



Booster Club Guidelines

July 2011

COMAL ISD

MISSION STATEMENT

The mission of Comal ISD is to provide extensive learning opportunities for all students to ensure they become contributing members of our society. This mission will be achieved through the commitment of a broad range of district wide resources.

GUIDELINES

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FORMATION OF A BOOSTER ORGANIZATION

ARTICLES OF INCORPORATION

A non-profit organization is created by filing articles of incorporation with the Secretary of State in accordance with the Texas Non-Profit Corporation Act. A non-profit corporation is characterized by the fact that none of the income of the organization is distributable to members, directors, or officers.

The completion of the two-page Form 202 – Articles of Incorporation Pursuant to Article 3.02 Texas Non-Profit Corporation Act is sufficient to meet all six required articles for incorporation. This form is available on the Secretary of State's website (refer to the References page of this document for the website address). Two copies of the signed Form 202 should be submitted along with a filing fee.

Upon acceptance, a certificate of incorporation will be issued which serves as conclusive evidence of corporate existence.

STATE AND FEDERAL REPORTING

APPLICATION FOR FEDERAL TAX EXEMPT STATUS

Formation of a non-profit corporation does not necessarily entitle an organization to be exempt from federal taxes. In order to be exempt from federal taxes, the booster club must apply for this status on Form 1023 – Application for Recognition of Exemption Under Section 501(c)3. This is a district requirement. General instructions on the rules and procedures can be found in IRS Publication 557 – How to Apply for Recognition of Exemption for an Organization. These documents are available on the Internal Revenue Service website (refer to the References section for the website address).

The application must be accompanied by Form 8718, *User Fee for Exempt Organization Determination Letter Request*, which provides a user fee to be paid to the Internal Revenue Service. The fee depends on the anticipated annual gross receipts.

Upon acceptance of the organization's exempt status by the Internal Revenue Service, a determination letter will be received as evidence of approval. The letter should be kept in a safe, permanent place as it will be used time and again to prove the organization's exempt status. In addition, a copy of the letter should be shared with the school's bookkeeper and the Business Services department.

Each organization must also file for an employer identification number on Form SS-4, *Application for Employer Identification Number*. It is possible to apply for an employer identification number using the telephone by dialing (800) 829-4933. The employer identification number will be issued immediately by the Internal Revenue Service during the call process. However, the organization is still required to file a form SS-4 with the IRS.

APPLICATION FOR STATE TAX EXEMPT STATUS

The organization must apply for an exemption from sales and franchise tax from the Texas State Comptroller's office. This is done by written request, which includes a description of activities, copies of articles and bylaws, and a copy of the IRS letter granting tax exemption. Further information may be obtained on the Comptroller's web site at <http://www.window.state.tx.us/taxinfo>.

ANNUAL FILING REQUIREMENTS

Every booster organization exempt from federal income tax under section 501(a) is required to determine the necessity of filing an annual Form 990, *Return of Organization Exempt from Income Tax*. Changes made to IRS regulations effective January 1, 2008 affects not-for-profit organizations and their requirements for financial reporting. Consult with your tax professional or the IRS for additional assistance.

Even though booster organizations are recognized as tax exempt, they may be liable for tax on the portion of income deemed to be unrelated business income ("UBI"). UBI is income from a trade or business activity, regularly carried on that is not substantially related to the charitable, education or other purposes that are the basis for the organization's exemption. An organization that has \$1,000 or more gross income from UBI must file Form 990-T, Exempt Organization Business Income Tax Return. This form is filed in addition to Form 990, 990-EZ, or 990-N and is required regardless of the level of the income received.

ORGANIZATION

Each booster organization must develop and maintain bylaws that are jointly reviewed on an annual basis by the campus principal and the booster club officers. Copies of the organization's bylaws must be submitted to the CISD Business Services Department within the District's Administration office.

The bylaws should contain the detail of the rules of membership. This document must address the organization's fiscal year, organizational structure and the method used to elect officers. Only active members in good standing shall be permitted to hold office or vote upon any matter of business of the organization.

Employees of the District shall not serve in a financial capacity of a booster or other parent organization. Financial capacity includes holding positions of treasurer, fund-raising chairperson, or serving as a check signer.

At a minimum, the booster organization shall elect the following officers on an annual basis.

PRESIDENT

Typically, the president of a booster organization is an individual who has previously been active in the organization. The major duties include, but are not limited to, the following:

- Preside at all meetings of the organization;
- Regularly meet with the designated campus representative regarding booster activities;
- Resolve problems in the membership;
- Regularly meet with the treasurer of the organization to review the organization's financial position;
- Select an officer as the designee to receive bank statements through the mail at their home address. This individual shall not be a signer on the account. Upon receipt, the designee should review the activity on the bank statement and canceled checks for reasonableness. This provides an independent review by an individual not associated with disbursement activity.
- Schedule annual audit of records or request an audit if the need should arise during the year;
- Perform any other specific duties as outlined in the bylaws of the organization.

VICE-PRESIDENT

The vice-president acts as the president's representative in his/her absence. They must remain familiar with the organization. The major duties include, but are not limited to, the following:

- Preside at meetings in the absence or inability of the president to serve;
- Perform administrative functions delegated by the president;
- Perform other specific duties as outlined in the bylaws of the organization.

Note: Larger booster organizations may find it necessary to elect several vice presidents with responsibility over differing areas. Such positions shall be clearly defined in the bylaws of the organization.

SECRETARY

The secretary is responsible for keeping accurate records of the proceedings of the association and reporting to the membership. The secretary must ensure the accuracy of the minutes of the meetings, and have a thorough knowledge of parliamentary law and the organization's bylaws. The major duties include, but are not limited to, the following:

- Report on any recommendations made by the executive board of the booster organization if such a governing board is defined by the bylaws;
- Maintain the records of the minutes, approved bylaws and any standing committee rules, current membership and committee listing;
- Record all business transacted at each meeting of the association as well as meetings of any executive board meetings in a prescribed format;
- Maintain records of attendance of each member;
- Conduct and report on all correspondence on behalf of the organization;
- Other specific duties as outlined in the bylaws of the organization.

