescribed in Robert's RULES OF

ORDER, Revised Edition, with exceptions as may be prescribed in the By-Laws or as follows:

- A. The Chair shall preside at all meetings of the organization. He/She shall be the official spokesperson of the organization, representing the policies, views and opinions of the organization in its relations with the educational community at large. He/She has further powers and duties as prescribed by the

organization. Should the Chair not be available to preside at Board of Director meetings, any elected officer may preside.

- B. The Program Director is responsible for all program arrangements and/or coordination of the organization's meetings. The Program Director serves as the chair of the Program Committee which plans all DATAG regular meetings and conferences.
- C. The Associate Program Director assists the Program Director in planning and implementing all program arrangements and/or coordination of the organization's meetings. The Associate Program Director serves as the vice-chair of the Program Committee which plans all DATAG regular meetings and conferences. If the Program Director can not fulfill the duties of his or her office, the Associate Program Director assumes the responsibilities of the Program Director.
- D. The Secretary takes minutes at all meetings of the organization, files minutes, and submits required copies to all organization members. He/She is responsible for all organization correspondence and keeps copies of all correspondence on file, acts as a historian by maintaining all records of the organization.
- E. The Treasurer handles all financial affairs and budgeting of the organization. He/She is responsible for maintaining banking accounts in the organization's name. The documented approval of both the Treasurer and Chair is required for all expenditures over \$1,500. The Finance Committee will oversee all expenditures so that the actions of the Treasurer are transparent.

Section 3. Officer qualifications:

- A. Must currently be an elected member of the Board of Directors of the organization.
- B. Must be an active participant of the organization for two years.

Section 4. Terms of office shall be:

- A. The Chair shall serve for one year and then become Past Chair the following year.
- B. The Associate Program Director shall serve for one year and move to the role of Program Director the following year.
- C. The Secretary shall serve for two years.
- D. Treasurer shall serve for two years.
- E. In the event an elected officer is unable to fulfill his/her term of office, there will be a "Special Election". Any member of the Board of Directors, including those already holding office, can be nominated for a vacated officer position.

ARTICLE IV. BOARD OF DIRECTORS

Section 1. The Board of Directors shall consist of the officers and a representative group of educators from New York.

Section 2. These representatives are elected to three year positions on the Board of Directors. Five seats on the Board of Directors are up for election each year. The Past Chair is a full voting member of the Board of Directors. The Board of Directors will have no more than 16 full members. A Nominations Committee consisting of three or more members of the Board of Directors, recommended by the Nominations Committee Chair and approved by the Board, shall submit the names of five or more Regular members in good standing (Regular members who have actively participated in the organization for two years) to be considered for appointment to the Board of Directors. Five nominees shall be approved by a majority of the Regular members present prior to the conclusion of the annual meeting.

Section 3. Duties of the Board of Directors:

- A. The Board of Directors shall confer prior to the organization's regular meetings.
- B. The Chair of DATAG shall serve as Chair of the Board of Directors.
- C. The Board of Directors shall plan and schedule the regular meetings/conferences.
- D. The Board of Directors shall consider ways and means of achieving the purposes of the organization.

Section 4. Board of Directors Member qualifications:

- A. Must currently be a Regular member of the organization.
- B. Must be an active participant of the organization for two years.

ARTICLE V. MEETINGS

Section 1. Meetings are scheduled during the academic year with a minimum of three regular meetings.

Section 2. Meetings/conferences may be held in conjunction with other organizations that are trying to promote similar purposes as determined by the Board of Directors.

Section 3. Business at the annual membership meeting cannot be conducted unless a quorum of the membership is present. A Quorum for conducting business at the annual membership meeting is defined as 40 regular members with voting privileges from ten different educational organizations.

Section 4. Business at Board of Director meetings cannot be conducted unless a quorum of the membership is present. A Quorum for Board of Directors meetings is defined as nine Board members with voting privileges.

