

**Booster Clubs, PTAs and
School Support Organizations
Guidelines**



2022 - 2023

CORE BELIEFS

We believe that...

1. Kids come first.
2. Continuous learning is essential to prepare for college and career opportunities.
3. Each student's success is the shared responsibility of students, families, schools and communities.
4. Learning is influenced by environment.

OUR VISION

Northwest ISD empowers learners and leaders to positively impact the world.

OUR MISSION

Northwest ISD, in collaboration with students, families, communities, and global partners, will engage in a culture of learning that prepares all students to confidently navigate their future.

FORWARD

This manual is designed to assist Booster Clubs, PTAs, School Support Organizations ("club(s) and/or organization(s)") officers and members by providing organizational and financial guidance. Guidelines exist to protect an organization's assets – volunteers, members and the organization and district name.

Only approved organizations, operating under these guidelines and Northwest Independent School District ("district and/or NISD") policies and procedures, shall be allowed to use the school name in support of its programs. Facility use will be determined in accordance with district policies and procedures. Specific questions regarding the organization's activity should be addressed to the campus principal.

Important: The information in the Guidelines is provided for informational purposes only, and it is not intended to give legal or tax advice. Organizations and its members should seek their own legal counsel and financial advice from qualified personnel and may not rely on these guidelines as a substitute for competent counsel.

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 support organizations and activities are included in the analysis of the district's compliance with Title IX, support organizations should have an awareness of the law and the district's requirement for compliance. Inquires/complaints concerning the application of Title IX and its implementing regulations may be referred to the district's Title IX Coordinator, Director of Student Services, at PO Box 77070, Ft. Worth, TX 76177, 817-215-0982, or the Office of Civil Rights.

The Northwest Independent School District is an equal opportunity employer and provides educational programs and services which do not discriminate on the basis of age, national origin, race, sex, color, religion, disability or against any other legally protected group.

TABLE OF CONTENTS

Introduction	4
Formation and Applications.....	6
Organization.....	11
Federal and State Reporting	17
Sales Tax	19
Accounting for Transactions.....	21
Fundraising	26
Donations	32
Scholarship Programs.....	34
District Services	36
Tools for Success.....	37
Appendix.....	41
References	52

INTRODUCTION

The primary objective of a Booster Club, PTA and School Support Organization is to enrich the education and activities of students through cooperation of parents and staff in providing support to promote school programs or complement student groups or activities that enrich their education, participation in extracurricular activities and expand their horizons.

The organizations work closely with the district; however, they are each considered separate entities from the district. Since the activities of the organizations impact the district and the public perception of the district, the district and the principals have authority to regulate these organizations.

The main responsibilities of an organization, a sponsor, and a principal are discussed below:

Organizations – Organizations are responsible for supporting students and staff, supporting a student group, activity, or program. Support may be as simple as providing refreshments for a particular event or support may be as complex as raising money for an out-of-state competition. The organizations work with the principal/sponsor to provide assistance for the planned activities; however, the organization does not have the authority to decide the activities or trips in which the students will participate. The parents and the organization may provide suggestions about particular activities; however, the principal/sponsor is responsible for the final decision.

Sponsor/Liaison - A designated sponsor of a student group serves as the liaison between the organization and the school/district, under the supervision of the principal. The sponsor is responsible for determining the various activities and trips in which the student group will participate with the approval of the principal. In addition, the sponsor should work very closely with the organization to provide guidance. The sponsor should not be considered an officer or member of the booster club. However, the sponsor shall approve all student/school-related activities of the organization.

Principal - The principal is responsible for approving the formation of an organization as well as the activities of the students/student group and some activities of the organization.

Each organization should strive to remain in good standing with all state and federal agencies. Therefore, each organization is responsible for obtaining its own competent independent counsel on accounting and tax matters related to its specific circumstances, if needed. This counsel may include a Certified Public Accountant (CPA) or an attorney. The cost of these services would be the organization's responsibility.

Organization officers are solely responsible for ensuring that their organization is in compliance with all state and federal regulations. Therefore, the district, including any district employee, is not responsible for an organization not being in good standing with all state and federal agencies.

These guidelines will assist organizations in following district, University Interscholastic League (UIL), state, and federal requirements.

The district greatly appreciates the time, effort, and financial support that the organizations provide to our students, staff, and schools.

Questions to Answer Before You Commit to Creating an Organization

Organizations provide an important support function to student groups; however, they also require a strong commitment from members to work properly. Therefore, deciding whether or not to form an organization is a difficult decision that requires careful consideration of the pros and cons of formation. Interested parents should discuss these issues with each other as well as the sponsor and the school principal or administrator. **The appropriate school principal and administrator must approve, in writing, the formation of an organization before any further action is taken to create a unique identity.**

Please remember that parents are not required to form an organization in order to support a student group. Parents may still support a student group as parents through fundraisers and other activities in which the students are involved if the student group has a student (agency) activity fund set up through the district. All money generated would be considered the student group's money and would benefit only that group of students. Additionally, the district would be responsible for all of the accounting and legal responsibilities of the student activity fund.

The following are some questions to consider when deciding whether or not to form an organization:

1. Why do I want an organization?
2. What can an organization accomplish that cannot be achieved through the use of a student activity fund?
3. Do I have time to commit?
4. Are there enough parents with time to commit?
5. Am I willing to perform the necessary research, training, and paperwork to be in compliance with all district Board policies, affiliated governing bodies, UIL, state, and federal regulations? (This includes submitting required information to the Texas Comptroller's Office and the IRS.)
6. Have I read or will I read the rest of this handbook to discover my responsibilities once an organization is formed?
7. Have I spoken with other similar organizations to determine what benefits/problems they have experienced?
8. Have I spoken with the sponsor to obtain support for the formation of an organization?

FORMATION AND APPLICATIONS

Once you have decided to form an organization:

- Obtain written approval of the school principal and administrator before proceeding with any other steps to create the identity of an organization. *(See Registration & Approval Form in Appendix.)*

Final approval by the Elementary or Secondary Executive Director for Curriculum and Instruction, as appropriate, is required.
- Begin the process of creating the organization's identity with the State of Texas and the IRS.

Maintain all the documents related to these steps in a permanent file in a safe place to be forwarded to the new organization officers each year.

MAILING ADDRESS

The IRS and the Texas Comptroller's Office recommend that each organization obtain a post office box (PO Box) or private mailing box (PMB) to use as the official mailing address of the support organization. The address and box keys can be given easily to the new officers at the beginning of each new year. The importance of maintaining a consistent mailing address for the organization:

- It will save time since the organization will not have to update the address each year to the district, the Texas Secretary of State, the Texas Comptroller's Office, the IRS, and bank.
- Organizations receive several important documents from these agencies throughout the year, and if the address changes frequently, some of these documents could be lost or misplaced. If the related school's address is used as the organization's official address, the organization should be aware that it may not receive mail in a timely manner when the school is closed (i.e., summer vacation and some holidays).
- The IRS mails forms and other correspondence to organizations periodically. If these forms are not completed and returned to the IRS within a specific time period, an organization could lose their tax-exempt status, thereby also losing their tax-exemption with the State of Texas and possibly face fines and penalties.

The district does not recommend using a home address since organization officers change frequently.

EMAIL ADDRESS

It is recommended that each organization obtain a standard email address and password to use as the official email address of the support organization. The email address and password can be given easily to the new officers at the beginning of each new year. The importance of maintaining a consistent email address for the organization:

- It will save time since the organization will not have to update the email address each year.
- Organizations receive several important email documents throughout the year, and if the email address changes annually, some of these documents could be lost or misplaced and not turned over to new officials at the beginning of each year.

BYLAWS

Bylaws are an organization's internal operating rules. These rules ensure stability, continuity, and structure, especially during times of rapid growth.

At a minimum the bylaws should contain: Name, Object, Membership, Officers, Meetings, Executive Board, Committees, Parliamentary Authority, Amending Bylaws.

- I. NAME
- II. OBJECT
- III. MEMBERSHIP
- IV. OFFICERS
- V. MEETINGS
- VI. EXECUTIVE BOARD (BOARD OF DIRECTORS)
- VII. COMMITTEES
- VIII. PARLIAMENTARY AUTHORITY
- IX. DISSOLUTION CLAUSE
- X. INDEMNITY CLAUSE
- XI. AMENDING BYLAWS

FORMATION OF NONPROFIT CORPORATION [Articles of Incorporation/Charter]

A nonprofit corporation is created by filing a certificate of formation (Form 202) with the Texas Secretary of State.

Incorporation helps shield the individuals governing and operating the non-profit organization from liability incurred by the organization, except in cases of negligence. A non-profit corporation is characterized by the fact that none of its income is distributable to members, directors, or officers of the corporation. Not all non-profit corporations are entitled to exemption from state and federal taxes.

A Texas nonprofit organization is not automatically exempt from federal or state taxes. To become exempt, the organization must meet certain requirements and apply with both the IRS and the Texas Comptroller of Public Accounts.