TREASURER

The treasurer is the authorized custodian of the funds of the association. The treasurer receives and disburses all monies indicated in the budget and prescribed in the local bylaws or as authorized by action of the association. All persons authorized to handle funds of the association should be covered by a fidelity bond in an amount based upon the organization's annual income and determined by the executive board. The major duties include, but are not limited to, the following:

- Serve as chairperson of the Budget and Finance Committee if prescribed within the bylaws of the organization;
- Issue a receipt for all monies received and deposit said amounts on a weekly basis (daily if receipts on hand exceed \$ 250.00);
- Present a current financial report including bank statements, bank reconciliations, and financial statements to the executive committee within thirty days of the previous month end; Copies should be available for review by the general membership if requested.
- File current financial reports at the end of each semester (December and June) with the campus principal, campus bookkeeper, and the Director of Business Services;
- Maintain an accurate and detailed account of all monies received and disbursed;
- Reconcile all bank statements as received and resolve any discrepancies with the bank immediately;
- File sales tax reports as required by the comptroller's office (monthly, quarterly, or annually);
- File annual IRS form 990 in a timely manner;
- Submit records to audit committee appointed by the organization upon request or at the end of the year;
- Other specific duties as outlined in the bylaws of the organization.

Note: Due to the increasing requirements placed on charitable organizations by the Internal Revenue Service, it is strongly recommended that the Treasurer have an accounting background.

PARLIAMENTARIAN

The primary duty of the parliamentarian is to advise the presiding officer on parliamentary law and matters of procedure when requested. The president or presiding officer of the organization alone has the power to make decisions or rule on a point of order. Thus, after the parliamentarian has given his advice, the presiding officer must make the ruling to the organization – he is not obligated to follow the recommendation of the parliamentarian. The parliamentarian should be thoroughly familiar with the bylaws and any standing rules of the group on which he serves. A copy of *Roberts Rules of Order Newly Revised* should be maintained by the organization and referenced as needed.

SPECIAL COMMITTEES

Special committees are created for a specific purpose and voted upon by the membership. The committee is automatically dissolved as soon as that purpose is accomplished and the committee report is made. Special committees should complete their assignments within the current school year. If the objectives are not met at the end of the school year, officers will be required to reappoint members of the committee for the following year until the purpose of the committee has been achieved. Individuals who have a conflict of interest shall not be allowed to serve as members of the committee. For example, senior parents would not be included on a scholarship committee since their child is a potential recipient of the monies.

NOMINATING COMMITTEE

The nominating committee is formed from the organization's membership in the spring of each year. The purpose of the committee is to recommend various members of the organization for office in the coming school year. The nominating committee should be charged with soliciting recommendations for officer positions within the organization. The committee should then contact the potential candidate directly to ascertain their willingness and desire to serve. The nominating committee should report back to the membership on their results in the spring (typically by mid-April) so that elections may be held.

AUDIT COMMITTEE

At the end of the fiscal year, an audit of the booster club's financial records should be conducted. The audit should be performed by individuals who are independent from day-to-day financial activities. Ideally, this audit should be performed by a group of three individuals; however, if the membership size does not allow, the audit may be performed by two individuals. The primary objectives of the audit are to:

- Verify the accuracy of the Treasurer's financial reports;
- Ensure that the club's cash balances are accurate;
- Determine that established procedures for handling booster funds have been followed;
- Ensure that expenditures occurred in a manner consistent with the organization's bylaws;
- Ensure that all revenues have been appropriately received and recorded.

The audit committee shall make a report to the general membership upon completion of the audit. Any discrepancies noted shall be brought to the attention of the president of the organization and a resolution reached prior to presentation. All officers of the organization shall make records available as requested by the committee. Suggested audit procedures are included in Appendix A of this document.

ELECTION OF OFFICERS

The election of officers of the organization will occur annually within the timelines and manner prescribed by the booster organization bylaws. Typically the election of officers should occur by May of each year so that the newly elected officers may be in place for the start of the next school year. The transfer of records and audit of the accounts should be complete no later than July 1st of each year.

Officers may be elected in a variety of methods (simple majority, secret ballot) in accordance with the organization's bylaws. The election of officers should be from a slate of officers presented by the nominating committee in the spring of each school year. Recommendations may also be taken from the floor at the time of the vote in accordance with *Roberts Rules of Order*. At no time should officers be appointed without the input and approval of the membership.

STANDARDS FOR MEETING

Notice of all meetings of the booster organization should be published at the campus seventy-two hours prior to the meeting date. The notice should clearly indicate the date and time of the meeting and the items to be discussed. In order to provide an optimum level of communication and teamwork, booster club meetings should be held in the presence of the campus principal or other school sponsor. Business determined at meetings without adequate campus representation shall be considered null and void.

RULES FOR DISSOLUTION

To dissolve a booster organization, a resolution shall be adopted by the booster organization (or the executive board if the organization is inactive) stating that the question of such a dissolution be submitted to a vote at a special meeting of the members having voting rights. At least 30 days prior to the meeting, written or printed notice shall be given to each member entitled to vote stating that the purpose of such meeting is to consider the advisability of dissolving the organization. The booster organization must determine the distribution and usage of treasury monies and other assets before dissolution. In order to comply with Internal Revenue Service guidelines, care should be taken to ensure that excess funds are distributed within the framework of the organization's original purpose – i.e. band booster funds would remain with the musical program at that particular campus. Any other distribution of funds could void the organization's tax exempt status and force it into a fully taxable situation.

RECORD KEEPING

The secretary and treasurer of the organization shall turn records over to the incoming officers within 30 days of election. Records should be kept for a period of 10 years for audit purposes.

