

Resource B Non-Compliance Procedures

The following Non-Compliance Procedures have been adopted by National PTA as a guideline to be followed when there is a determination that a state constituent association is not in compliance with the Standards of Affiliation (“SOA” or “Standards”). While National PTA recognizes its responsibility to preserve the value and goodwill associated with the PTA Trademarks (as defined in the SOA) and brand, it is also committed to supporting and working collaboratively with its local and state constituent associations. For more details, contact the National PTA Field Service Committee or email soa@pta.org.

I. Notification Phase

- A. If it has been determined that a state constituent association has not complied with any portion of the SOA, the National PTA President shall notify the state constituent association of such determination (“Notice of Non-Compliance”).
- B. The Notice of Non-Compliance shall:
 - 1. Be sent to the state constituent association via email (to all members of the board of directors on file) and by receipted overnight courier (to the agent of record);
 - 2. Specify the particular standard or standards with which the state constituent association has not complied;
 - 3. Specify the date by which the state constituent association must comply with each standard with which it has not complied; **and**
 - 4. Inform the state constituent association that if it does not comply with the standard(s) by the date(s) specified in the Notice of Non-Compliance, it will be moved to the Intervention Phase, the Probation Phase, the Restructuring Phase, and/or Revocation as determined by the National PTA.
- C. If at any point during a period of non-compliance, National PTA becomes aware of additional or different instances of non-compliance with the SOA, notice of such additional or different non-compliance shall be given as specified in Section I.B.

II. Failure to Comply with Notice of Non-Compliance

- A. If it has been determined that the state constituent association has not complied with one or more of the identified standards by the date specified in the Notice of Non-Compliance, the National PTA President shall notify the state constituent association of such determination (“Notice of Determination”).
- B. The Notice of Determination shall:
 - 1. Be sent to the state constituent association via email and by receipted overnight courier;
 - 2. Specify the particular standard or standards with which the state constituent association remains in non-compliance;
 - 3. Inform the state constituent association as to whether it is being placed in the Intervention Phase, the Probation Phase, the Restructuring Phase, or Revocation; **and**

4. Include such additional information as specified in Sections III, IV, V, or VI below, as applicable.
- C. National PTA reserves the right to, at any time, bypass the Intervention Phase and/or the Probation Phase and move directly into the Restructuring Phase if the National PTA Board of Directors determines that:
1. The state constituent association members and/or officers in accordance with state law; lacks sufficient leadership to meet the applicable requirements for board composition;
 2. The state constituent association is unable to fill an officer seat with an eligible leader as defined in its bylaws or other governing documents (such as board-approved policies or procedures);
 3. The state constituent association's leadership is no longer functioning, and/or is unable to provide effective service to its local constituent associations;
 4. The state constituent association is unable to conduct elections or business, as per bylaws, at an annual meeting;
 5. The state constituent association has been in the Intervention Phase or Probation Phase at least once in the last five years; **or**
 6. The state constituent association is engaging in conduct that the National PTA determines may justify skipping a phase after weighing the potential harm to the value and goodwill associated with the PTA Trademarks and brand as compared to the state constituent association's interest in the benefits of affiliation.

III. Intervention Phase

- A. If the National PTA has issued a Notice of Determination to the state constituent association and has determined that the state constituent association shall be placed in the Intervention Phase, the National PTA shall assign either a representative or a support team to offer solutions, guidance, and oversee the state constituent association's activities and progress towards compliance. This representative or support team may include at least one member of the National PTA Board of Directors. The representative's contact information or the support team lead's contact information shall be provided.
- B. In addition to the information identified in Section II.B. above, the Notice of Determination issued to the state constituent association entering the Intervention Phase also may:
1. Inform the state constituent association that, in consultation with the representative or the support team, whichever is assigned, it is responsible for developing and submitting to the representative or support team lead and to soa@pta.org a written action plan ("Action Plan") by the deadline specified in the Notice of Determination; and
 2. Inform the state constituent association's board of directors that the failure to successfully complete the Intervention Phase may result in further corrective measures and the forfeiture of certain privileges of affiliation.
- C. If an Action Plan is identified in the Notice of Determination, it may include milestones, with dates, or other requirements as detailed in the notice for the state constituent association to come into compliance. The state constituent association may consult the representative or support team lead as the state constituent association develops their Action Plan.