The application (Form 202) is located on the Texas Secretary of State's website.

Nonprofit Corporations: Many, but not all, non-profit organizations choose to incorporate. A nonprofit corporation is created by filing a certificate of formation with the secretary of state in accordance with the Texas Business Organizations Code ("BOC"). "Nonprofit Corporation" means a corporation no part of the income of which is distributable to members, directors, or officers [BOC, Section 22.001(5)]. A nonprofit corporation may be created for any lawful purpose, or purposes permitted by the BOC. Not all nonprofit corporations are entitled to exemption from state or federal taxes.

Unincorporated Nonprofit Associations: Section 252.001 of the BOC defines an unincorporated nonprofit association as an unincorporated organization consisting of three or more members joined by mutual consent for a common, nonprofit purpose. All unincorporated nonprofit associations, whether or not the entities are tax exempt, are subject to the provisions of the Uniform Unincorporated Nonprofit Association Act, Chapter 252 of the BOC. The Act addresses a limited number of major issues relating to nonprofit associations; namely, the authority of the nonprofit association to acquire, hold and transfer property in its own name; the authority to sue and be sued as a separate legal entity; and the contract and tort liability of an association's officers and its members. If you need further information regarding these provisions or how they might affect your association, you should contact your own legal counsel.

APPLICATION FOR EMPLOYER IDENTIFICATION NUMBER (EIN)

The IRS requires all organizations that conduct business to have their own Employer Identification Number.

The EIN is obtained with the SS-4 Form from the IRS. An EIN may also be obtained via telephone, by calling 1-800-829-4933, or by applying online at the IRS website www.irs.gov. Search the website by entering "employer identification number" and continue to complete the application process online.

A member's social security number should not be used as the organization's EIN for banking or other business purposes. Organizations are not allowed to use the district's EIN. The EIN will be the number used to establish a bank account for the organization.

When a number is assigned to the organization, ensure that the paperwork is maintained in a permanent file from year to year.

BANK ACCOUNT

To open a bank account, the organization must first obtain an Employer Identification Number (EIN) from the IRS. (See Federal and State Reporting section - Application for EIN.)

- The school's name should not be solely used on the organization's checks or on its literature. The use of the school name only might imply that the school or the district is responsible for any obligations entered into by the organization. The name must include the organization's name on the bank account. Example: John Doe High School Band Booster Club.
- All payments must be made by check with two signatures.
- Individuals authorized to sign on the bank account cannot be related by blood or marriage or reside in the same household.
- Any employee who actively coaches or sponsors a UIL activity should not have control or signature authority over the organization's funds.
- District employees may not serve as the treasurer nor be authorized to sign checks for the organization. **In this function a guest educator/substitute is not considered a district employee.**
- All funds received should be receipted and deposited within 24 hours of receipt. Commingling of the organization funds and school activity funds is prohibited.
- District employees may not accept loans of funds from organizations.
- The Treasurer should reconcile the bank statement monthly and prepare a monthly financial report to the Board of Directors or Executive Board or Officers.

ATM/Debit/Credit Cards

The district does not recommend using ATM/debit/credit cards for the following reasons:

- Loss of the ability to have two signatures.
- Increased risk for fraud.
- Intentional/accidental misappropriation of funds.

QUALIFYING FOR EXEMPTION FROM TEXAS SALES AND USE TAX

Organizations may apply for an exemption from sales and franchise tax imposed by the State of Texas.

Exemption from Texas state taxes is determined by the Texas Comptroller of Public Accounts. Questions about state tax-exempt status can be directed to:

The exemption application (AP-204) is located on the Texas Comptroller's website.

Texas Comptroller of Public Accounts
Exempt Organizations Section
(800) 252-5555 or (512) 463-4600

APPLICATION FOR TEXAS SALES AND USE TAX PERMIT

You must obtain a sales tax permit if you are an organization engaged in business in Texas and you are selling tangible personal property or providing taxable services in Texas to customers in Texas.

The permit application (AP-201) is located on the Texas Comptroller's website.

APPLICATION FOR FEDERAL TAX EXEMPT STATUS 501(c)(3)

General instructions on the rules and procedures for federal tax exemption may be found in Internal Revenue Service (IRS) Publication 557 – Tax Exempt Status for Your Organization.

Organizations must apply for exemption from federal taxes on Form 1023, Application for Recognition of Exemption under Section 501(c)(3).

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 IRS, depending on the anticipated annual gross receipts. Upon acceptance of the organization's exempt status by the IRS, 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.

Each organization must submit to the district's Financial Services Department a copy of the determination letter issued by the Internal Revenue Service with regard to the organization's exempt status with the GASB 39 information form.

NOTE: Instructions for completing these forms and copies of these forms can be found on the IRS website at www.irs.gov under "Forms and Publications". The IRS main number is (800)829-1040, and the Exempt Organizations Section is (877)829-5500.

TAX ISSUES FOR NONPROFITS

Neither a nonprofit corporation nor an unincorporated nonprofit association is automatically exempt from federal or state taxes.

To become exempt, a nonprofit organization must meet certain requirements and apply with both the Internal Revenue Service and the Texas Comptroller of Public Accounts.

- **Federal Taxes** - IRS Charities & Nonprofits page
 - To attain a federal tax exemption as a charitable organization, your certificate of formation must contain a required purpose clause and a dissolution of assets provision.
 - IRS Stay Exempt: tax information for 501(c)(3) organizations
 - IRS Publication 557, *Tax Exempt Status for your Organization*.
 - Life Cycle of a Public Charity: sample organizational documents and IRS filings
 - Questions about federal tax-exempt status? Contact the IRS Exempt Organizations Section at (877)829-5500.
 - IRS Form 1023 application for recognition of exemption and instructions (PDF).
 - Information about Form 990-N reporting requirements for small tax-exempt organizations whose gross receipts are normally \$50,000 or less.
- **State Taxes** - Comptroller of Public Accounts Exemption page
 - Comptroller Publication 96-1045, *Guidelines to Texas Tax Exemptions*.
 - Exemption Forms.
 - Questions about state tax-exempt status? Review the comptroller's FAQs or contact the Comptroller's Exempt Organizations Section by phone at (800)531-5441 or (512)463-4600 or by email.

FRANCHISE TAX

Every profit and nonprofit corporation in Texas must file all franchise tax reports and public information reports with appropriate payment until the Texas Comptroller's office has granted tax exemption. Failure to do so will cause the loss of corporate privileges as well as the forfeiture of charter by the Texas Secretary of State.

The organization must submit an application for exemption along with the appropriate documentation to the Exempt Organization Section of the Comptroller's Office.

Tax Code Chapter 171, Subchapter B, provides for certain exemptions from the franchise tax. Non-profit entities who have requested and been granted an exemption from the Comptroller's office do not have to file franchise tax reports, including the Public Information Report or Ownership Information Report. If the entity has not requested or been granted an exemption, the entity must file all reports.

TEXAS NONPROFIT RESOURCES

- Texas Association of Nonprofit Organizations: A gathering place for all nonprofits within the state of Texas.
- Texas Business Advisor: The Texas Business Advisor provides links to various sites that may be of assistance to non-profit associations.
- Charitable Trust Section of the Office of the Attorney General
- Texas C-BAR: Community Building with Attorney Resources provides free legal assistance to Texas non-profit organizations.
- OneStar Foundation - OneStar promotes service and volunteerism, forges effective public and private partnerships, and works to increase the performance of non-profit organizations.

ORGANIZATION

ROLE OF THE ORGANIZATION

Booster Clubs, PTAs and School Support Organizations shall organize and function in a way that is consistent with the district's philosophy, objectives and adopted district Board policies, in accordance with affiliated governing bodies and UIL regulations as applicable.

Each organization must maintain bylaws that are jointly reviewed on an annual basis by the campus principal and the organization's officers. The rules of membership shall be clearly stated in the bylaws. Only active members in good standing shall be permitted to hold office or vote upon any matter of business of the organization. The bylaws must address the organization's fiscal year, structure and the method to be used to elect officers. At a minimum, the organization shall elect the following officers on an annual basis.

District employees may serve as an officer with the exception of treasurer. District employees are not authorized to sign checks or enter into any contract verbal or written. **In this function a guest educator/substitute is not considered a district employee.**

Individuals authorized to sign on the organization's bank account cannot be related by blood or marriage or reside in the same household.

There is an approval process to establish a support organization (see Appendix).

PRESIDENT

Typically, the president of an organization is the parent/guardian who has 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 the organization's activities;
- Resolve problems in the membership;
- Regularly meet with the treasurer of the organization to review the organization's financial position;
- 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 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 organization 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 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 organization as well as meetings of any executive board 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 organization. The treasurer receives and disburses all monies indicated in the budget and prescribed in the local bylaws or as authorized by action of the organization. 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 daily;
- Present a current financial report to the executive committee and general membership within thirty days of the previous month end;
- File current financial reports with the campus principal on a monthly basis;
- Maintain an accurate and detailed account of all monies received and disbursed;
- Reconcile all bank statements monthly 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.
- Submit GASB 39 information form to the district's Financial Services Department annually by August 1 (see Appendix).