FINANCIAL INFORMATION

GENERAL

Booster organizations are required to establish a checking account at a local bank, credit union, or other reputable financial institution. *Checks should require the signature and authorization of two club officers.* The use of debit cards is strictly prohibited. Bank statements should be reconciled within 30 days of the date of the statement to ensure that possible inaccurate transactions are identified and communicated to the financial institution for correction.

There are a wide variety of computerized accounting packages available to assist the organization in accurately accounting for financial transactions. Each organization should adopt an accounting package or computerized accounting method which will meet the needs of the organization for several years. Software packages should be evaluated based upon their ease of use, cost, and required training.

At a minimum, the organization's membership should be provided with a financial statement and bank reconciliation at each meeting. The financial statement should provide a comparison of budgeted versus actual expenditures and receipts. Cash receipts and disbursement reports should be available for review when needed or at the annual audit.

FINANCIAL REPORTING TO DISTRICT

GASB Statement No. 39 of the Governmental Accounting Standards Board requires the District to obtain and review financial performance information of supporting organizations to determine whether these organizations should be considered a component unit. To this end, booster clubs are required to submit to the Director of Business Services mid-year and end-of-year financial statements (including balance sheet and income statement). Financial Statements should be submitted by December 15 and June 15 each year. Included in Appendix B is additional information related to requested financials.

CASH RECEIPT PROCEDURES

All cash collections received by the booster organizations for fees, dues, fund raising, etc. must be deposited upon receipt. All funds must be supported by some type of record documenting the source and amount of funds (tabulation of monies collected form, cash receipt form, ticket sales record, etc.). Such documentation shall be readily available for audit purposes.

Deposits shall be made daily if the total receipts on hand exceed \$250. If daily receipts are less than \$250, deposits shall be made within one week even if the receipts for all days combined are less than \$250. All money must be deposited prior to holidays and weekends.

Bank deposits should be prepared as follows to ensure the integrity of the financial reporting:

- 1) Separate all currency and coins by denomination and carefully count and record it in the appropriate section of the bank deposit form.
- 2) A tape may be run of any checks included in the deposit rather than indicating the checks individually on the deposit slip form. A copy of the tape should be retained with your copy of the deposit records.
- 3) Total the deposit slip.
- 4) Tally the pre-numbered cash receipts and make certain that this total matches the deposit total.
- 5) Attach the cash receipt verification with a copy of the deposit slip and file in date order.
- 6) For large deposits, have another individual independently count the currency only (not the coins or checks) and verify that the currency has been correctly recorded on the deposit slip.
- 7) Both individuals should initial the deposit slip next to the currency amount on the deposit slip.
- 8) Seal the deposit in a deposit bag in the presence of the second individual. This is called dual control and places the organization in a better position to challenge any claim that the bank may make that the currency received was not correct.

PETTY CASH

Each booster organization may maintain a small petty cash account. Strict controls must be maintained by keeping petty cash in a locked box accessible by only the treasurer and one other officer. Control of the petty cash account by a district employee is not allowed. The petty cash funds should be used for emergency purchases only. All other purchases should be made with a booster club check.

Upon disbursement through the petty cash account, a receipt for the purchase should be retained. At any given time, the amount of petty cash remaining and the aggregate total of receipts on hand should equal the amount of the established petty cash account.

BANK RECONCILIATION

Upon receipt of the monthly bank statement, the balance indicated on the statement shall be reconciled to the bank account balance in the general ledger as of the last day of the month. The reconciliation should be completed within 30 days of the date of the bank statement.

Items needed for reconciliation:

- Bank reconciliation form
- Prior month's bank reconciliation
- Bank statement
- Check Register and/or Cash Disbursements Journal
- Cash Receipts Journal
- General Ledger

To complete the bank side of the reconciliation form, perform the following steps:

- Indicate the ending balance per the bank statement.
- Check off outstanding checks from prior month's bank reconciliation using the bank statement.
- Determine the outstanding checks by comparing the Check Register to the bank statement, including any remaining checks from the previous month.
- Determine the deposits in transit by comparing the Cash Receipts Journal to the bank statement.
- Identify any items that need to be corrected by the bank, such as check printing, returned check charges and material encoding errors. These items should be grouped together under Other Adjustments.
- Total all items and enter the amount on the Adjusted Bank Balance line.

To complete the General Ledger side of the reconciliation form, perform the following:

- Indicate cash account ending balance from the general ledger.
- Compare the bank statement to the Check Register and list any cleared checks that were not posted.
- Indicate any outstanding returned checks.
- Indicate the interest earned per the bank statement. This amount should be immediately posted.
- Identify any items that need to be corrected on the General Ledger (such as immaterial encoding errors) under Other Adjustments.
- Total all items and enter the amount on the Adjusted Cash Balance line.

Compare the adjusted bank balance to the adjusted cash balance to make sure that they are in agreement. If they are not, the reconciliation is NOT complete. Examine the prior month's reconciliation to ascertain that all items have been posted and/or corrected.

If at all possible, a computerized reconciliation program should be used in conjunction with the organization's financial package.

In addition to the reconciliation, the cancelled checks or imaged copies of checks should be reviewed to ensure that the payee is consistent with that identified in the check register and endorsements on the check are reasonable.

DISBURSEMENT OF FUNDS

At the outset of the school year, a budget of anticipated expenditures should be developed. Prior to a disbursement, the request to expend funds should be compared with the budgeted expenditures. Disbursements outside the scope of the budget or line items that exceed the approved budget should require a vote by the general membership. A direct payment to a district employee is not a permitted use of booster funds, nor is the purchase of alcoholic beverages.

Booster organizations may not contribute funds in an effort to increase the personnel allocations and/or stipends of a particular program.

A disbursement voucher should be completed for all expenditures regardless of the amount. The appropriate supporting documentation (invoices, receipts) should then be attached to the disbursement form and filed in check number order. At no time should a check be issued without the appropriate supporting documentation.

To ensure compliance with UIL guidelines governing athletic activities, all disbursements relating to athletic booster club activity shall require the approval of the campus athletic director.