ARTICLE VI. DUES

Section 1. This organization can assess membership fees. Assessments are determined at the last meeting each year by a quorum of the membership at its regularly scheduled organization meeting.

Section 2. All money must be deposited into a bank account.

ARTICLE VII. METHOD TO AMEND THE CONSTITUTION

Section 1. Proposed constitutional amendments or changes will be presented, in writing, to the organization one meeting before this amendment is voted on.

Section 2. Approval by 2/3 of the voting members present at a regular organization meeting will pass this proposed amendment. Under special circumstances a special election can be done through e-mail for membership passage of a proposed amendment. The amendment is immediately effective unless otherwise stipulated in the proposal.

Section 3. A copy of this constitution/bylaws and/or amendments to this constitution is available to anyone upon request.

ARTICLE VIII. PROVISIONS OF THE ORGANIZATION

Section 1. DISSOLUTION PROVISION

In the event of dissolution, all of the remaining assets and property of the organization shall after necessary expenses thereof be distributed to such organizations as shall qualify under section 501(c)(3) of the Internal Revenue Code, or corresponding provisions of any subsequent Federal tax laws; or to the federal government, or to a state or local government for a public purpose.

Section 2. NON – INUREMENT PROVISION

No part of the net earnings of the organization shall inure to the benefit of any member, trustee, director, officer of the organization, or any private individual (except that reasonable compensation may be paid for services rendered to or for the organization or any private individual shall be entitled to share in the distribution of any of the assets upon dissolution of the organization).

Section 3. RESTRICTIVE LEGISLATION PROVISION

No substantial part of the activities of the organization shall be carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by section 501(h) of the Internal Revenue Code, as amended), nor shall the organization participate in, or intervene in (including the publication or distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office.

Section 4. RESTRICTIVE PURPOSES AND ACTIVITIES PROVISION

Notwithstanding any other provision of these articles, the organization is organized exclusively for one or more of the following purposes: religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of the athletic facilities or equipment), or for the prevention of cruelty to children or animals, as specified in section 501(c)(3) of the Internal Revenue Code of 1986, and shall not carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under section 501(c)(3) or corresponding provisions of any subsequent Federal tax laws.

ARTICLE IX. RULES OF ORDER

Section 1. The " NY Schools Data Analysis Technical Assistance Group " accepts "Robert's Rules of Order" (newly revised) as its Rules of Order.

Section 2. Any issue not directly written in this document will be resolved by referring to the Rules of Order.

BY-LAWS

PART I. OBLIGATIONS OF MEMBERS

- Section 1.** Dues for each upcoming year shall be approved by the Board of Directors and submitted to the membership for approval by a majority vote at the annual membership meeting.
- Section 2.** Member dues include any registration fee charged to non-members for the regular scheduled meetings.
- Section 3.** Annual DATAG membership begins on July 1st and ends June 30th each year. Discounts for DATAG conferences apply to only those that take place during the twelve month period covered by the membership

PART II. ELECTIONS

ARTICLE I: OFFICERS

- Section 1.** One or more nominations for each open officer's position shall be submitted by a Nominations Committee appointed by the Board.
- Section 2.** Nominations for officers' positions shall be submitted by the Nominations Committee to the Board for approval of new officers by a simple majority of Board Members before being announced to the membership.
- Section 3.** The selection process for officers will present board members with the option to approve or disapprove a single nominee for each position. If the board rejects a nominee for an officer's position, the Nominations Committee will submit the name of new nominee for the same position for board approval.
- Section 4.** Officers shall be selected by a simple majority of Board members present at any regularly scheduled Board meeting following the annual membership meeting in the Spring, and no later than June 30.
- Section 5.** The new officers shall take their positions on July 1st of the year they are elected.
- Section 6.** Once elected, an officer can be removed from office if the Board of Directors passes a "No Confidence" action against the officer listing the just causes for removing the officer from their position.
- (a) The process for a "No-Confidence action" requires that a motion be introduced by a board member citing the just causes for an officer's removal. A two-thirds majority of all directors with voting privileges is required to pass a "No Confidence action". Passage of a "No Confidence Action" immediately removes the officer from their position as officer. Removal of an officer does not remove the officer from the Board of Directors.
- (b) "Just Causes" for removal of DATAG officers include the following
- An excessive pattern of non-performance of the duties assigned to the officer
 - Theft of DATAG property or embezzlement of DATAG funds
 - Abusing the authority of office by taking action on behalf of DATAG that exposes the organization to liability without Board authorization
 - Taking actions in violation of directions explicitly provided by the Board of Directors or the Chair of the organization