NOTES:

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.

District employees may not serve as the treasurer nor be authorized to sign checks, agreements or contracts for the organization. **In this function a guest educator/substitute is not considered a district employee.**

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 advice, the presiding officer must make the ruling to the organization but 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 organization. A copy of Robert's Rules of Order Newly Revised should be maintained by the organization and referenced as needed.

ELECTION OF OFFICERS

The election of officers of the organization will occur annually within the timelines and manner prescribed by the organization's bylaws. The organization shall provide the name, address, email address and telephone number of the newly elected officers and the authorized signers of bank accounts (annually) to the campus principal or designee **prior to June 1**.

Any changes in positions shall be reported to the campus principal in a timely manner. (See appendix for Booster Clubs, PTAs & School Support Organizations Officer Information Form.)

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.

The district will conduct background checks on all officers elected or appointed to the Executive Board of the organization.

The transfer of records and audit of the accounts should be completed **no later than July 1**, of each year.

POTENTIAL CONFLICT OF INTEREST FOR DISTRICT EMPLOYEES AND SCHOOL BOARD MEMBERS

While no law specifically prohibits a board member or district employee from serving as an officer in a support organization, this is not a recommended practice. There is often overlapping areas of interest and responsibility between the district and a booster club, PTA, or school support organization. Therefore, serving as an organization officer is likely to lead to conflicting loyalties. For example, a booster club may request that the district use a gift in a certain way. If the issue comes to the Board of Trustees to decide, then a board member who also serves as a booster club officer should abstain from the vote. District employees should also be aware of the potential conflict of interest involved in serving as an officer of a school support organization. Per NISD Board Policy DBD (LOCAL), employees are required to disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the district.

Further, the *Booster Club, PTAs and School Support Organizations Guidelines* state (given the potential conflict of interest involved when a district employee serves as an organization officer) that NISD employees are prohibited from serving as the treasurer and are not authorized to sign checks, agreements, or contracts on behalf of the organization.

STANDARDS FOR MEETING

Notice of all meetings of the organization should be published at the campus 72 hours prior to the meeting date, except as provided by the organization's bylaws. The notice should clearly indicate the date and time of the meeting and the items to be discussed. Such organization meetings may not occur without the campus principal or designee in attendance.

Business determined at meetings without adequate campus representation shall be considered null and void. If an organization feels that it is necessary to meet without a campus administrator or sponsor, the Executive Director for Instruction and Campus Support should be contacted for an acceptable replacement.

TRAINING REQUIREMENTS

Two members from each organization's executive board (preferably president and treasurer) are required to attend the district's annual Booster Clubs, PTAs and School Support Organizations training. Training requirements should be implemented into the operations of the organization.

Some organizations may have additional training requirements by their governing bodies.

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. The special committee may not be able to complete its assignment during a school year and members may function into the ensuing 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.

AUDIT COMMITTEE

At the end of the fiscal year, an audit of the organization's financial records should be conducted. The audit should be performed by someone who is 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 organization funds have been followed;
- Ensure that expenditures have been appropriately received and occurred in a manner consistent with the organization's bylaws;
- Ensure that all revenues have been appropriately received and recorded;
- Submit a copy of the audited financial report to the campus principal or designee no later than August 1 following the end of the fiscal year.

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.

SUSPECTED FRAUD/IRREGULARITIES

Suspected violation of guidelines, fraud, or misappropriation of funds must be reported to the parent organization, campus principal or designee, and district administration.

ORGANIZATION DISSOLUTION

Noncompliance with any district policy or criteria may result in the disbanding of the organization by the principal or the administrator.

To dissolve an organization, a resolution shall be adopted by the 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 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.

LIABILITY INSURANCE PROTECTION

The district strongly encourages organizations to obtain adequate insurance protection for liability and financial fraudulence. Organizations should have various safeguards set up to protect the officers, membership, and funds that are raised.

Organizations must provide adequate insurance coverage for activities conducted on school premises. The district cannot provide insurance coverage for organizations.

- A General Liability Policy protects not only the organization but protects the individual member.
- An Accident Medical Policy provides additional coverage for out-of-pocket medical expenses to help deter lawsuits and to provide coverage where the General Liability Policy does not. This policy does not replace a liability policy but is a complement.
- The Bond or Commercial Crime Policy is set up to protect money, scrip, and securities in the event they are embezzled, stolen, or fraudulently altered.
- The Officer's Liability Policy is set up to protect the way the organization is managed and the decisions that are made by board members. These decisions include what type of fundraiser to have, where to hold the event or any other managerial decisions.
- A Property Policy provides protection for the personal property of the organization from such perils as theft or fire. One thing that most organizations don't realize is that the Property Policy can also protect fundraising merchandise, auction items, and raffle prizes.

Organizations with insurance must supply a copy of the policies to the district's risk management office.

BACKGROUND/SECURITY CHECKS

All organization volunteers are required to obtain a background check, annually, prior to volunteering at any activity at the campus. All persons entering district facilities are required to check in through the front office for security clearance using district sign-in software service. We have implemented a two-step process when volunteering at the campus which includes completing an NISD Background Check and logging all volunteer hours in the Volunteer Portal.

- Volunteers will follow the link on the district volunteer web page at www.nisdtx.org/volunteer.
- The link will direct you to the NISD Background Check service to complete your secured online background check.
- You will be required to provide birthdate, SSN, address, full name, phone number and primary email address for contact purposes.
- Background checks can take up to 72 hours to process. After your background check has been approved, you will be able to log into the Volunteer Portal to sign up for various volunteer activities.
- The Volunteer Portal captures your volunteer hours that will be credited towards the campus.
- The secured online background check process reviews incidents that occurred within the last 20 years from date of incident. This information is kept confidential and no details are given to the organization or campus.

CONTRACTS/SPONSORSHIPS

District professional and paraprofessional employees serving as an officer may not enter into any contract, verbal or written. Part-time (substitutes) and temporary employees who serve as an officer may enter into contracts, verbal or written on behalf of the support organization. **In this function a guest educator/substitute is not considered a district employee.**

Sponsorships and/or donations shall not be solicited or accepted if they:

- are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience;
- endorse endangering the health or safety of students;
- promote illegal use of drugs, alcohol, or other controlled substances;
- advocate violation of school rules and fall within the standard described at LIMITATIONS ON EXPRESSION at FNAA(LLEGAL);
- advocate imminent lawless or disruptive action and are likely to incite or produce such action;
- include hate literature that scurrilously attacks ethnic, religious, or racial groups, and similar publications aimed at creating hostility and violence if they fall within the standard described at LIMITATIONS ON EXPRESSION at FNAA(LLEGAL);
- would result in material and substantial interference with any school educational and/or curricular-related activity or blocks or impedes the safe flow of traffic within hallways and entrances and exits of the school.

Organizations may not directly hire or contract with individuals or organizations to work with students. An organization may donate funds to the district, to be used for mutually agreed upon activities allowing support of student learning while maintaining proper controls and safeguards.

FEDERAL AND STATE REPORTING

This section provides general information. It is each organization's responsibility to seek competent professional advice for its own tax reporting and filing requirements. The information provided in this document is not intended to be specific or all inclusive.

The officers of the organization are responsible for ensuring that the organization follows all State and Federal regulations. The district and its employees are not responsible for an organization failing to comply with the requirements of the State and/or Federal regulations.

ANNUAL ACCOUNTING PERIOD

Exempt organizations must keep books, reports and file returns based on an annual accounting period called a tax year. A tax year is usually 12 consecutive months. Organizations should specify an annual accounting period within their bylaws.

There are two kinds of tax years:

- **Calendar Tax Year** - This is a period of 12 consecutive months beginning January 1 and ending December 31; or
- **Fiscal Tax Year** - This is a period of 12 consecutive months ending on the last day of any month except December.

It is recommended that a fiscal tax year end of June 30th be used so that the organization has the same annual accounting period as the school district.

ANNUAL FILING REQUIREMENTS

Every organization exempt from federal income tax under section 501(c) is required to determine the necessity of filing an annual Form 990, Return of Organization Exempt from Income Tax. It is the responsibility of the organization to determine whether filing is required and, if so, to complete the requisite filing.

Further, even though 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. Each organization must determine whether additional forms must be filed in this regard. More information may be obtained from Publication 598, Tax on Unrelated Business Income of Exempt Organizations.

PUBLIC DISCLOSURE

A nonprofit organization must provide copies, on request, of its original application for tax exemption, including any supporting documents filed by the organization in support of its application, plus any letter document issued by the IRS in connection with the application. In addition, the organization must provide copies of its annual IRS information returns for the past three years, including all schedules and attachments. When a request for information is made in person, the booster organization and school support organization is required to furnish the requested information immediately under IRS guidelines. Further, the organization will be required to comply with the timelines established by the Texas Public Information Act, Texas Government Code Chapter 552.