1099 REQUIREMENTS

Internal Revenue Service guidelines require that all payments for services in excess of \$600.00 made to an individual by a booster organization be reported on a form 1099 on an annual basis. The booster organization should secure an IRS form W-9 from the provider at the time of service to ensure that the organization has an accurate record of the tax payer identification number. The organization must then issue a form 1099 to all qualifying vendors performed in the calendar year by January 31st. The following guidelines can be used to determine if reporting is required:

- **Risk of profit of loss** - Independent contractors realize a profit or sustain a loss based on their success in performing the work or service.
- **Continuing relationship** - The relationship between an independent contractor and employer ends when the job is done.
- **Compliance with instructions** - Independent contractors cannot be told when, where, or how to do the job.
- **Training** - Independent contractors do not go through any type of instructional training period with a more experienced employee to learn how to do the job. Independent contractors specialize in the field in which they have been employed and do not require training.
- **Personal Service required** - The right of an independent contractor to substitute another's services without the employer's knowledge shows that one particular individual's personal services are not being required by the employer.
- **Integration into the business** - The success or continuation of the business is not dependent on the independent contractor's performance of the service.
- **Control over the hiring, supervising, and paying of assistants** - Independent contractors maintain control of their assistants. The employer contacts the independent contractor if there is a problem, and the employer pays the independent contractor for the work done. The independent contractor then pays the assistants directly.
- **Set hours of work** - An independent contractor sets working hours.
- **A full-time work requirement** - An independent contractor has the availability to work for more than one client.
- **Working for more than one firm** - An independent contractor has an established business in which they work for more than one firm.
- **Worker's availability to the general public** - An independent contractor makes services available to the public on a regular and consistent basis.
- **Working on the employer's premises** - An independent contractor works off-premises unless the nature of the service to be performed requires attendance at the employer's work site.
- **Required work order or sequence** - An independent contractor does not need to be told in what order or how to do a job as he/she is considered an expert in the field.
- **Required reports** - An independent contractor is not required to submit oral or written reports.
- **Payment by the hour, week, or month** - An independent contractor is paid in a lump sum fee basis when the job is done. An invoice must be generated to substantiate the payment.
- **Payment of business or travel expense** - An independent contractor is responsible for his/her own business or travel expense. If paid by an employer, the employer must include the expense amount in the independent contractor's 1099 (unless you can verify an accountable plan).
- **Furnishing of tools and materials** - An independent contractor has the necessary tools and materials to do the job.
- **Investment in facilities** - If the independent contractor maintains an office on the employer's premises, he/she

must pay a rent or lease payment for the office space as well as the overhead.

- **Employer's discharge rights** - An independent contractor cannot be terminated as long as he/she is fulfilling the contract.
- **Worker's termination rights** - An independent contractor may be held financially responsible for any loss the employer may suffer due to an incomplete, inaccurate or unsatisfactorily completed contract.

The Internal Revenue Service website should be accessed for appropriate 1099 reporting requirements and forms.

FUNDRAISING

Prior to the start of the school year, all booster organizations shall complete a fund raising application for each type of planned, scheduled or anticipated event and receive the approval of the campus principal. A copy of this application must be forwarded to the Business Services Department. This application details the vendor (if any), product to be sold or service to be rendered, and the estimated sales proceeds.

In order to obtain the best pricing available, booster organizations are encouraged to obtain three written quotes prior to making large purchases. For substantial purchases, obtaining formalized bids is strongly recommended.

INDIVIDUAL ACCOUNTS

In the past, it has been customary for booster clubs and other supporting organizations to credit “individual” student accounts based on a parent’s participation in fundraising events. The credit was based on a proportionate share of what they “earned” during the fundraiser.

This practice jeopardizes an organization’s tax-exempt status with the Internal Revenue Service as tax-exempt organizations must benefit a group as a whole instead of benefiting individual members of a group. *Booster clubs may not maintain individual accounts that are earmarked for a particular individual.*

FUNDRAISING PARTICIPATION QUOTAS

Booster clubs cannot require a member to participate in fund-raising activities. Coupled with this, members cannot be required to sell or raise a certain amount. Both of these practices may jeopardize an organization’s tax-exempt status with the IRS.

RAFFLES

Booster clubs are permitted to hold raffles within the following guidelines:

- Each ticket must indicate the name and address of the organization, name of an officer, price of the ticket and a description of each prize valued at \$10 or more. No prize may be valued in excess of \$50,000;
- Each booster organization may hold no more than two raffles per year and only one at a time;
- Tickets may not be advertised through paid advertising;
- A raffle prize may not be cash or a negotiable instrument such as a check, money order, or certificate of deposit. However, savings bonds, prepaid or “stored-value” credit cards are acceptable as they are not negotiable instruments.
- The booster must have the prizes in its possession before beginning the raffle or post a bond for the full value with the county clerk;
- Only members of the booster organization may sell the tickets;
- The winner must pay income tax on any prize. If the value exceeds \$600, the booster organization must provide an IRS form 1099 to the recipient;
- Phone solicitation may not be used to promote the event.

BINGO

A booster organization should consider all applicable regulations for bingo. Detailed rules may be obtained from the Texas Lottery Commission by requesting a copy of the Bingo Enabling Act, the Charitable Bingo Administrative Rules and Bingo Operations Manual by calling 1-800-BINGO77. A Charitable Bingo may not be advertised prior to actually receiving a license. Some basic rules include:

- A person may not be denied admission to a bingo game or the opportunity to participate in a game because of race, color, creed, religion, national origin, sex, or disability or because the person is not a member of the licensed authorized organization conducting the bingo game;
- A prize may not exceed \$750 in any single game or \$2,500.00 in the aggregate per occasion. In the event merchandise is donated, the actual retail value may not exceed these limits;
- Door prizes may not exceed \$250 per occasion;
- All bingo supplies and equipment must be purchased from a licensed distributor;
- A 5% fee must be collected from the person (s) who wins the bingo prize;
- Alcohol may not be served.