Section 7: If an Officer vacancy occurs, the Nominations Committee will submit the names of one or more candidates for the position for a Board vote. Upon Board approval, the elected officer will serve out the term of the officer being replaced.

ARTICLE II. BOARD OF DIRECTORS MEMBERS

Section 1. Five positions on the Board of Directors will be filled annually through a process of Board of Director nomination and general membership approval.

Section 2. The term of office for Board of Directors members is three years.

Section 3. The Nominations Committee will nominate five candidates for majority approval for Board of Directors positions. The Nominations Committee is guided in the nominating process by its mandate to preserve regional and institutional representation. The types of educational institutions represented on the Board of Directors include BOCES, Regional Information Centers, School Districts, and consultants serving school districts. The Nominations Committee will attempt to ensure that the Board of Directors maintains a balanced representation of all regions of the state. The proposed Board slate shall be presented to the membership at least thirty days before the election.

Section 4. The balloting process for Board of Directors members will present members with the option to approve or disapprove five nominees on a single slate of nominees. Election to the Board requires a simple majority of voting members in attendance to approve the slate presented by the Board.

Section 5. If the membership votes down a slate of nominees for the Board of Directors, members in attendance will be given the opportunity to offer the names of qualified members to the Nominations Committee for consideration. After review of all names provided through the open nomination process, the Nominations Committee will recommend a new slate to the Board for temporary approval by board majority approval until the next regular meeting.

Section 6. If an election has not taken place because of emergency cancellation of the Annual Membership Meeting or similar circumstances, current Board members will continue to hold their seats until the next regular meeting when an election can be held.

Section 7. New Board members shall take their position on July 1st of the year they are elected.

Section 8. Once elected, Board members must meet a minimum attendance requirement of 60% attendance at Board meetings in order to retain their seat on the Board of Directors. At least four “regular” Board of Directors meetings a year will be held. Attendance for these regular meetings is in person. The Board will schedule other “virtual” meetings as needed. Attendance at “virtual” meetings can be by telephone or video link.

The secretary of the organization will report on Board member attendance at the last regular or virtual Board meeting of the year.

If a Board member shows a pattern of non-attendance during the year, the Chair shall contact that member and report to the Board on the results of the discussion.

If, according to the Secretary’s end of year report, a Board member has failed to meet the 60% attendance requirement, the Board shall consider the Chair’s report on the members’ circumstances. The Board may choose to take any action it considers appropriate.

If the organization changes the official meeting schedule by a vote of the Board, those that are unable to make the meeting will receive an excused absence. This will not count against the Board member in the mandatory percentage required by the Board.

Section 9. Once elected, a Board Member can be removed from office if the Board of Directors passes a “No Confidence” action against the board-member listing the just causes for removing the member from their position.

