

Tupelo Public School Booster/PTO Acknowledgement Form

On behalf of the Tupelo Public School District, we want to thank you for the service you help to provide our students. Booster clubs and parent/teacher organizations play a very important role in supporting, encouraging, and advancing the athletic and extracurricular programs in our district. Your hard work is greatly appreciated. Since the public perceives booster clubs/ptos as also representing the schools, it is important that all officers are aware of the guidelines set forth by the school district and governmental agencies.

Boosters are required to submit annually their officers and contact information, bylaws, 501c3 status (if applicable), and a set of financials quarterly at a minimum to the finance department.

Please complete the information below and return to the finance department no later than October 15, 2023.

Booster/PTO Name. _____

School/Activity/Sport Supported _____

Fiscal Year 2023-2024 Booster Officers and Contact Information

Name	President	Phone No./Email Address
Name	Vice President	Phone No./Email Address
Name	Secretary	Phone No./Email Address
Name	Treasurer	Phone No./Email Address

_____ We understand that as a booster/pto, we must provide to the finance department a **quarterly listing that details all revenues and expenses, monthly bank statements and the bank statement reconciliation for the quarters ending: September 30th December 31st, March 31st, and June 30th**. You must include all months within the quarter.

_____ We will provide the booster/pto financials quarterly.

_____ Our booster/pto has adopted bylaws, and we will provide a copy of the bylaws to the finance department.

_____ Our booster/pto is a 501c3 or other tax-exempt organization, and we will provide a copy of the determination letter to the department of finance.

_____ Our booster/pto is currently in good standing with the IRS and the Secretary of State.

_____ Our booster/pto understands "fair share" fundraising is not allowed. Fundraisers benefit the entire program.

_____ Our booster/pto has read and understands the board policies and procedures that are applicable.

We acknowledge and will comply with the rules and regulations of Tupelo Public Schools.

Name Title Date

**Tupelo Public Schools Booster/PTO Guidance
2023-2024**

On behalf of the Tupelo Public School District, we want to thank you for the service you help to provide for our students. Booster clubs/ptos play a very important role in supporting, encouraging, and advancing the athletic and extracurricular programs in our district. Your hard work is greatly appreciated. Since the public perceives booster clubs as also representing the schools, it is important that all officers are aware of the guidelines set forth by the school district and other governmental agencies.

Boosters/ptos are voluntary parent and community organizations that exist only to support the programs of the school.

- o School administration is responsible for all aspects of school programs. Boosters/ptos are separate entities that supplement the programs they are created to support and should not diminish the authority of school administration.
- o Schools are required to follow state law, federal law, and board policy. Booster clubs/ptos should not be used to circumvent these requirements. ***We work for the government***
- o Booster clubs/ptos cannot mandate that students/parents participate in the membership or fundraising activities of the booster club/pto to be involved in a Tupelo Public Schools curricular or extra-curricular activity.

Boosters/ptos should be structured as follows:

- o Boosters/ptos ***must*** have an IRS tax id number and are ***strongly encouraged*** to obtain the appropriate non-profit status such as 501©(3). Boosters/ptos are not allowed to use the district's tax id and are not automatically considered a non-profit with the IRS. Boosters/ptos are responsible for any IRS requirements and must be in good standing at all times. You may want to request proof of annual IRS filing.
- o Boosters/ptos must register with the Secretary of State and are required to complete the necessary annual filing requirements to be in good standing.
- o Boosters/ptos must have a thorough constitution and bylaws. These documents must be submitted to the finance department. Officer positions must be clearly defined regarding duties and authority. **Employees may not hold any officer position.**
Please refer to first bullet under General Information.
- o Boosters/ptos should elect officers annually.
- o Meetings should be open, and minutes must be taken at each meeting.
- o Internal controls should be put in place to promote accountability and safeguard assets.
- o Coaches, sponsors, and/or principals should act in an advisory role to the booster club/pto for the activity for which they are responsible.
- o Boosters/ptos must have an address other than the school.

Boosters/ptos and school personnel should work together for a common goal. The following requirements will aid school administration in coordinating efforts to achieve that common goal.