1. The state constituent association shall submit an Action Plan to the representative or support team lead and to soa@pta.org for review by the deadline specified in the Notice of Determination.
 2. The National PTA may approve the Action Plan as submitted or return identifying those items the State Constituent Association shall modify prior to resubmitting for approval, and shall inform the state constituent association of such decision via email and by receipted overnight courier.
 3. If the state constituent association is unable to meet the deadline(s) specified in the Action Plan, the state constituent association may request an extension of time by submitting a written request for such extension to the representative or support team lead and to soa@pta.org. Such request must be received by the representative or support team lead and to soa@pta.org in advance of the deadline and must include the amount of additional time requested for each milestone in the Action Plan.
 4. After deciding whether to approve an extension, the National PTA shall inform the state constituent association of such decision via email and by receipted overnight courier.
- D. At the conclusion of the Intervention Phase, the National PTA shall inform the state constituent association that the Intervention Phase has ended. Such notice shall also inform the state constituent association of its status (e.g. in compliance with SOA or continued non-compliance with the SOA), shall include such other information as the National PTA deems appropriate, and shall be sent to the state constituent association via email and by receipted overnight courier.
- E. National PTA reserves the right to end the Intervention Phase, at any time, and move the state constituent association to the Probation Phase, the Restructuring Phase, or Revocation if the National PTA Board of Directors determines that the actions of the state constituent association may diminish the value and goodwill associated with the PTA Trademarks and brand.

During the Intervention Phase, the state constituent association and its local constituent associations shall be entitled to all the privileges of affiliation with National PTA.

IV. Probation Phase

- A. The state constituent association shall enter the Probation Phase when the National PTA has determined that:
1. The state constituent association has failed to comply with the SOA by the deadline specified in the Action Plan approved by the National PTA during the Intervention Phase, including any approved extensions; **or**
 2. The state constituent association has received a Notice of Determination indicating it has been placed in the Probation Phase as a first step.
- B. If it has been determined that the state constituent association is entering the Probation Phase, the National PTA President shall notify the state constituent association of such probation (“Notice of Probation”).
- C. The Notice of Probation shall:

1. Be sent to the state constituent association via email and by receipted overnight courier;
2. Stipulate that probation includes the forfeiture of the following privileges and any additional privileges the National PTA determines should be forfeited:
 - a. Funding to attend National PTA meetings and events as may be specified in the National PTA bylaws and/or budget;
 - b. Eligibility to receive benefits from sponsored gifts or rewards and to participate in sponsorship/members-only programs;
 - c. Eligibility to receive grants or program participation/incentive funds from National PTA;
 - d. Eligibility to request and receive official representation assigned by National PTA at the state constituent association's annual meeting/convention or other statewide event once every two years; **and**
 - e. Eligibility to participate in National PTA awards and other programs, including the PTA Reflections program at the national level.
3. If the state constituent association is entering the Probation Phase from the Intervention Phase, the Notice of Probation also may:
 - a. Provide that the representative or support team shall continue to offer solutions, guidance, and oversee the state constituent association's activities and progress towards compliance; and
 - b. Inform the state constituent association that, in consultation with the representative or the support team, whichever is assigned, it is responsible for modifying and submitting to the representative or support team lead and to soa@pta.org a revised written Action Plan by the deadline specified in the Notice of Determination.
 - c. The National PTA may approve the Action Plan as submitted or return identifying those items the state constituent association shall modify prior to resubmitting for approval, and shall inform the state constituent association of such decision via email and by receipted overnight courier.
4. If the state constituent association is placed in the Probation Phase as a first step, the National PTA shall assign either a representative or a support team to offer solutions, guidance, and oversee the state constituent association's activities and progress towards compliance. This representative or support team may include at least one member of the National PTA Board of Directors. The representative's contact information or the support team lead's contact information shall be provided. In addition to the information identified in Section IV.C.1 and 2 above, the Notice of Determination issued to the state constituent association entering the Probation Phase as a first step also may:
 - a. Inform the state constituent association that, in consultation with the representative or the support team, whichever is assigned, it is responsible for developing and submitting to the representative or the support team lead and to soa@pta.org an Action Plan by the deadline specified in the Notice of Determination; and

- b. Inform the state constituent association’s board of directors that the failure to successfully complete the Probation Phase may result in further corrective measures and the forfeiture of certain privileges of affiliation.
 5. Identify probation requirements, including a timeline for completion and potential additional training requirements relevant to the situation for the state constituent’s board of directors.
 6. Notify the state constituent association that failure to comply with probation requirements **or** lack of cooperation and communication with the assigned representative or support team **or** causing damage to the value and goodwill associated with the PTA Trademark and brand may result in the National PTA terminating the Probation Phase, and directing that the state constituent association be moved to the Restructuring or Revocation Phase. This notification may be made at any time, regardless of whether any specified time period has passed.
- D. If the state constituent association is placed in the Probation Phase as a first step and if an Action Plan is identified in the Notice of Probation, it may include milestones, with dates, or other requirements as detailed in the notice for the state constituent association to come into compliance. The state constituent association shall consult the representative or support team lead as they develop their Action Plan.
 1. The state constituent association shall submit an Action Plan to the representative or support team lead and to soa@pta.org for review by the deadline specified in the Notice of Determination.
 2. The National PTA shall approve the Action Plan as submitted or return identifying those items the state constituent association shall modify prior to resubmitting for approval, and shall inform the state constituent association of such decision via email and by receipted overnight courier.
 3. If the state constituent association is unable to meet the deadline(s) specified in the Action Plan, the state constituent association may request an extension of time by submitting a written request for such extension to the representative or support team lead and to soa@pta.org. Such request must be received by the representative or support team lead and to soa@pta.org in advance of the deadline and must include the amount of additional time requested for each milestone in the Action Plan.
 4. After deciding whether to approve an extension, the National PTA shall inform the state constituent association of such decision via email and by receipted overnight courier.
- E. A state constituent association shall remain on probation until the National PTA determines that the probation period should end.
- F. While on probation, the National PTA may restore the state constituent association’s benefits of affiliation, in whole or in part, at its discretion.
- G. The state constituent association may request an extension of the Probation Phase by submitting a written request for such extension to the representative or support team lead and to soa@pta.org. Such request must be received by the representative or support team lead and to soa@pta.org in advance of the deadline, and must include the amount of additional time requested for each milestone in the Action Plan.