SALES TAX

Booster organizations are exempt from sales tax when making purchases. However, when making sales, sales tax must be collected. For purposes of sales tax, a calendar year is considered the reporting year (January 1 – December 31).

TAXABLE STATUS OF PURCHASES

- A booster organization must provide the vendor with a valid signed exemption certificate when claiming state sales tax exempt status. Exemption certificates do not require tax identification numbers to be valid nor is the vendor required by law to honor the exemption.
- The District's exemption status may not be utilized by parent, booster, patron, or alumni organizations to secure exemption from sales and excise taxes. Parent/teacher organizations and booster clubs must apply for their own exemption.
- Items which become the personal property of the student (cheerleader uniforms, band t-shirts, etc.), even though connected with a school or organization, are not exempt from tax. Items which are purchased by the organization through budgeted funds as an award to a student are not taxable.
- Meals purchased by the organization for athletic teams, bands, etc. on authorized school trips are exempt from sales tax if the organization contracts for the meals. The booster organization must pay for the meals with a booster club check and provide an exemption certificate.
- Individual members of the athletic team, band, etc., may not claim exemption from the sales tax on the meals they purchase while on a school authorized trip.

COLLECTION AND REMITTANCE OF SALES TAXES

The booster organization shall collect sales tax on all taxable sales. Contact the campus bookkeeper to obtain your sales tax rate.

When imposing sales tax, the organization has the option of:

- Adding the tax to the item's selling price - thus, if the selling price of an item were \$2.00 and the tax rate were 7.25%, the school would collect \$2.15 ($\2.00×1.0725) from the buyer for each item sold.
- Absorbing the tax in the item's selling price - thus if the item sold for \$2.00 including tax, the school would retain \$1.86 and remit \$0.14 for sales tax. If this method is used, divide the total sales by 1.0725 (assuming a tax rate of 7.25%) to find the taxable sales. To determine the sales tax amount, subtract the taxable sales from the gross sales.

TAXABLE STATUS OF SALES

School and school related organizations need not collect sales tax on the following:

- Admission tickets;
- Club memberships; and,
- Food and drinks sold at school functions;

Therefore, state and local sales taxes shall be imposed and collected on all sales for:

- Items sold by the school store (i.e. pencils, erasers, paper, etc.);

- Any type of booster club materials;
- Any other item sold as personal property (i.e. school pictures, uniforms, sweaters, etc.);
- All sales of items such as handicrafts, T-shirts, candles, cups, books, and school supplies sold by a school associated organization during a fundraising drive;
- All other personal property except for those items specifically excluded above.

Sales tax should be filed in accordance with the Comptroller's guideline. Further information can be found on the Comptroller's website included in the References section of this document.

DONATIONS

In accordance with District Policy DBD Local, school district staff “shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee’s discharge of assigned duties and responsibilities.” Students are also discouraged from accepting gifts of value. Students engaged in UIL activities shall not accept gifts except as provided by *UIL Constitution and Contest Rules*.

Donations to the District shall become the sole property of the District and not of the accepting organization. Donations should be earmarked for a specific purpose as indicated by the donating organization.

In accordance with Regulation CDC, gifts to the District must meet the following criteria:

- Must have purpose consistent with District purposes;
- Shall not place restrictions on the school program;
- Shall not require the exclusive endorsement of a particular business product;
- Shall not conflict with policies or actions of the Board or public law;
- Shall not require extensive unforecasted District resources or maintenance;
- Shall meet established curriculum guidelines.

To be deductible as a charitable contribution, a payment to charity must be a gift. A gift to charity is a payment of money or transfer of property without receipt of adequate consideration and with donative intent. Generally Accepted Accounting Principles require that the asset be recorded at its fair market value at the time of the donation. The District will make no determination of value for IRS purposes.

TITLE IX

Title IX is a federal law enacted in 1972 which protects individuals in education programs or activities from discrimination based on sex. It states that “No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal financial assistance.”

Title IX, which is promulgated by the U.S. Department of Education, applies to all aspects of education and related programs, not just athletics. It requires that equal opportunities be provided for members of both sexes. It does not require that each team receive exactly the same services and supplies, but rather that the male and female programs, collectively, receive comparable levels of service, facilities, supplies, etc.

Since booster club funding and activities are included in the analysis of the District’s compliance with Title IX, booster clubs should have an awareness of the law and the District’s requirement for compliance.

SCHOLARSHIP PROGRAMS

The District requires booster clubs to implement scholarship programs that are consistent with all other scholarship programs. Requirements include:

- All qualifying seniors must have the opportunity to apply for the scholarship(s).
- The application process must be clearly communicated, and the application forms must be readily available to all potential applicants and their parent and/or guardian after seventh semester transcripts are available.
- The Scholarship Review Committee must consider all qualifying applicants.
- The Scholarship Review Committee must be made up of an odd number (5-7) of members (parents from the Booster Club who do not have children eligible for consideration for the scholarship, interested teachers, campus administrators, and/or the sponsor). Many times the sponsor is an ex-officio member of the Scholarship Review Committee and not an actual voting member so that the sponsor is a source for additional information/input to the Scholarship Review Committee and a final review resource for the Scholarship Review Committee decisions.
- The qualification criteria for selection of scholarship winners (if any) must be communicated in writing to all potential applicants after the seventh semester transcripts are available and may not be changed during the scholarship award period. Any changes to the scholarship qualification criteria must be recommended by the sponsor and voted on by the booster club membership no later than the May booster club meeting for changes effective in the upcoming academic year.
- The application scoring, decision materials, tabulation, notes, certified recordings, and/or any other documentation used by the Scholarship Review Committee in connection with a given applicant shall be made available upon written request to that applicant. An open records request fee may be charged for this service. Scholarship Review Committee must retain the original materials for a minimum of seven years.
- Scholarship applicants shall be full-time CISD senior students for a minimum of one full semester prior to the application deadline.
- All completed applications must be turned in to the CISD Senior Counselor no later than the deadline set for local scholarship applications.
- All scholarship applications which do not have the required information will be considered incomplete and returned to the applicant.
- Scholarship awards may not be “need” based, but applicants who have received full scholarships from other sources may not be eligible for local scholarships.
- The applicant’s intended major may or may not be a factor in scholarship consideration.
- The applicant’s enrollment in an accredited institution (college, university, trade school, military academy, etc.) is a requirement for receiving scholarship funds.