- o Booster clubs/ptos may not engage in activities on behalf of a school without the expressed permission of school administration, *including but not limited to fundraising*.
- o Booster clubs/ptos should develop an annual budget with input from the coach, sponsor and/or principal and submit it to school administration for approval prior to the start of the season.
- o A list of current officers must remain on file with the school administration as well as the department of finance.
- o Financials are required for Title IX and GASB audit purposes. Boosters must submit the following financial statements to the finance department at a minimum QUARTERLY:
 - Listing of all revenues and expenses
 - Monthly bank statements
 - Bank statement reconciliation
 - Cash app, Paypal, Venmo, Apple Cash, Zelle, etc. monthly statements
- Due Dates are as follows:
 - July/August/September Transactions – Due by October 15th
 - October/November/December Transactions - Due by January 15th
 - January/February/March Transactions - Due by April 15th
 - April/May/June Transactions – Due by July 15th

General Information

- o District employees are permitted to be general members of a booster organization and participate in booster activities. District employees cannot perform business functions such as ordering and receiving goods, receipting funds, depositing funds, and paying vendors. District employees shall not collect or handle any funds on behalf of a booster organization and cannot create any source documents belonging to the boosters/ptos.
- o Employees are not allowed to hold any office of a booster club, pto or pta.
- o No district employee may be on a booster/pto checking account, nor can they have access to any booster/pto funds including debit or credit cards.
- o If a booster club makes/pto makes a monetary donation to the school, it may make recommendations as to how the funds should be used, but the ultimate decision must be made by the school administration consistent with school district policy and other requirements such as Title IX compliance. Money given by a booster club/pto to the school will be spent on the activity that the club was formed to support.
- o Membership on a team and/or playing time cannot be affected in any way by the amount of money raised by a student.
- o Because the district receives federal funding, the district must comply with the Family Educational Rights and Privacy Act (FERPA). In school activities, benevolent situations may arise. Only the proper school authorities should be made aware of or discuss these situations as they fall under board policy. In no instance, should a booster club officer or member be made aware of the identity of a child in need.
- o Any booster club/pto plan to expand, renovate or render maintenance to any school property must be submitted in writing to the operations department along with the finance department for approval by the Tupelo Public School Board of Trustees before any work may begin.
- o Tupelo Public School District employees cannot be paid for services rendered by boosters/ptos. Nominal appreciation gifts, only, are allowed. Employees should not purchase items for

reimbursement by the boosters.

Fundraising is an important part of booster club/pto functions, and the following are guidelines for booster/pto fundraising:

- o Fundraising campaigns should be coordinated through the school administration to minimize simultaneous campaigns. All fundraising activities involving the school or school students must be approved and coordinated through school level administration. All money raised must directly support the program supported by the club.
- o All information and marketing materials must clearly state that the proceeds will benefit the booster club/pto. If a fundraiser is not specifically advertised as a booster club/pto fundraiser, the funds must be deposited into the district activity fund account.
- o District employees may participate in fundraising activities outside of their normal work schedule such as a concession stand, but shall not handle any of the funds.
- o Booster/PTO fundraisers involving concessions during school hours must follow the federal child nutrition guidelines.
- o Boosters/ptos should not track and award fundraised dollars on an individual basis. The purpose of the booster club/pto or any non-profit is to benefit the activity and not individual students.
Attached is a letter from the Internal Revenue Service regarding fundraising on an individual basis. School-sponsored fundraisers are under the same requirements. Awarding fundraised monies to individual students may result in the loss of non-profit status or potentially taxable income.
- o Funds raised by boosters/ptos are exempt from sales tax if the funds are raised specifically for that activity/school. This means that no sales tax should be charged to any purchaser of products being sold by boosters/ptos for the benefit of that activity/school. All other purchases are taxable.
- o Bingo falls under the authority of the Mississippi Gaming Commission, and the rules are contained in the Charitable Gaming Regulations publication.
- o Raffles fall under MS Codes 97-33-1, 97-33-49, and 97-33-51. Raffles can be held by boosters/ptos as long as all proceeds benefit the organization and not individual students.

Student fees and the role of the school versus the booster club

- o MS Code Section 37-7-335 states that the School Board has the authority to charge reasonable fees, but not more than the actual cost for the curricular, co-curricular, and extra-curricular activities of the school district. No other entity has the authority to require anything monetary of a child to participate in a school activity.
- o All student fees must be Board approved as well as collected and deposited by school personnel into a school activity account under the authority of the principal.
- o Rule of thumb- if it is required of a child to participate in a Tupelo Public Schools activity regardless of the opportunity to fundraise to pay the required amount, it is considered a fee and must go through the school activity fund.
- o Required fundraising is considered a fee and is not allowed for schools or boosters/ptos.
- o School sponsored field trips, even if optional, must go through the school activity fund.

The Tupelo Public School Board reserves the right to deny the donation, suspend the actions of or dissolve a booster club/pto for inappropriate actions or for failure to follow established guidelines.