- H. After deciding whether to approve an extension, the National PTA shall inform the state constituent association of such decision via email and by receipted overnight courier.
- I. National PTA reserves the right to end the Probation Phase, at any time, if the National PTA Board of Directors determines that the actions of the state constituent association may diminish the value and goodwill associated with the PTA Trademarks and brand.
- J. At the conclusion of the Probation Phase, for any reason, the National PTA shall inform the state constituent association that the Probation Phase has ended. Such notice shall inform the state constituent association of its status (e.g. in compliance with SOA or continued non-compliance with SOA), shall include such other information as the National PTA deems appropriate, and shall be sent to the state constituent association via email and by receipted overnight courier.

During the Probation Phase, the state constituent association's local constituent associations shall be entitled to all benefits of their membership with National PTA.

V. Restructuring Phase

- A. The state constituent association shall enter the Restructuring Phase when:
 - 1. The state constituent association has failed to comply with the requirements of the Probation Phase; or
 - 2. The state constituent association has received a Notice of Determination indicating it has been placed in the Restructuring Phase.
- B. If it has been determined that the state constituent association is entering the Restructuring Phase, the National PTA President shall notify the state constituent association of such restructuring ("Notice of Restructuring").
- C. Such Notice of Restructuring shall be sent to the state constituent association via email and by receipted overnight courier.
- D. During the Restructuring Phase, the state constituent association shall not take any of the following actions without prior written approval by the National PTA:
 - 1. Communicate with the state constituent association's local constituent associations regarding the Restructuring Phase;
 - 2. Issue any communications using the PTA Trademarks or brand;
 - 3. Issue any other communication that might diminish the value and goodwill associated with the PTA Trademarks or brand; **or**
 - 4. Expend any funds.
- E. During the Restructuring Phase, the state constituent associate shall:
 - 1. Turn over to the National PTA access to the state constituent association's funds and National PTA shall establish temporary account(s) when requested;
 - 2. Turnover to the National PTA all PTA assets and records including but not limited to physical property, contracts, financial records and instruments, historical records, minutes, access to technology accounts (website, Facebook, etc.); **and**
 - 3. Take such other reasonable actions as directed by the National PTA.

- F. National PTA reserves the right to end the Restructuring Phase, at any time, if the National PTA Board of Directors determines that the action of the state constituent association may diminish the value and goodwill associated with the PTA Trademarks and brand.
- G. At the conclusion of the Restructuring Phase, for any reason, the National PTA shall inform the state constituent association that the Restructuring Phase has ended. Such notice shall also inform the state constituent association of its status (e.g. in compliance with the SOA or continued non-compliance with the SOA), shall include such other information as the National PTA deems appropriate, and shall be sent to the state constituent association via email and by receipted overnight courier.

During the Restructuring Phase, the National PTA will notify the state constituent association's local constituent associations of the extent to which National PTA will provide services.

VI. Revocation

- A. The National PTA Board of Directors may, at any time, regardless of other actions taken under these Procedures, revoke a state constituent association's charter if the National PTA determines that the state constituent association has engaged, or has threatened to engage, in any conduct or activities that may cause material harm to the value and goodwill associated with the PTA Trademarks or brand.
- B. Such Notice of Revocation shall be sent to the state constituent association via email and by receipted overnight courier.
- C. Immediately upon receipt of Notice of Revocation from the National PTA, the state constituent association (1) shall cease to identify itself as affiliated with PTA; (2) cease all use of the PTA Trademarks, (3) take such other steps as directed by the National PTA.

VII. Termination of Support Team

- A. The National PTA may, at any time, terminate the support team. National PTA may or may not assign a new support team.
- B. Upon such termination, the National PTA shall notify the state constituent association of such termination (the "Notice of Termination").
- C. The Notice of Termination shall be sent to the state constituent association via email and by receipted overnight courier.