Organizations are exempt from the above requirements, with the exception of requests under the Texas Public Information Act, if they have made the documents widely available, such as posting them on a web site, or if it can be demonstrated that the requests are part of a harassment campaign. Requests made under the Texas Public Information Act may be subject to limited exceptions and should be immediately forwarded to the campus administrator for review. If the organization elects to post the information on a web site, specific IRS criteria must be followed which produces an exact reproduction of the information; HTML format is not acceptable. It is acceptable to post financial

information in a database of other charitable organizations such as GuideStar which can be located at www.guidestar.org.

Organizations and school districts must be vigilant to maintain their separate identities because failure to do so may subject the clubs and organizations to the Texas Public Information Act.

RECORD KEEPING

The transfer of records and audit of the accounts should be completed no later than July 1st of each year. Organizations should check with State and Federal guidelines regarding length of time records need to be kept.

SALES TAX

TAXABLE STATUS OF PURCHASES

- All organizations **must** apply for their own sales permit number. They **may not** use another organization's or the district's sales permit number.
- Organizations that have applied for and received a letter of exemption from sales tax do not have to pay sales and use tax when they buy, lease or rent taxable items that are necessary to the organization's exempt functions.
- Each organization can have two tax-free sales days per calendar year according to Texas State Sales Tax Law.
- No item purchased tax-free by an exempt organization can be used for the personal benefit of a private party or individual.
- An organization must provide the vendor with a valid signed exemption certificate when claiming state sales tax exempt status. Exemption certificates do not require numbers to be valid nor is the vendor required by law to honor the 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.
- 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 organization must pay for the meals with an organization 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 organization shall collect sales tax on all taxable sales as appropriate to the location of sale. This information may be obtained from the City Secretary's office where the sale originates.

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

Example Only (use appropriate sales tax amount for area of sale)

- 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 8.25%, the organization would collect \$2.17 ($\2.00×1.0825) from the buyer for each item sold, or
- Absorbing the tax in the item's selling price - thus if the item sold for \$2.00 including tax, the organization would retain \$1.85 and remit \$0.15 for sales tax. If this method is used, divide the total sales by 1.0825 (assuming a tax rate of 8.25%) to find the taxable sales. To determine the sales tax amount, subtract the taxable sales from the gross sales.

TAXABLE STATUS OF SALES

Organizations need not collect sales tax on the following:

- Admission tickets;
- Club memberships;
- Sale of food and soft drinks sold during a regular school day, subject to an agreement with the proper school authorities;*
- Food and drinks sold at organization carnivals;
- Vending machine sales;*
- Meals and food products, including candy and soft drinks, served in an elementary or secondary school during the regular school day;*
- Candy and food items sold through fundraising drives by organizations or students of the school who are under eighteen years of age;*
- Two tax-free sales of otherwise taxable merchandise per calendar year, per school, per organization are allowed. A record of the sale must be maintained in the minutes of the organization.

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 organization 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 an 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 guidelines.

For questions regarding sales tax, call the Texas Comptroller of Public Accounts at 1-800-252-5555 or refer to comptroller.texas.gov.

* An organization planning to sell food or beverages should consider that food sold on campus during the school day (the period from midnight before to 30 minutes after the end of the official school day) must meet the federal Smart Snacks in Schools nutrition standards for competitive foods. For more information, visit www.squaremeals.org or speak with the campus principal or program coordinator.

ACCOUNTING FOR TRANSACTIONS

METHOD OF ACCOUNTING

There are a wide variety of computerized accounting packages available to assist the organization in accurate financial reporting; manual record keeping is not the recommended method of reporting. Rather, each organization should adopt an accounting package or computerized accounting method to be used for several fiscal years. Establishing records in a spreadsheet format is perfectly acceptable, although somewhat cumbersome. It is preferable to adopt an accounting package for long-term use. The packages chosen should be reviewed on a biannual basis for effectiveness and accuracy of financial reporting. Packages should also be evaluated based upon their ease of use and overall cost, both financial and training, to the organization.

At a minimum, the membership should be provided with a financial statement and bank reconciliation at each meeting. The financial statement should detail the budget to actual expenditures and receipts. Cash receipts and disbursement reports should be available for review when needed or at the annual audit.

CASH RECEIPT PROCEDURES

All cash collections received by the organizations for fees, dues, fundraising, etc. must be deposited upon receipt. All money must be deposited prior to holidays and weekends. 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.

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 and coins, and verify that the amounts have 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 the bank may make that the currency received was not correct.

District employees should not count, collect or secure an organization's funds. District employees may not have access to an organization's lock box. **In this function a guest educator/substitute is not considered a district employee.**

PETTY CASH

Each organization may maintain a petty cash account, unless prohibited by the organization's governing body. 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. **In this function a guest educator/substitute is not considered a district employee.**

The petty cash funds should be used for emergency purchases only. All other purchases should be made with a check from the organization's account.

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.

DISBURSEMENT OF FUNDS

All requests for disbursement must be made from established budget line items. If a request exceeds the budget or is for an item not previously included in the budget process, a vote of the membership must be taken prior to expenditure. Direct payments and gifts to employees and alcoholic purchases are not permitted with organization funds.

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.

Organizations may not directly hire or contract with individuals or organizations to work with students. An organization may donate funds to the district, to be used for mutually agreed upon activities allowing support of student learning while maintaining proper controls and safeguards.

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.

Blank checks are never to be signed.

ELECTRONIC BANKING

It is recommended that accounts be limited to electronic collection of funds only.

BANK RECONCILIATION

Upon receipt of the monthly bank statement, the balance indicated on the statement shall be reconciled monthly to the bank account balance in the general ledger as of the last day of the month.

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

A non-signer review of bank statement should take place prior to the reconciliation process. Items to look for:

- Checks appearing in non-sequential order

- Checks made out to "cash"
- Checks made payable to non-approved vendors
- Checks written for non-approved expenses
- Missing check numbers
- ATM/Debit/Electronic transfers
- Checks made out to an individual for an even dollar/cent amount (i.e. \$20.00)

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 bank charges and/or 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.

1099 REQUIREMENTS

Internal Revenue Service guidelines require that all payments for services in excess of \$600.00 made to an individual by an organization be reported on a form 1099 on an annual basis. The 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 taxpayer identification number. The organization must then issue a form 1099 to all qualifying vendors for services performed in the calendar year by January 31st. The following guidelines can be used to determine if reporting is required:

- **Risk of profit or 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.
- **Employers 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 web site, www.irs.gov, may be accessed for forms and appropriate 1099 reporting requirements.

GASB 39 REQUIREMENTS

The Governmental Accounting Standards Board (GASB) Statement #39 requires school districts to consider financial activities of all parent teacher organizations, booster clubs, foundations and other fundraising entities for inclusion in the district's financial statements.

The three criteria to determine if an entity is a component unit are as follows:

- The economic resources received or held by the separate organization are entirely for the direct benefit of the primary government, its component units, or its constituents.
- The primary government, or its component units, is entitled to, or has the ability to otherwise access, a majority of the economic resources received or held by the separate organization.
- The economic resources received or held by an individual organization that the specific primary government, or its component units, is entitled to, or has the ability to otherwise access, are significant to the primary government.

If organization meets criteria the form must be reported to the district **by August 1st annually.**

See Appendix for form.

FUNDRAISING

All organizations shall complete a fundraising application for each type of planned, scheduled or anticipated event, activity, or product sale and receive the approval of the campus principal or designee. This application details the vendor (if any), product to be sold or service to be rendered (see Appendix). For safety reasons, the district discourages door-to-door solicitation.

INDIVIDUAL ACCOUNTS

Tax exempt organizations, according to the IRS, must benefit a group as a whole instead of benefiting individual members of a group. Therefore, individual accounts that credit individuals for their fundraising efforts may not be used. All members of the organization must be treated equally and receive the same opportunity to benefit from the fundraising activities.

FUNDRAISING PARTICIPATION AND QUOTAS

According to the IRS, tax exempt organizations may not require participation in fundraisers. Benefits given by an organization cannot be distributed based on participation in a fundraiser or based on revenues individually generated in a fundraiser. Therefore, a person cannot be denied the opportunity to receive a benefit due to lack of participation in a fundraiser or because a specified amount of revenue was not raised.

An organization may establish written criteria for giving certain benefits to an individual with a financial hardship. If a student meets the written criteria established prior to a financial hardship situation arising, the student may then receive a benefit that others do not receive. Such a benefit is an approved exception, by the IRS, to having all members receive an equal opportunity to benefit from fundraising activities.

All organization fundraising efforts must be within federal, state and district guidelines and must be for the purpose of supporting the school program or group activity for which the organization was formed.

COMPETITIVE FOODS GUIDELINES/SMART SNACKS

An organization planning to sell food or beverages should consider that food sold on campus during the school day (the period from midnight before to 30 minutes after the end of the official school day) must meet the federal Smart Snacks in Schools nutrition standards for competitive foods. For more information, visit www.squaremeals.org or speak with the campus principal or program coordinator.