- (a) The process for a “No-Confidence action” requires that a motion be introduced by a board member citing the just causes for a board member’s removal. A two-thirds majority of all directors with voting privileges is required to pass a “No Confidence action”. Passage of a “No Confidence Action” immediately removes the board member from the board.
- (b) “Just Causes” for removal of DATAG Board members include the following
 - a. An excessive pattern of non-performance of the duties assigned to the Board member by either the Board or the Chair of the organization
 - b. Theft of DATAG property or embezzlement of DATAG funds
 - c. Violation of the DATAG Policy on Conflicts of Interest
 - d. Abusing the authority of office by taking action on behalf of DATAG that exposes the organization to liability without Board authorization
 - e. Taking actions in violation of directions explicitly provided by the Board of Directors or the Chair of the organization

Section 10. If a Board vacancy occurs, the Nominations Committee will submit the names of one or more candidates for the position for a Board vote. Upon Board approval, the elected Board member will serve out the term of the member being replaced.

PART III. COMMITTEES

Section 1. Committees may be created by the Board of Directors as the need arises.

Section 2. The Standing Committees of the Board of Directors include the Officers’ Committee, Program Committee, the Member Services Committee, the Finance Committee, the Organizational Development Committee, Summer Conference Committee, Electronic Communications Committee, and the Nominations Committee.

Section 3. The Program Committee will be chaired by the Program Director of DATAG.

Section 4. All committee chairs will be nominated by the DATAG Chair and confirmed by a majority vote of Board of Directors members in attendance at a Board of Directors meeting.

Section 5. Committee members will be drawn from the Board of Directors and the regular membership. Each committee chairperson will recruit committee members and file a committee membership form with the Board of Directors’ Secretary. Exception: The Nominations Committee shall consist of three or more members of the Board of Directors, recommended by the Nominations Committee Chair and approved by the Board. Each committee must include at least two Board of Directors members (counting the chairperson) and no more than two other regular members of DATAG.

Section 6. The function of each committee is determined by the tasks set for it at Board of Directors meetings and in preparation for future DATAG events. These functions can be identified in Board of Directors minutes.

Section 7. Each standing committee of the Board of Directors should meet and conduct business at least twice a year. Each committee chair should present a progress report to the Board of Directors at least

twice a year. If a committee meets less often than twice a year, the Board of Directors will review the status of the committee as a standing committee. The Board shall review the existing committees at the June meeting and decide which are to be considered standing committees, which are temporary, and which might be abolished.

PART IV. QUORUM

Section 1. Business at the annual membership meeting cannot be conducted unless a quorum of the membership is present. A Quorum for conducting business at the annual membership meeting is defined as 40 regular members with voting privileges from ten different educational organizations.

Section 2. Business at Board of Director meetings, either in person or virtually, cannot be conducted unless a quorum of the Board members are present. A Quorum for Board of Directors meetings is defined as nine Board members with voting privileges.

PART V. RULES OF ORDER

Section 1. All matters of procedure not specifically covered by this constitution and by-laws shall be conducted in accordance with Robert's RULES OF ORDER, Revised Edition. The Chair of DATAG chairs all board meetings, sets the agenda and can participate in votes of the board.

Section 2. Under necessary circumstances, the Board may conduct e-mail votes as delineated in the Procedures Manual.

PART VI. AMENDMENTS

Section 1. These by-laws may be amended by a two-thirds vote of the Board of Directors at a regularly scheduled Board of Directors meeting.

PART VII. REPRESENTATION

Section 1. Proposals for DATAG representation, in statewide and regional processes related to the mission of DATAG, can be initiated at the request of any educational institution in the state of New York or by recommendation by a Board of Directors member.

Section 2. Requests from organizations for DATAG representation should be directed to the Board of Directors to determine DATAG's response. The Board of Directors response to the request for representation will be determined by a simple majority vote of Board of Directors members in attendance at a Board of Directors meeting.

Section 3. Following the decision of the Board of Directors, the Nominations Committee will review a list of appropriate representatives and recommend the DATAG representative to the Board of Directors. Representatives of DATAG will be confirmed by majority vote of Board of Directors members in attendance at a Board of Directors meeting.

Section 4. DATAG representatives at meetings hosted by other organizations serve as liaisons for DATAG to that organization.