The scholarship committee may require an essay for judging purposes. Essay topics may be selected each year and given to all applicants, or the Scholarship Review Committee may allow each applicant to select their own topic upon the sponsor’s approval.

The Booster Club may or may not require interviews of applicants in the decision process. If an interview is part of the process, it must be communicated no later than the end of the first grading period of the academic year. The applicant's parent or guardian must be permitted to be present at any interview. Interview topics must be communicated to the applicant not less than seventy-two hours prior to the interview.

Campus Facilities Improvement Policy

- This policy applies to all building improvement projects initiated by non-CISD organizations such as PTA, Booster Club, Community Services Projects or Neighborhood Association. Building improvement projects should be requested through the submission of the **facility improvement request form** by the campus administrator. In addition, we are proactively pursuing water conservation efforts District-wide. For this reason, donated trees or other live plant materials which divert from District standards will be the responsibility of the individual campus to keep maintained and watered.

The facility improvement request form must be approved by the campus administrator and sent to the CISD facilities department for final approval. All projects must receive written approval before commencement of work.

Please note that where curriculum or where alteration of the physical building is involved the approval process must be run through the Superintendent's cabinet.

- Approval requirements:
 1. Facilities improvement request form completed.
 2. Written description of improvement along with any drawings or sketches including handicap accessibility, fire-safety issues and construction materials to be used.
 3. Letter of compliance. If the improvement involves construction of any kind then a letter signed by an appropriate professional (e.g. Architect, Engineer) is required stating that the improvements have been designed and reviewed to comply with current codes and standards by the local, state & federal ordinances for safety and accessibility.
 4. If the donated value exceeds \$50,000, then school board approval will be required.
- For additional information regarding Campus Facilities Improvement policy, please contact Thomas Bloxham at 830-221-2039 or Thomas.bloxham@comalisd.org.

DISTRICT SERVICES

ARMORED CAR SERVICE

Armored car service is not available to PTA or booster organizations.

EMPLOYER IDENTIFICATION NUMBER

The CISD Employer Identification Number is not available to parent groups for use on checking accounts.

SAFEKEEPING

PTA or booster clubs may not store funds on campus for safekeeping.

REMINDERS

The following guidelines apply to all parent/booster organizations. If a question should arise which cannot be resolved at the campus level, the appropriate Assistant Superintendent should be contacted for clarification.

- Failure to follow policies and procedures of the District may result in refusal by the campus principal to allow related activities on the campus.
- All meetings shall be public and announced in advance in accordance with the bylaws;
- The campus administrator or designee must be present at all booster meetings;
- Any action taken at the meeting will be subject to review and revocation of the sponsor or principal;
- The regular school program and extra and co-curricular activities of the school and programs sanctioned by TEA, UIL and district affiliated organizations will take precedence over booster activities;
- Parents and booster club members are expected to follow the same standards of conduct as district employees when chaperoning, sponsoring or attending student activities, including rules in the campus handbook;
- Each individual student's or group of students' participation will be determined by the sponsor and the principal and not by the organization or any member(s). Participation is considered to be a privilege and not a right, and will be based on a proven record of good conduct and dependability. Lack of such demonstrated behavior on the part of anyone will be grounds for disapproval for participation and travel.
- There will be no student activities, parties, meetings, travel, or other gathering in the name of the school organization or booster organization unless prior permission has been received from the sponsor and the principal or the sponsor is present. All activities will be under the auspices of the school and the district.
- School employee and student planning and preparation for activities supported by the booster organization will occur outside the school day or as approved by the principal.
- Participation in any activity or travel associated with booster activities is privilege and not a right for all involved. All student and employee travel will be under the auspices of the school and all participants will be approved by the sponsor and principal.
- No cash will be given to any school employee to use at his or her discretion;
- The purchase or consumption of alcoholic beverages while on school property or in the presence of students, is specifically prohibited;
- Organizations shall not directly support political activities by providing campaign donations or placing advertisements in support of a particular candidate as doing so could jeopardize the tax-exempt status of the organization. If a candidate running for office is invited to join a meeting, all candidates running for the office must be extended an invitation to the event.
- Booster organizations may not contribute funds in an effort to increase the personnel allocations and/or stipends of a particular program or campus without the express written approval of the appropriate Assistant Superintendent in conjunction with the Executive Director of Financial Services;
- Upon dissolution of a booster organization, a private termination letter ruling should be requested from the Internal Revenue Service.

BULK MAIL

To be eligible for the minimum rate per piece, the booster organization should apply to the post office for a nonprofit permit by providing the postmaster with the following:

- A copy of the Internal Revenue Service exemption ruling;
- Completed application to mail at Special Bulk Third Class Rates for nonprofit organization;
- Copy of the booster organization's bylaws.

When mailing by bulk third class, there must be no less than 200 pieces, which must be identical in size, weight, number of enclosures, and content. The pieces must be presorted by zip code and bundled with an identifying label on each bundle. In order to ensure compliance with bulk mail regulations, it is recommended that you have the local post office review all the pieces prior to printing to make sure that the organization meets all the requirements for bulk mailing.

15 PASSENGER VANS

Federal law prohibits dealers from selling or leasing 15 passenger vans for use in transporting students for school related activities. This is due to a number of factors including:

- the high rollover tendencies that have been linked to their high center of gravity
- the fact that users tend to overload vans with individuals and equipment
- vans, in many cases, are driven by teachers, coaches, and parents that are not qualified or do not have sufficient training to effectively vehicles of this size and weight
- maintenance and inspection requirements are much lower than school buses

Because of the risks associated with 15 passenger vans, booster clubs and other organizations may not purchase, lease, or otherwise utilize 15 passenger vans to transport District employees, students, or equipment.