CO-VENTURING

Commercial Co-Venturing has become a popular form of fundraising. Typically, businesses advertise a cooperative fundraising effort in which proceeds benefit the organization.

- Organizations should not actively endorse or promote the commercial activities, goods or services of other businesses/organizations.
- No activity should serve to promote or market a commercial enterprise. Violation could result in the revenues received as a result of such efforts being classified as unrelated business income and subject to taxation.

CROWDFUNDING, OR COLLABORATIVE FUNDING VIA THE WEB

When it comes to providing quality educational experiences for our students, Northwest ISD support organizations are creative and resourceful. While the district is supportive of innovative methods, alternatives to raising money through collaborative funding via the web are preferred.

The district does not allow staff and student organizations to solicit funds through crowdfunding.

RAFFLES

Certain organizations are permitted to hold raffles. The State of Texas Attorney General's ruling on raffles specifies that an organization must be in existence for at least three preceding years and is exempt from federal income tax under Section 501(c) before they can conduct a raffle. When a sponsoring organization awards a prize to persons selected by a game of chance from a pool of individuals who purchase a ticket representing a chance to win, it is considered a raffle.

An unauthorized raffle is considered gambling under the Texas Penal Code. Conducting such a raffle is a Class A misdemeanor. Participating in an unauthorized raffle is a Class C misdemeanor.

Raffles are a legal activity for a qualified charitable organization provided each of the regulations listed below are followed:

- The value of purchased prizes may not exceed \$50,000. For a purchased residential dwelling, the value may not exceed \$250,000. There is no limit on the value of donated prizes.
- Cash prizes are strictly prohibited. Gift cards, gift certificates and coupons are considered cash equivalents by the IRS; therefore, they are not permitted as raffle prizes.
- A qualified organization may hold only two raffles per calendar year and only one raffle at a time.
- Raffle tickets may not be advertised statewide or through paid advertisements. Donated advertising is permissible.
- Each raffle ticket must state: 1) the name of the organization conducting the raffle; 2) the address of the organization or of a named officer of the organization; 3) the ticket price; 4) a general description of each prize having a value of more than \$10; and 5) the date on which the raffle prize(s) will be awarded.
- No one may be compensated directly or indirectly for organizing or conducting a raffle or for selling raffle tickets.
- The organization must have the prize in its possession or ownership, or it must post a bond with the county clerk of the county in which the raffle is to be held for the full amount of the money value of the prize.
- Only members of the sponsoring organization may sell the tickets.
- The organization must fill out a W2-G form to submit to the IRS if the prize exceeds \$600. A W-9 must be completed by the winner or backup withholding at the rate of 31% must be collected by the organization. Provided the prize value is less than \$5,000 and a W-9 is completed by the recipient, the organization is under no obligation to collect tax.

NOTES:

- Texas Occupations Code §2002.002(1-a) defines "money" as, "coins, paper currency or a negotiable instrument that represents and is readily convertible to coins or paper currency."
- Sponsorships and/or donations shall not be solicited or accepted if they:
 - are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience;
 - endorse endangering the health or safety of students;
 - promote illegal use of drugs, alcohol, or other controlled substances;
 - advocate violation of school rules and fall within the standard described at LIMITATIONS ON EXPRESSION at FNAAL(LEGAL);

- advocate imminent lawless or disruptive action and are likely to incite or produce such action;
 - include hate literature that scurrilously attacks ethnic, religious, or racial groups, and similar publications aimed at creating hostility and violence if they fall within the standard described at LIMITATIONS ON EXPRESSION at FNAA(LEGAL);
 - Would result in material and substantial interference with any school educational and/or curricular-related activity or blocks or impedes the safe flow of traffic within hallways and entrances and exits of the school.
- Any fundraising activity involving an award/prize of utilizing district property or facilities is prohibited.
 - Students may not participate in any type of gambling activities which includes the purchasing or selling of raffle tickets or participating in bingo-type activities for any school or school-related organization. These activities are specifically prohibited by law for persons under the age of eighteen (See Board Policy FJ & Regulation FJ).

BINGO

Organizations 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 1-800-246-4677. A Charitable Bingo may not be advertised prior to actually receiving a license.

Bingo may be conducted only in areas that have held an election to legalize the game. Check with the city or county to see if it is legal in the area where the game would be conducted.

The conduct of bingo without a license in the state of Texas is a third degree felony punishable by imprisonment of two to 10 years and a fine not to exceed \$10,000. (Texas Penal Code – Sec. 12.34)

Organizations will need to obtain the literature to learn all of the requirements. This is only a summation intended to give you a general idea of the level of involvement.

- The game must be open to the public.
- Limitations exist for:
 - Number of bingo occasions
 - Prize values
 - Door prize values
- Only the licensed authorized organization is eligible to advertise a bingo occasion or its prize amounts.
- Purchase of bingo supplies and equipment is limited to certain vendors.
- For some prizes fees collected from the winners must be remitted to the Commission.
- Alcohol may not be served.

NOTE:

Students may not participate in any type of gambling activities which includes the purchasing or selling of raffle tickets or participating in bingo-type activities for any school or school-related organization. These activities are specifically prohibited by law for persons under the age of eighteen (See Board Policy FJ & Regulation FJ).

SOLICITATION PERMITS

Cities have rules, regulations, and ordinances that may apply to your fundraising activity. Some cities may require a solicitation permit that is temporary or renewable on an annual basis.

It is recommended that organizations contact the city where an activity is planned, or advertisement of a fundraiser is to be distributed.

Information may be found on a city's web site under the ordinance section.

VENDOR SALES

Organizations may choose a vendor sale for fundraising. A vendor sale is when the organization acts as representatives for the fundraising firm by taking orders and earning a commission.

The organization is not responsible for the payment of sales taxes on vendor sales. Collections are forwarded to the vendor for remittance to the Texas Comptroller. Additionally, vendor sale activities are not eligible as a tax-free sales day.

The Texas Comptroller of Public Accounts regards nonprofit entities as the sales agent for the fundraising firm and applies Section 151.024 of the Texas Tax Code.

VENDOR SHOWS, BAZAARS, ETC.

The following information should be included on any agreement between sponsoring organizations and vendors.

Food Vendors:

The health department may inspect and check for permits. They will close down any vendor not holding the proper permit/documentation. For more information, contact the agency with jurisdiction of the geographical location of the event.

Location	Agency Office	Agency Phone
Justin ES	City of Justin Environmental Health Division	940-648-2541
Chisholm Trail MS Prairie View ES	City of Rhome Public Health Department	817-636-2462
Cox ES Roanoke ES Steele ECHS	City of Roanoke Environmental Health Division	817-491-2411
Admin Hatfield ES Love ES Pike MS Northwest HS Seven Hills ES	Texas Dept of State Health Services	512-834-6788
Lance Thompson ES	Town of Northlake Development Services	940-648-3290
Adams MS Berkshire ES Curtis ES Eaton HS Granger ES Haslet ES Hughes ES Nance ES Peterson ES Schluter ES Sendera ES J.C. Thompson ES Tidwell MS Wilson MS	Tarrant County Public Health Department	817-321-4960
Beck ES Byron Nelson HS Lakeview ES Medlin ES	Town of Trophy Club Health Inspections	682-831-4600

School Logos, Colors, Names, etc.

Northwest ISD is the owner of all rights, title and interest in the following trademarks and service marks (collectively, the "NISD Marks"): the NISD name and logo; the names, logos, mascots, and school colors of the NISD elementary and secondary schools, including the schools' athletic teams. "NISD Marks" may not be used on any merchandise being sold, without prior approval from the district. Please address questions regarding this rule prior to products being created, sold, or made available for purchase. Anyone selling unapproved merchandise with the "NISD Marks" will be asked to remove the merchandise immediately (including booster clubs selling unapproved merchandise).

- Permission to use logos, color, names, etc. is required. Request for *Permission to Use NISD Marks form* to be completed and forwarded to the communications department for approval.
- Communications will issue formal agreement once permission is granted.
- Fully executed agreements will be maintained by the purchasing department.

Contact Hailee Fojtasek, 817-215-0172

Sales and Use Taxes:

The requirement to obtain a Texas Sales and Use Tax Permit applies to individuals as well as corporations, firms, organizations, partnerships, and all other legal entities engaged in business in Texas; and selling tangible personal property or providing taxable services in Texas to customers in Texas. All vendors are required to collect, report and pay state and local sales tax. Northwest ISD and organizer of the event accept no responsibility for sales tax collection at the event.

DONATIONS

School district staff and students are 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. In accordance with Policy CDC (LOCAL) and Administrative Regulation GE, gifts to the district must meet the following criteria:

- Must have a purpose consistent with district purposes.
- Place no restrictions on the school program.
- Do not require the endorsement of a business product.
- Do not conflict with policies or actions of the Board or public law.
- Do not require extensive district maintenance.

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 Internal Revenue Service purposes.