Section 5. DATAG Representatives to other organizations submit reports at Board of Directors meetings and provide agendas, minutes, key issues and recommendations.

Section 6. DATAG Representatives to other organizations can advocate for specific positions on issues only if instructed to by the Board of Directors. If circumstances require a DATAG representative to take or advocate for a specific position on short notice, the representative can confer with two officers to gain the authorization of both leaders prior to a Board of Directors meeting.

PART VIII. MEMBERSHIP INFORMATION

Section 1. Regular members are defined as individuals who have paid the annual membership fee. Annual memberships begin on July 1 and expire on the following June 30. Members shall receive notification following the annual membership meeting that renewal of their membership is due in order to retain the benefits of membership in the following year.

PART IX. DATAG FINANCIAL PROCESSES

Section 1. All DATAG expenditure of funds will be done through the approved use of the DATAG debit card or through checks drawn on the same account. All expenditures will be in accordance with the Board approved budget for the year. Any additional expenses must be approved by the Board as needed.

Section 2. No officer can withdraw DATAG funds for reimbursement of expenditures through unapproved processes.

Section 3. Associate members who attend meetings and conferences will pay with cash, check or approved purchase order and will be given a receipt for payment by the Treasurer or the Treasurer's designee.

Section 4: Members who are fulfilling significant responsibilities amounting to more than normal volunteer work may be approved by the Board for waiver of membership fees or conference fees. Hotel rooms or meal expenses may also be covered. This must be approved for each individual through a Board resolution which must specify the services the individual is performing, the fees and/or expenses to be covered, and the duration of such coverage.

Section 5. The Board may, after due consideration, decide to hire contractors, vendors, or employees to perform functions to achieve DATAG's purposes.

Section 6. DATAG Hotel Points Management

Points that are awarded based on DATAG expenditures are assets of the organization. As such, they should be managed and accounted for in a similar manner to the organization's financial assets. One of the difficulties in managing points is that the hotels will not permit the points to be held in the name of the organization, but must be held in the name of an individual.

Process and Accounting:

- All points accrued by hotel expenditures will be held in the name of the DATAG Treasurer.
- Points may only be "spent" for expenses at the hotel(s) from which they accrued. These expenditures could be for rooms or expenses related to meetings. This use will allow the organization to reduce its cash outlay for events. (Note: Hotels do not permit the use of points to reduce the cost of the event from which they accrue. They can only be used for future expenses.)
- The Treasurer will report accrual, expense, and point balances to the Board on at least a quarterly basis. The report will include print outs or screen shots from the hotel points system showing the accrual and use of points.

PART X. BOARD MEMBER CONFLICTS OF INTEREST

Section 1. Board members must acknowledge any potential conflicts of interest and avoid participating in contracts or other transactions between the Board of Directors and any corporation, school district or other organizational entity that directly benefits board members' financially.

The constitutional non-inurement provision prohibits board members from benefiting from the net earnings of the organization. For the purpose of clarifying board member conflicts of interest, net earnings shall be defined as all monetary and non-monetary benefits, including, but not limited to points, refunds, rebates, bonuses and rewards.

The Chair will ensure that the document acknowledging agreement to this requirement shall be presented to all Board members, both new and continuing, at the first Board meeting after July 1 of each year. Board members shall sign and return to the Secretary at that meeting, or as soon as possible in the case of their absence from the meeting.

Section 2. No Director shall vote on any matter in which he or she has a material and direct financial interest that will be affected by the outcome of the vote.

Section 3. If a board member knowingly participates in a decision in violation of this conflict of interest policy, the conflict of interest violation is grounds for a "Vote of No-Confidence" and removal from the board. (see removal of Board members and "No-Confidence Votes" above).

Section 4. Board members are required to declare any conflicts of interest in a signed Conflict of Interest Declaration form when they are elected to the Board of Directors.

Constitution last amended March 11, 2016

By Laws with changes approved March 9, 2017