REFERENCES

Web Sites

CISD Web Site
Internal Revenue Service
UIL
State Comptroller
Secretary of State

www.comalisd.org
www.irs.gov
www.uil.utexas.edu
www.window.state.tx.us
www.sos.state.tx.us

Phone Numbers

State Comptroller
Secretary of State
University Interscholastic League
Director of Business Services

512/463-4000
512/463-4600
512/471-5883
830/221-2021

Policy

Grants from Private Sources
Activity Funds Management
Student Activities
Contests and Competition
Gifts and Solicitations
Relations with Parents or Parents' Organizations
Advertising and Fund Raising in the Schools

CDC
CFD
FM
FMF
FJ
GE
GKB

Current policy and regulations may be found at www.comalisd.org

APPENDIX A

Booster Club Suggested Audit Program

Audit Procedures:

Bank Reconciliations

1. Trace ending balances on the reconciliations to bank statements, outstanding check lists, and other reconciling items.
2. Verify that bank reconciliations were completed within 30 days of bank statement ending date.
3. Ensure that any outstanding or reconciling items on the reconciliations were cleared the following month.
4. Verify that the balance in the bank account (at beginning of school year), plus total deposits per check register, minus total disbursements per check register, balances to ending bank account balance (at end of school year).

Bank Statements

5. Determine whether a procedure is in place for a club member, other than those that have check signing ability, to receive bank statements by mail and review for reasonableness.
6. Determine whether any cash corrections were identified on bank statements. Ensure that reasonable explanations are available.
7. Compare the number of cleared checks included in the bank statement with the number that is noted on the bank statement to ensure agreement.
8. Ensure that cleared checks contain signatures of individuals authorized to sign checks. Ideally, bank accounts should be established to require two signatures.

Receipts

9. From the check register or other accounting records, schedule each deposit (use of spreadsheets is helpful). If volume is significant, consider selecting only a representative sample.
10. Trace deposits to collection documentation and prepared cash receipts for agreement.
11. Trace deposits to bank statements to ensure agreement.
12. Ensure that receipts are presented for deposit in a timely manner by reviewing the dates of prepared cash receipts with the date of deposit on the bank statement.

Disbursements

13. From the check register or other accounting records, schedule each check, withdrawal, or other debit (use of spreadsheets is helpful). If volume is significant, consider selecting only a representative sample.
14. Trace checks to supporting documentation such as invoices, receipts, approved expenses related to fundraisers, or other reasonable explanations.
15. Review the canceled check to ensure agreement of payee name, endorsement, and check amount.
16. Trace disbursements to budget approved by the membership or meeting minutes.
17. For bank withdrawals for the purpose of establishing a change fund for an event, confirm that the change fund was later re-deposited.

Fundraisers

18. Evaluate each fundraiser individually by calculating the value of items available for sale or number of tickets sold, and comparing to deposits and remaining inventory, if any, to ensure agreement.
19. Determine whether fundraiser applications were prepared and submitted to the campus principal for each fundraiser.

Miscellaneous

20. Inventory remaining check stock to confirm that all checks are present and sequential. Ensure that the check number for the last check issued and first check available in check stock are sequential.
21. Confirm that check stock is retained in a secure place when not in use.
22. Determine whether any checks were voided during the course of the year. Ensure that any voided checks are retained in the records, but have been sufficiently modified to eliminate the possibility of clearing the bank (i.e. signature portion has been cut out of the check and VOID has been written across the check).
23. Ensure that sales tax reports were prepared and filed timely.
24. If IRS 990 form was filed, review for reasonableness.

APPENDIX B

Memorandum

TO: CISD Booster Club Presidents and Treasurers

FROM: Debra Smith, Asst. Superintendent for Business Services

DATE: September 3, 2009

SUBJECT: Submission of Financial Information

In 2004, GASB Statement No. 39 of the Governmental Accounting Standards Board was implemented and, consequently the District must now require the submission of mid-year and end of the year financials. This governmental standard requires the District to obtain and review financial performance information of supporting organizations to determine whether these organizations should be considered a component unit.

In order to meet this critical requirement, it is extremely important that supporting organizations, such as yourself, submit the required financial information in a timely manner. To this end, please work with the campus bookkeeper at your affiliated high school to submit this information. They will forward it to the Business Office.

Attached is a confirmation statement which should be submitted along with your financial information. In addition, I have also attached an example page of requested information. This includes balances for current assets and liabilities, as well as a breakdown of revenues and expenditures. If you already have an automated program or other documentation method in place, this format would be acceptable, provided that the financial elements requested are provided.

All financial information should be presented as of November 30th for mid-year submission and as of May 31st for end of year submission. Please submit this information, along with the confirmation statement to the campus bookkeeper by December 15th for mid-year submission and June 15th for end of year submission.

Should you have any questions, please contact me at 830/221-2097.

**CISD Supporting Organizations
Confirmation of Financial Information
For the 2011-2012 School Year**

Organization Name

Campus Affiliation

I hereby certify that the information attached is true and correct to the best of my knowledge. Furthermore, I understand that although supporting organizations may be considered a separate entity whereby 501(c)3 status has been declared, the District is requesting this financial information in order to comply with GASB Statement No. 39 of the Governmental Accounting Standards Board.

President:

Treasurer:

Signature

Date

Signature

Date

Financial information should be presented as of November 30th for mid-year submission and as of May 31st for end of year submission.