A gift or grant to the school or district that may impact a campus (i.e. facility, grounds, infrastructure, technology, or curriculum), must have prior approval by the appropriate Assistant Superintendent prior to the purchase of such gift.

All donations must be reported to and accepted by the Northwest Board of Trustees [Policy CDC (LOCAL)]. Reports should be made as the donation occurs. All documentation must be forwarded with the donation. (See Appendix for Donation Acknowledgement form.)

EQUIPMENT OR MONEY DONATIONS

Cash should never be given for discretionary spending. There are times when the best decision is to give funds to the school for a designated purpose. Oftentimes, schools can purchase items at a significant discount where, if the organization writes the check, they will have to pay full retail price. Other times, the organization may decide to fund a portion of a purchase the school is making.

When the best fiscal decision is to have the school make the purchase, there are certain guidelines that must be followed:

- The membership approves the gift to be made and its purpose.
- Funds are only given for a specific, designated purpose agreed to, in writing, between the organization's president and the appropriate school official.
- The written agreement specifically states the nature of the item to be purchased, the manner in which it is to be used, the timeframe within which it is to be procured, and the agreements as to who is responsible for installation (if applicable), maintenance, and insurance, and to provide the organization with a copy of the invoice.

FIELD TRIPS

It is recommended that donations are gifted for endeavors other than field trips.

A donation of monies from an organization for a field trip could link the organization to providing transportation and thus be named in a lawsuit should an accident occur involving the transportation of students. General Liability insurances typically cover medical and legal fees for negligence and exclude coverage for automobile accidents involving injured students.

The only way for an organization to obtain protection is to be added to the vehicle's policy as an additional insured for liability associated with transportation. An organization may request to be added as an additional insured on the auto policy of a charter company; however, it is up to their insurance company to add the organization and its members.

GIFT CARDS/GIFT CERTIFICATES

It is recommended that organizations not purchase or give gift cards/gift certificates. The IRS considers gift cards and gift certificates as cash equivalents. Violations with regard to individual benefit may jeopardize an organization's non-profit status.

Distributing gift cards or gift certificates to individuals is considered an individual benefit. Using gift cards or gift certificates as incentives to volunteers, teachers or students (this applies to door prizes, thank you gifts, etc.) also presents the problem of the IRS considering this as compensation. Once compensation has been given, the recipient is an employee, and the organization would be required to issue a W-2. The IRS does not distinguish whether an organization purchases gift cards/gift certificates or they were donated by an individual or company; to the IRS, it is the same.

A donated gift card or gift certificate can only be used (1) in a silent auction (not a raffle) or (2) if the organization uses the donated gift card or gift certificate to purchase items that benefit the organization, not individuals.

CHARITABLE FUNDRAISING FOR INDIVIDUALS

Charitable fundraising **may not** be conducted by any organization for an individual, no matter how worthy the cause.

Alternatives:

- Texas PTA Emergency Needs Relief Fund

The Texas PTA established the Texas PTA Emergency Needs Relief Fund in 1995 to provide emergency assistance grants for victims of hurricanes, floods, tornadoes, catastrophic illness and accidents. Financial aid is provided only to the truly needy and is consistent with that need. Funding comes from tax-deductible donations from individuals and PTAs. Contributions may not be earmarked for a specific recipient.

- Promote donations to an account at a local bank where donors make contributions directly to bank.

SCHOLARSHIP PROGRAMS

The district encourages scholarship programs that benefit students.

SCHOLARSHIPS FOR A GRADUATING SENIOR

- 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 before the end of the first grading period of the academic year.
- The Scholarship Review Committee must consider all qualifying applicants.
- The Scholarship Review Committee must be appointed by the President of the booster club and school support organization before the first day of the academic year.
- The Scholarship Review Committee must be made up of an odd number (5-7) of members (parents from the organization 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 before the end of the first grading period of the academic year in which it is awarded 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 and school support organization membership no later than the May booster club and school support organization meeting for changes effective in the upcoming academic year.
- The application scoring, decision materials, tabulations, 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. The Scholarship Review Committee must retain the original materials for the period designated by the State Record Retention Schedule.
- Scholarship applicants shall be full-time NISD senior students enrolled in the NISD for a minimum of one full semester prior to the application deadline.
- All completed applications must be turned in to the NISD Senior Counselor no later than the deadline set for local scholarship applications or April 1st (whichever comes first).
- All scholarship applications, which do not have the required information, will be considered incomplete and returned to the applicant. Applications returned will not be reconsidered at a later date if they are not submitted by the established deadline.
- 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. It is recommended that scholarships are paid directly to the school/institution where the applicant is enrolled.

The Scholarship Review 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.

If desired, essays should be original works of the applicant and be a minimum of 250 words and a maximum of 500 words. The applicant must be willing to relinquish all rights to his/her work. If an applicant is applying for multiple scholarships, the applicant must write multiple essays – the same essay cannot be used. Essays must be submitted with the application in order for the applicant to be considered for a scholarship. The essay should account for no less than 10 percent and no more than 20 percent of the total points or weight for the decision process.

Other areas where scholarship points may be earned should include responsibility, character, outside activities, leadership, academics, attitude, behavior, attendance, participation, service, involvement, attitude, and others at the sponsor's discretion.

The organization 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 72 hours prior to the interview.

STUDENT SCHOLARSHIPS FOR CAMPUS-RELATED ACTIVITIES

Organizations may donate to fund scholarships for campus-related activities.

- Scholarships will be made available to students based on criteria established by the organization and district, campus or program department.
- Applications will be made available through the campus counseling department or appropriate program department.
- The school counselor, program department head, principal and/or designee will verify qualification and determine approval of such scholarship to preserve the confidentiality of the student and his/her family.

DISTRICT SERVICES

CATERING

The food service department provides catering for meetings within the district. A sample menu is available online or by contacting ARAMARK Food Service at 817-215-0005.

SAFEKEEPING

District employees should not count, collect or secure support organization funds. District employees may not have access to an organization's lock box. **In this function a guest educator/substitute is not considered a district employee.**

NISD STUDENT PROVIDED SERVICES

Contact the Career and Technical Education department for further information regarding the following student provided services:

- Commercial Photography – Northwest High School
- Cosmetology Services – Steele Early College High School
- Culinary Services - Byron Nelson High School
- Film/Media Services - Northwest High School
- Floral Services - Byron Nelson, Eaton and Northwest High Schools
- Print Ad & Marketing – Northwest & Eaton High Schools
- Welding Services - Byron Nelson, Eaton and Northwest High Schools

Contact the Special Education department (rise@nisdtx.org) for further information regarding the following student provided services:

- Custom tee shirts/Printing/Promotional Items - Legacy Learning Center (Adult Transition Program)

TOOLS FOR SUCCESS

The following guidelines apply to all organizations. If a question should arise which cannot be resolved at the campus level, the appropriate Executive Director for Instruction and Campus Support should be contacted for clarification.

ORGANIZATIONS SHOULD:

- Hold all meetings publicly and publish notice in advance of meeting, according to the organization's bylaws.
- Be voluntary and provide unified support for student success at the school.
- Encourage involvement by all parents of students participating in the support activity.
- Use school facilities only with prior approval of the principal or designee.
- Obtain approval of the principal or designee for all fundraising activities.
- Have a campus administrator or designee present at all organization meetings.
- Submit a copy of current bylaws and operating procedures to the principal or designee.
- Submit the name, address, email address, and phone number of all current officers and the authorized signers of bank account to the principal or designee.
- Provide adequate insurance coverage for its organization.
- Pay all taxes and other debts incurred by the organization.
- Comply with Board policies when donating money or gifts to the district.
- Comply with UIL guidelines, district policies, and Federal and State tax laws.
- Obtain Federal tax-exempt status.
- Obtain an Employer Identification Number.
- Obtain a State Sales Permit.
- Submit IRS Determination Letter and if organization meets criteria for GASB 39, the form must be reported to the district by August 1st annually.
- Follow the same standards of conduct as district employees when chaperoning, sponsoring or attending student activities, including rules in the campus handbook.

ORGANIZATIONS SHOULD NOT:

- Have authority in directing or influencing district employees in the administration of duties.
- Be involved in decision or policy making activities for a student group.
- Give a sponsor or coach a gift of cash in excess of the limits imposed by the UIL guidelines from any source in recognition of, or appreciation for coaching, directing or sponsoring student activities.
- Give anything (including awards) to students without prior approval from the school administration. (Faculty sponsors wish-lists should have received prior approval from school administration before submission to an organization.)
- Give a member any gift without the approval of the club membership.
- Employ or pay any member with the organization's funds for services rendered.

- Sign contracts or pay expenses directly from the organization's account for any arrangements for student travel associated with the organization without the prior approval of the principal. (Organizations may donate money or merchandise to the school with prior approval of the administration.)
- Use the district's tax identification number as the organization's identification number.
- Use the district's sales permit number as the organization's sales permit number.

