



THSC presents

Bylaws: Under Construction



Bylaws: Under Construction was created to help home school group leaders determine whether the bylaws for their home school group are sufficient to control actions of their members and accomplish the vision and mission the group set out to achieve. THSC is providing this as a resource for home school group leaders, but THSC cannot provide legal counsel. Legal counsel should be obtained by leaders seeking to ensure that organizing documents and bylaws have been brought into compliance and will offer protection for their group.

Bylaws: Under Construction, Written; April 2017

THSC wishes to thank the following contributors: Dr. Ray Ballmann – THSC Advisory Board Member; Mr. Nathan Macias – THSC Advisory Committee; Jeremy Newman – THSC Director of Public Policy; the THSC Leadership Support Team. The included resources are used with permission from the NCLL (National Center for Life and Liberty), Alliance Defending Freedom, and Carol Topp, CPA.

Bylaws: Under Construction



Section 1 - Bylaw: Project Management

What is a bylaw?

- A rule made by a company or society to control the actions of its members.

Why do we need bylaws?

- Every club or group—small or large—should have bylaws.
- Bylaws protect groups from the changing whims of members that do not reflect the group as a whole.
- Bylaws help new members understand operations, especially when longer-term members are no longer involved to explain how the group was set up.
- Bylaws can be changed, but in order to maintain the integrity of the group, they are collectively reviewed and changes are made according to definitions found in the bylaws.
- Bylaws should be obeyed by all members and enforced by the leadership board to avoid conflict.
- Bylaws are custom to each group but should contain universal sections.

If your bylaws are vague or unclear, your group could be headed toward conflict. **These are the top three items that well-written bylaws help establish for all group members.**

1. Statements of Faith: Define the requirements and whether members need to sign a Statement of Faith. Some groups require a signature from all members, while others require signatures from just leadership. This includes leaders acknowledging they will lead in accordance with their Statement.
2. Support Group Type and Commensurate Bylaws: Define your group as Religious, Inclusive or Secular. Though home schooling is predominantly a Christian practice, non-Christian families are entering the home school arena. Be clear and up-front in your charter/by-laws.
3. People: Leading people is an art of the heart. “My support group would be fantastic if there just were not people involved!” is not an acceptable position. It is a skill to lead different type of people and be a functioning group member. Define the best practices for how the group will handle situations involving both leaders and group members.

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Section 2: Bylaw Blueprint



What should bylaws include?

- **Size and function of the board - Texas requires a minimum of three board members for nonprofits**
 - President and Secretary are two required titles in Texas.
- **Roles and duties of directors and officers**
 - Is there a mechanism that by default will cause the member to be removed (by self-exclusion, etc.) or relieved of duties?
- **Procedure for removing board member**
 - Clear procedure for removing a board member and dealing with conflict.
- **Rules and procedures for holding meetings, electing directors and appointing officers**
 - Clear wording without ambiguity.
- **The number required for a quorum (majority of members required for decisions)**
- **Indemnification statement**
 - Statement to limit personal liability of the board.
- **Whether my organization has members**
 - Home school groups are often run by the board and non-member organizations.
 - Groups might consider calling group members “participants” or “families.”
 - Additional resources:
 - Bylaw article - HomeschoolCPA.com: [Should your homeschool group have members? Maybe not!](#)
 - Home school nonprofit corporation article - HomeschoolCPA.com: [Should my homeschool nonprofit corporation have members?](#)
- **Conflict of interest policies and procedures**
 - In this quick-to-litigate era, it is imperative that bylaws are as complete as possible.
 - This might cause removal of a member and should be clearly explained. In nearly all cases, the withdrawal or recusal is related only to the specific vote/issue at hand; it would not constitute complete removal from the board or membership.

- **Dissolution practice - for group**
 - Specific IRS wording for organizations that want to be a 501(c)(3)
 - Sample at HomeschoolCPA.com:
 - <http://homeschoolcpa.com/leader-tools/sample-documents/>
- **How monies will be distributed if dissolved**
- **Minimum number of board meetings per year**
- **Policy for electronic board meetings**
 - Groups should determine if electronic meetings are allowed.
 - What constitutes a legal meeting?
 - Example: All board members must hear simultaneously, etc.
- **Procedure for calling a special called or emergency meeting**
 - For emergency meetings, must be method to confirm all board members have been notified.
- **Committee: How it may be created or dissolved**
 - Groups often use language such as “create and dissolve standing / temporary committees as the board sees fit.”
- **Policy for amending bylaws**
 - Most organizations do not allow for bylaw amendments to be made in a singular meeting.
- **Other essential corporate governance matters**
 - Consider: Statements for or against homosexuality
 - Consider: Statements for or against same-gender marriage
 - Suggested resource - [Alliance for Defending Freedom](https://tinyurl.com/zx2wxed) - <https://tinyurl.com/zx2wxed>
 - Consider: Statements for or against living with someone outside of marriage.
 - Consider: Statements related to biological sexual orientation.
 - Statements (mostly for a co-op with classes) related to the authority of a teacher to teach anything in contradiction to the Statement of Faith.
 - Statements about the governing authority of the Statement of Faith.
 - “All operations and functions of this group are done in compliance with this Statement of Faith and as part of this groups mission...”
 - Consider: Policy handbooks spelling out dress code, discipline, etc.
 - Who creates this handbook?
 - Who enforces this discipline?
 - Policy enforcement: Should whoever is in charge of implementing the policy be defined in the bylaws?



THSC

PARTNER GROUPS

Keeping Texas Families Free™

Helpful Resources for Leaders:

Would you like to have links to these resources emailed to you? Please email Ashley Lawson and request the bylaw resources. Email: ashley.lawson@thsc.org

THSC 2017 Leader's Guide:

- <https://docs.google.com/document/d/1a9EPTUIERApOr4cROZC78C24bBVptpOkrdCSd2ifCnl/pub>

Homeschool CPA:

- <http://homeschoolcpa.com/>
- <http://homeschoolcpa.com/leader-tools/sample-documents/>
- Bylaw article:
<http://homeschoolcpa.com/should-your-homeschool-group-have-members-maybe-not/>
- Nonprofit corporation article:
<http://homeschoolcpa.com/should-my-homeschool-nonprofit-corporation-have-members/>

Alliance Defending Freedom:

- <https://www.adflegal.org/>
- Protecting Your Ministry Handbook:
<https://adflegal.blob.core.windows.net/web-content-dev/documents/protecting-your-ministry-manual-english.pdf?sfvrsn=6>

National Center for Life and Liberty:

- <http://www.ncll.org/>
- Monthly free resource archive: <http://www.ncll.org/resources/free>
- Ministry Hot Topic Handbook: <http://www.ncll.org/resources/free/2016/january>

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