Balance Sheet Information

\$ _____
Current Assets

\$ _____
Current Liabilities

Income Statement Information (also called Profit/Loss Statement)

Definitions
Current
cash short-

<i>Summary of Revenues</i>	
Fundraising Activities	\$
Breakdown of types of fundraisers	\$
Concession Sales	\$
Membership Dues	\$
Donations	\$
Other Income	\$
TOTAL REVENUE	\$
<i>Summary of Expenditures</i>	
Fundraising products/expenses	\$
Banquet expenditures	\$
Other Expenses	\$
TOTAL EXPENDITURES	\$
<p>This chart is provided as an example only. It is provided to give you an idea about the expectations of the level of detail necessary in reporting.</p>	

Legend:
Assets –
term

investments, or other assets easily convertible to cash

Current Liabilities – amounts owed to other organizations, individuals, or vendors

Revenues – incoming funds from sales of products/services, donations, and/or income from other sources

Expenditures – outgoing funds to pay for fundraising products, events, donations to school, and/or other expenses

APPENDIX C

COMAL ISD Fund Raiser Request Form for Booster Clubs

Organization

Officer's Name

Date Request Submitted

School Year

Describe the fund raising project that your organization would like to conduct during the school year. Include: (1) The item to be sold or the activity, (2) The name of the company (if one is to be used), (3) The time of the year or date that you would wish to conduct the project, (4) The expected length of the project (one day, once a month, 2 weeks, etc.), (5) The expected profit, and (6) The purpose or rationale for the funds that will be raised.

- 1.) Item to be sold or activity _____
 - 2.) Name & Address of vendor _____
 - 3.) Date to conduct project _____
 - 4.) Length of project _____
 - 5.) Expected profit _____
 - 6.) Purpose or rationale of raising funds _____
- _____

Signature of Officer

_____ Approval

_____ Disapproval

Reason for disapproval _____

Principal Signature

CC: Business Services Department

APPENDIX D

Reporting Requirements Checklist

Checklist – Submissions to Federal and State

- Form 990 or Form 990 e-postcard - Return of Organization Exempt from Income Tax
- Form 990-T – Exempt Organization Business Income Tax Return – an organization that has \$1,000. or more gross income from UBI (unrelated business income).
- 1099 - IRS guidelines require that all payments for services in excess of \$600.00 made to an individual by a booster organization be reported on an annual basis.
- W-9 secured from the provider of services at the time of service to ensure that the organization has an accurate record of the tax payer identification number.
- Sales tax reported in accordance with Comptroller guidelines.

Checklist – Submission to Comal ISD

- Copies of bylaws with names and positions of current officers - campus bookkeeper and Central Office
- Fundraising applications – Principal approval - campus bookkeeper and Central Office
- Mid-year financial statement – campus bookkeeper and Central Office
- End of year financial statement – campus bookkeeper and Central Office
- Copy of the audit committees audit and findings.
- GASB#39 Annual Survey of Financial Support

APPENDIX E

CISD Booster Club Guidelines Manual Receipt

Name _____

Organization's Name _____

I hereby acknowledge receipt of the Comal ISD Booster Club Guidelines Manual. I agree to read the handbook and abide by the standards, policies and procedures defined or referenced in this document.

Signature

Date

NOTE: Please sign, date, and return this form to:

*Comal ISD Business Office
Attn: Norma Friddle
1404 IH 35 North
New Braunfels, Texas 78130
830-221-2074 ph.
830-221-2007 fax
norma.friddle@comalisd.org*

APPENDIX F

FACILITY IMPROVEMENT REQUEST

Campus/Dept: _____

Date: _____

Requestor: _____

Description of Work: _____

Work to be performed by (if other than M&O) _____

Rough Estimate: \$ _____

Attachments:

Site plan: _____

Floor Plan: _____

Details: _____

PLEASE FORWARD FORM TO MAINTENANCE FOR PROCESSING

Specifications: _____

Campus Approvals & Comments:

Principal/Director: _____

Comments: _____

Division of Instruction: (if required) _____

Comments: _____

Other Departments: (if required) _____

Comments: _____

Business Office: (if required) _____

Comments: _____

Maintenance & Operations: _____

Comments: _____

Superintendent/Associate Superintendent: _____

Comments: _____

Budget Amendment needed?: _____

Budget Code: _____

Construction Department Final Project Estimate: \$ _____

Architect/Engineer: _____

Scheduled Start Date: _____ Scheduled Completion Date: _____

NOTE: ALL PROJECTS REQUIRE THE SIGNATURE AND APPROVAL OF THE SUPERINTENDENT OR ASSISTANT SUPERINTENDENT BEFORE ANY CONSTRUCTION CAN TAKE PLACE.

APPENDIX G

COMAL ISD

GASB #39 Annual Survey of Financial Support to Comal ISD from Supporting Organizations (i.e. PTA, Booster Clubs, etc.)

The Governmental Accounting Standards Board (GASB) Statement #39 requires school districts to consider the financial activities of all parent teacher organizations, booster clubs, foundations, and other fundraising entities for inclusion in the district's financial statements. In order to determine whether financial information for these groups must be included, it is necessary to gather data regarding the financial activities of these organizations. The following information will enable school district officials and auditors to determine if financial activities of the PTA, Booster Clubs, must be included in the annual financial report. This information is needed no later than May 31st for the preceding calendar or fiscal year. Keep in mind that external auditors who prepare the district's audit may require additional information.

Name of PTA/Booster Club, etc: _____

Name of School where the organization operates: _____

1.) What is the activity of your organization (i.e. PTA, Booster Club)?
(e.g. To support local schools by encouraging parental involvement)

2.) What is your organization's Federal Tax I.D. number? _____

3.) What is the date of your IRS Letter of Determination (attach copy)? _____

4.) What is the total amount of funds in your organization's (PTA) bank? _____
As of what date? _____

5.) What is your organization's (PTA) fiscal year (Jan to Dec or other)
from _____ to _____

6.) What are your organization's (i.e. PTA, Booster Club) gross receipts normally per year?

(IRS defines gross receipts as all revenues generated before subtracting any expenses.)

6.a.) Did you file form 990, 990-N, or 990-EZ last year? _____ **(attach copy)**

7.) What are the total annual contributions to the school district and/or students? _____

I confirm that the information provided on this form is accurate to the best of my knowledge.

Signature

Printed Name

Date

Position in PTA, Booster Club
(i.e. President, Treasurer)

Phone Number