OTHER CONSIDERATIONS:

- Any action taken at the meeting will be subject to review and revocation by the sponsor, principal or designee.
- Each individual student's or group of students' participation will be determined by the sponsor and the principal/designee, and not by the organization or any of its members. 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 an 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 an organization will occur outside of the school day or as approved by the principal/designee.
- Activities and travel sponsored by an organization must be outside the school day or as approved by the appropriate executive director.
- The educational purposes of all activities should be a major consideration - there will be no travel for purely leisure or recreational purposes.
- Participation in any activity or travel associated with an organization's activities is a 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, at school-related or school-sponsored activities, 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.
- 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 executive director.
- Organizations may not contribute funds for contracted services or campus travel to enhance professional development without the express written approval of the appropriate executive director.

TOP TEN WAYS TO PROTECT YOUR ORGANIZATION AGAINST EMBEZZLEMENT

1. Money should never be kept at a treasurer's home.
2. Two people should always count the money, and both should sign the receipt verifying the amount.
3. Two signatures should be required on all checks.
4. Have a member who does not have check signing authority review the bank statement monthly before giving it to the treasurer. This person is looking for red flags including: checks showing up in non-sequential order, checks made out to cash, cash withdrawals, checks written out to non-approved vendors, checks written for non-approved expenses, and checks written out to individuals.
5. Never sign a blank check or a check made out to "cash."
6. The treasurer should arrange to deposit the money in the bank as soon after the conclusion of the project as possible.
7. Money should be deposited into the organization's bank account daily, even if a project is ongoing.
8. All bills must be paid by check, never cash.
9. Conduct an annual audit of the books.
10. Make sure that you have a Bond Policy and make sure to follow the requirements to guarantee coverage.

This information has been provided by AIM - Association Insurance Management.

TOP TEN THINGS TO REMEMBER WHEN FUNDRAISING

1. Have a specific goal for each fundraiser, regularly remind yourself and your volunteers of that goal, and promote it to the community.
2. Assign an organized person to serve as fundraising chairman.
3. If you are using a fundraising company, know the company or check out references and have a written contract.
4. Select a program with a good service package that fits your needs.
5. Make sure the product you're selling represents a good value at a fair price.
6. Look for fundraising activities that have educational value and promote community involvement.
7. Delegate and involve as many volunteers as possible.
8. Keep it short. People lose interest in long projects.
9. Don't overdo it. Remember, kids are in school to learn and parents can only afford so much. Also, remember the children must never be placed in a position of risk.
10. Have fun. It's got to be fun!

This information has been provided by "Texas PTA Treasurer Chairman's Guide".

APPENDIX

REGISTRATION AND APPROVAL FORM

BOOSTER CLUBS, PTAs & SUPPORT ORGANIZATIONS OFFICER INFORMATION FORM

BOOSTER CLUBS, PTAs & SUPPORT ORGANIZATIONS FUNDRAISING APPLICATION

COMPLIANCE CHECKLIST

DONATION ACKNOWLEDGEMENT FORM

GASB 39 FORM

REFERENCES

Northwest Independent School District

BOOSTER CLUBS, PTAs & SCHOOL SUPPORT ORGANIZATIONS REGISTRATION & APPROVAL FORM

To: _____ **Location:** _____
(Principal or Administrator Name) (School or Department Name)

Name of Organization: _____

Purpose of Organization: _____

Student Group to be Supported: _____

Faculty Sponsor for Club: _____

Current Number of Parent Supporters: _____

I agree with the following statements:

- I have spoken with the faculty member who will serve as the sponsor of the support organization and have received their permission to submit this registration form.
- I have read the *Booster Clubs, PTAs and School Support Organizations Guidelines* thoroughly and agree to abide by the rules and guidelines it contains.
- I understand that noncompliance with any district policy or criteria may result in the disbanding of the support organization by the principal or the administrator.

Submitted by:

_____/_____/_____/_____/_____
(Representative) Date (Sponsor) Date

Mailing Address

Email Address

Phone Number

For District Use Only

Received by: _____ **Date:** / /

APPROVAL of Organization:

I, _____,
(Principal or Administrator Name)

_____ at _____
(Position) (School or Department Name)

authorize _____ to conduct student and
(Organization Name)

organizational related activities for the benefit of _____.
(Student Group/Campus)

This registration approval is effective for the school year beginning _____ and
(School Year)

will continue until such time as the Organization no longer exists.

_____/_____/_____/_____
Principal or Administrator Signature Date Executive Director of Curriculum & Instruction Date

DISAPPROVAL of Organization:

I, _____,
(Principal or Administrator Name)

_____ at _____
(Position) (School or Department Name)

do not authorize _____ to become a support organization.
(Organization Name)

_____/_____/_____/_____
Principal or Administrator Signature Date Executive Director of Curriculum & Instruction Date

- The original form should be sent to the representative of the organization shown on the front of this form.
- Please make copies of BOTH SIDES of this form for:
 - The Sponsor
 - The Principal or Administrator

Northwest Independent School District

BOOSTER CLUBS PTAs & SCHOOL SUPPORT ORGANIZATIONS

OFFICER INFORMATION

Submit officer information to the supported campus/department immediately following your organization's election. Annual elections must take place **prior to June 1**. Information should be submitted even if officers have not changed from the previous year. Any changes that occur during the year prior to the next election should be reported utilizing this form. A copy of this form should also be maintained by the organization.

School year: _____ Campus/Department supported: _____

Name of Organization: _____

President

Name (First **AND** Last name)

Street address **OR** PO Box, City, State **AND** Zip Code

Phone number(s) _____ Email address

Vice President

Name (First **AND** Last name)

Street address **OR** PO Box, City, State **AND** Zip Code

Phone number(s) _____ Email address

Treasurer

Name (First **AND** Last name)

Street address **OR** PO Box, City, State **AND** Zip Code

Phone number(s) _____ Email address

Secretary

Name (First **AND** Last name)

Street address **OR** PO Box, City, State **AND** Zip Code

Phone number(s) _____ Email address

Northwest Independent School District
BOOSTER CLUBS PTAs & SCHOOL SUPPORT ORGANIZATIONS
FUNDRAISING APPLICATION

Name of organization: _____

Campus supported: _____

Type of event, activity, product sale or service:

Date beginning: _____ Date ending: _____

Location of event, activity, product sale or service: _____

Specific purpose(s) for which the net proceeds are to be used:

Vendor (if applicable): _____

Vendor contact name: _____ Phone: _____

Event coordinator: _____ Phone: _____

District contact name: _____ Phone: _____

I request permission to conduct a fundraising activity. I will be responsible for the accountability of all monies collected and I will follow the organization's bylaws and NISD guidelines.

Coordinator's signature

Date

Principal/Designee's signature

Date

COMPLIANCE CHECKLIST

The following checklist serves as a guide to help ensure that organizations have complied with the district's Board policies and guidelines, and federal and state regulations governing Booster Clubs, PTAs and School Support Organizations. Additionally, information documented here will help future officers continue with compliance efforts.

This checklist is not all inclusive. For questions concerning the items listed below, please refer to the applicable sections of this guideline.

General

1. Provide the campus principal or designee with a list of officers at the beginning of each school year and as officer's change. Form provided in *Booster Clubs, PTAs and School Support Organizations Guidelines Appendix*.
2. Provide the campus principal or designee with organization's constitution, by-laws, and operating procedures when they are originated. In addition, provide updated copies as changes or amendments occur.
3. Provide the support organization's official email/ mailing address. The address should include the organization's official name.

Fundraising

1. Provide the campus principal or designee with a list of fundraisers planned for the current year.
2. Complete the Fundraising Application for each type of planned, scheduled or anticipated event, activity, or product sale or service and receive the approval of the campus principal or designee. Form provided in *Booster Clubs, PTAs and School Support Organizations Guidelines Appendix*.
3. If the organization has received a limited tax-exemption from the Texas State Comptroller's Office, the organization is entitled to two (2) "one-day, tax-free" sales days per calendar year. If the organization is entitled to the two "one-day, tax-free" sales days, indicate the "one-day, tax free" sales that have been used or that are planned:

Calendar Year: _____

Date / Fundraiser: _____

Date / Fundraiser: _____

Calendar Year: _____

Date / Fundraiser: _____

Date / Fundraiser: _____

4. An organization cannot require members or students to fundraise or raise a certain amount. For example, a student's ability to attend a trip cannot be based on raising a certain amount of money. **If an organization is currently requiring fundraising, this requirement must be discontinued.**
5. An organization cannot use individual accounts to credit an individual for funds raised. Fundraising is an opportunity to generate revenue for the organization as a group, not individuals. Therefore, revenues should be recorded in a group account where all members or students have the same opportunity to **benefit equally** from the revenues.

