

# Hierarchy of Governing Documents for PTA State Constituent Associations

## Important Note

This document is to be used only as a guide. Check with your attorney or parliamentarian regarding exceptions. This document does not purport to provide legal advice.

Every PTA has a set of governing documents. The document shows the general hierarchy of governing documents for State Constituent Associations (also known as State Congresses). These documents are all woven and work together to help state leaders effectively govern their PTA. The following hierarchy of authority is required by the National PTA for compliance with National PTA bylaws and policies.

After Federal and state law, an association is governed by rules adopted by its members, but these rules must be in compliance with National PTA bylaws and policies. Unless otherwise provided in governing documents, decisions of a board cannot supersede the actions of the membership.

The governing documents in order precedence, highest ranking first are:

## Federal Law

## State Law

(or the equivalent for PTAs under the U.S. Department of Defense)

## National PTA Articles of Incorporation

## National PTA Bylaws

## National PTA Governance Policy

(including National PTA Standards of Affiliation Policy included therein)

## State Articles of Incorporation

(or the equivalent for PTAs under the U.S. Department of Defense)

## State Bylaws

(Per the National PTA bylaws, "Each state and local constituent association organized under the direct authority of National PTA shall adopt bylaws for the governance of its association. Such bylaws shall not be in conflict with National PTA or their state nonprofit corporate laws and are subject to review by the National PTA Bylaws Committee.")

## Parliamentary Authority

(Per the National PTA bylaws, "The rules contained in the current edition of *Robert's Rule of Order Newly Revised* shall govern National PTA in all cases in which they are applicable and in which they are not in conflict with Article of Incorporation, National PTA bylaws, policies, special rules of order, or the District of Columbia Nonprofit Corporation Act.")

## State Policies and Procedures, Standing Rules, or Standard Operating Procedures

(called by different names in different state constituent associations.) Some policies and/or rules may supersede parliamentary authority. It is recommended that you seek the advice of a parliamentarian if these questions arise.

## Remember

Provisions in a particular governing document cannot be more restrictive than provisions found in a higher ranking governing document. For example, if the state bylaws do not have eligibility requirements to hold office, the state policies and procedures document cannot impose eligibility requirements. The bylaws would need to be amended to impose requirements for holding office.