Financial Matters

General

1. Bank accounts used by the organization include:

<u>Bank Name</u>	<u>Account Number</u>
_____	_____
_____	_____
_____	_____

2. Determine the identification number used for the bank accounts. The organization's Employee Identification Number (EIN) should be used. Do not use an individual's Social Security Number, and **do not use the district's EIN.** The identification number used for the bank accounts is:

3. Update the authorized signers on bank accounts as officers change. The current authorized signers include the following organization officers:

<u>Name of Person</u>	<u>Officer Position Held</u>	<u>District Employee? (Yes/No)</u>
Example: June Bugg	President	No
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. Provide a copy of the written Financial Report for the applicable school year to the campus principal or designee.
5. Provide a copy of the report that indicates the results of the review of the organization's financial information, including the Financial Report, to the campus principal or designee.
6. If organization meets criteria, the GASB 39 information form must be provided to the district's Finance Department annually by August 1 (form provided in *Booster Clubs, PTAs and School Support Organizations Guidelines* Appendix). Additionally, provide a copy to the campus principal or designee.

IMPORTANT

- The Sponsor cannot be an authorized signer on any organization's bank account.
- No employee of the district may be an authorized signer on the organization's bank account or enter into contracts, verbal or written. **In this function a guest educator/substitute is not considered a district employee.**
- See Accounting for Transactions (Bank Account) in *the Booster Clubs, PTAs and School Support Organizations Guidelines*.

State Regulatory Information

The following items need to be done only once at the origination of the organization:

- 7. Determine whether the organization has obtained a Texas Sales Tax Permit. The organization’s Sales Tax Permit Number is: _____
- 8. Determine whether the organization has obtained a limited tax-exemption from the Texas State Comptroller’s Office. The organization has received a limited tax-exemption from Texas State Comptroller’s Office:
YES
NO

Reminder: Only those organizations with a limited tax-exemption from the Texas State Comptroller’s Office are entitled to the two (2) “one-day, tax-free” sales days.

- 9. If the organization is incorporated, determine whether the organization has obtained an exemption from Texas franchise tax from Texas State Comptroller’s Office. Organization is incorporated:
YES
NO

If the organization is incorporated, an exemption from Texas franchise tax was obtained from the Texas State Comptroller’s Office:

- YES**
- NO**

The following item is applicable each school year or calendar year:

- 10. File the organization’s Texas State Tax Report as required. The Texas State Comptroller’s Office determines whether the report needs to be filed quarterly or annually and is subject to change. The organization files its Texas State Tax Report:
QUARTERLY
ANNUALLY

Federal Regulatory Information

The following items need to be done only once at the origination of the organization:

- 11. Obtain an Employer Identification Number (EIN) from the Internal Revenue Service (IRS). The EIN for the organization is: _____
- 12. Determine whether the organization has received tax-exempt status as a public 501(c)(3) organization from the IRS. If the IRS has approved the organization’s tax-exempt status, a Determination Letter would have been received from the IRS. The organization received its tax-exempt status as a public 501(c)(3) organization from the IRS:
YES
NO

- 13. If a Determination Letter was received from the IRS approving your organization as a public 501(c)(3) organization, determine whether the status as a public tax-exempt organization is temporary.

If the tax-exempt status is temporary, the “Advance Ruling Period” ends on:

____/____/____

The following items may be applicable during each school year or calendar year:

14. Determine whether the organization is in good standing with IRS by calling the Exempt Organization Section of the IRS.

15. Determine the necessity of filing an annual IRS Form 990.

Official Year-end: _____/_____/_____

Due Date for Return: _____/_____/_____

16. Issue 1099 forms to qualifying vendors by January 31, of each year. If 1099 forms are issued, send information to the IRS by required deadline.

Booster Clubs, PTAs and School Support Organizations Guidelines

17. As the organization's President or Treasurer change, give *Booster Clubs, PTAs and School Support Organizations Guidelines* to the new officers.

18. Annually attend required update and information training for Booster Clubs, PTAs and School Support Organization's President and Treasurer.

19. Guidelines are available on district's website.

Northwest Independent School District

TAX-EXEMPT STATUS/ DONATION ACKNOWLEDGMENT FORM

Northwest Independent School District is a public school district and is a political subdivision of the State of Texas. The district is not a tax-exempt entity under the Internal Revenue Service (IRS) Code Section 501(c)(3). However, the district is considered a tax-exempt organization that may receive charitable contributions according to the IRS Code Section 170(c)(1). This section states that a charitable contribution means a contribution or gift to or for the use of:

"A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes."

The district may receive charitable contributions if they are for public purposes, such as benefiting a group and not an individual. These charitable contributions are deductible by the donor on their tax return. The federal identification number of Northwest ISD is 1-75-6003004-5.

Contributions may be made to the district, district schools, or various district groups and clubs. However, the district's tax-exempt status does not apply to various parent or community organizations, such as Booster Clubs and School Support Organizations, who work with the district. These organizations are separate entities from the district and must apply for their tax-exempt status under Code Section 501(c)(3). Evidence of their tax-exempt status would be a Letter of Determination from the IRS.

Donations to the district by an organization, including, but not limited to, booster clubs, shall become the sole property of the district and not of the organization. The NISD Board of Trustees or its designee has the sole authority to determine how the donated funds are utilized by the district and, therefore, donating organizations may not specify the purpose for which the district must use the funds.

Northwest Independent School District greatly appreciates the support of:

Name of donor (Company or Person)

Street address **OR** PO Box, City, State **AND** Zip Code

Contact name/ Phone number/ Email

through the donation of (description of items(s) donated and/or monetary contribution received):

This support will assist the district in continuing to improve the educational environment.

Print name of district employee receiving donation

Signature of district employee

Date

Title of district employee

School or location/Department

FORM DISTRIBUTION – copy to:

- DONOR
- SUPPORTED CAMPUS/DEPARTMENT
- PARTNERS IN EDUCATION

Northwest Independent School District GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT #39

The Governmental Accounting Standards Board (GASB) Statement #39 requires school districts to consider financial activities of all parent teacher organizations, booster clubs, foundations and other fundraising entities for inclusion in the district's financial statements.

The three criteria to determine if an entity is a component unit are as follows:

- The economic resources received or held by the separate organization are entirely for the direct benefit of the primary government, its component units, or its constituents.
- The primary government, or its component units, is entitled to, or has the ability to otherwise access, a majority of the economic resources received or held by the separate organization.
- The economic resources received or held by an individual organization that the specific primary government, or its component units, is entitled to, or has the ability to otherwise access, are significant to the primary government.

If organization meets criteria the form must be reported to the district by August 1st annually.

Name of organization _____

Campus/Activity supported _____

What is the activity of your organization? _____

What is your organization's Tax ID number? _____

What is the date of your IRS Letter of Determination? (Attach a copy) _____

What is the balance of your organization's bank account, as of June 30? _____

What is your organization's fiscal year end? _____

Does your organization's gross receipt normally exceed \$50,000 per year? Yes No
(IRS defines 'gross receipts' as all revenues generated before subtracting any expenses.)

If yes, did you file a Form 990 and Schedule-A last year? Yes No

Date filed _____

If no, did you file a form 990-N? (*must be filed every 3 years*) Yes No

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.

Printed Name and Title

Phone Number

Signature

Date

Return form to:
Northwest ISD – Financial Services Department
Business Services
PO Box 77070, Fort Worth, TX 76177-0070

REFERENCES

Attorney General of Texas.....	texasattorneygeneral.gov	512-463-2100
Internal Revenue Service.....	www.irs.gov	800-829-1040
IRS – Exempt Organizations		877-829-5500
Northwest ISD.....	www.nisdtx.org	817-215-0000
NISD Policy On-Line.....	pol.tasb.org/Home/Index/391	
Secretary of State.....	www.sos.state.tx.us	512-463-5555
State Comptroller.....	comptroller.texas.gov	800-252-5555
Texas State PTA.....	txpta.org	800-825-5782
UIL.....	www.uiltexas.org	512-471-5883

District Phone Numbers

Assistant Superintendent for Curriculum and Instruction	817-215-0980
Assistant Superintendent for Facilities	817-215-0069
Assistant Superintendent for Human Resources	817-215-0109
Chief Financial Officer	817-215-0041
Director of Safety and Security	817-215-0049
Executive Director of Athletics	817-698-1011
Executive Director of Benefits and Risk Management.....	817-215-0071
Executive Director of College and Career Readiness and Innovation.....	817-215-0207
Executive Director of Communications.....	817-215-0169
Executive Director of Construction	817-215-0992
Executive Director of Facilities	817-215-0019
Executive Director of Financial Services	817-215-0174
Executive Director of Fine Arts.....	817-215-0160
Executive Director of Purchasing and Contract Management	817-215-0095
Executive Director of Student Services	817-215-0033
Executive Director of Secondary Education	817-215-0148
Executive Director of Technology	817-215-0048
Food Service/Catering - ARAMARK.....	817-215-0005
General Counsel.....	817-215-0133
Northwest ISD Education Foundation	817-215-0084
Partners in Education.....	817-215-0172
Public Affairs Coordinator	817-698-1088

Other Resources

Association Insurance Management (AIM)	800-876-4044
Hankins, Eastup, Deaton, Tonn & Seay (district auditors).....	940-387-8563