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

June 27, 2011

TO: Director, Exempt Organizations, Examinations SE:T:EO:E
Director, Exempt Organizations, Rulings & Agreements SE:T:EO:RA

FROM: Lois G. Lerner /s/ *LGL*
Director, Exempt Organizations

SUBJECT: Booster Club Dues and Non-Exempt Activity

In a recent Program Manager Technical Assistance (PMTA) requested by R&A {attached}, the Office of Associate Chief Counsel (Income Tax & Accounting) concluded that booster club participants may be eligible to deduct the amount contributed under § 170 to the extent that the contribution exceeds the value of the return benefits received, if the participants intended to make a charitable contribution in the amount of the excess of the contribution over the value of the benefits received.

To clarify for agents and tax law specialists, the PMTA is focused solely on the tax consequences to the individual participants. It does not address the tax-exempt status of the organization, specifically, the possible tax consequences for the organization in situations where a booster club reduces the amount a participant is required to pay based on the amount of fundraising done by that participant.

Crediting of Fundraising Amounts Constitutes Private Benefit

If a booster club confers a benefit on a participant in return for their fundraising activities, such as by crediting amounts raised by a participant toward that participant's dues requirement, or by crediting amounts raised against the cost of a trip, the booster club is providing a private benefit to that participant. Consequently, such practices could result in the organization failing to be described in § 501(c)(3).

Income from Services

It is also possible that amounts credited to a participant's account due to fundraising would constitute income from services, and could result in employment taxes.

More information is contained in the 1993 CPE Text *Athletic Booster Clubs: Are They Exempt?*, available at <http://www.irs.gov/charities/article/O.,id=113083,00.html>. Please contact Justin Lowe at (202)-283-9486 with any questions.



MISSISSIPPI DEPARTMENT OF REVENUE

Sales and Use Tax Bureau

Notice 72-13-007

July 3, 2013

NOTICE TO TAXPAYERS CONCERNING SALES OF FUNDRAISING MATERIALS FOR SCHOOLS

Effective July 1, 2013, Senate Bill 2244 of the 2013 Regular Session amends Miss. Code Ann. Section 27-65-111 to exempt from sales tax the gross proceeds of sales of tangible personal property made for the sole purpose of raising funds for a school or organization affiliated with a school. An organization affiliated with a school or "affiliated organization", may include but is not limited to parent teacher organizations or booster clubs. A "school" means any public or private school that teaches courses of instruction to students in any grade from Kindergarten through Grade 12 but does not include a private school where the courses of study are limited to specialized subjects such as dance, cooking, music or sewing.

This exemption does not include sales to day cares or nurseries. Proper documentation must be retained in order to substantiate the exemption.

The exemption applies to sales beginning July 1, 2013 and does not apply to sales prior to July 1, 2013 even though the customer may be billed for sales prior to or after July 1, 2013.

Please contact the Sales and Use Tax Bureau should you need additional information.

Charitable Registration Instructions

Pursuant to Miss. Code Ann. Section 79-11-505(1), certain organizations are exempt and not required to file an annual registration. A summary of these organizations include:

- A. Accredited educational institutions and foundations associated therewith.
- B. Fraternal, patriotic, social, educational, alumni organizations and historical societies who use only their memberships to solicit contributions.
- C. Persons who are soliciting contributions for specified individuals in need, if the solicitations are made solely by persons who are unpaid.
- D. Organizations which do not intend to solicit or receive and do not actually receive more than \$25,000 per year in contributions.
- E. Organizations which receive allocations from registered united funds or community chests and receive less than \$25,000 from other sources;
- F. All volunteer fire departments and rescue units which are chartered as non-profit organizations by the State of Mississippi;
- G. Any humane society which contracts with counties or municipalities for the care and keeping of strays.
- H. This exemption is granted under a very limited basis by Secretary of State rule or order only.

An organization meeting one of the requirements *above* will need to file the online Notice of Exemption Form prior to any solicitation. This Notice of Exemption is a one-time filing. If your organization does not meet one of the above statutory requirements, a Charity Registration must be filed instead.

What do I need to file a Notice of Exemption application:

1. The charity's Employer Identification Number (EIN).
2. A current list of the organization's officers and directors, including contact information.
3. Signature of one (1) officer -the President (or other authorized officer). An email address for the signer will be required.
4. Copy of organization's adopted by-laws.
5. Copy of Articles of Incorporation or formation documents (if applicable).
6. Copy of IRS Determination letter (if applicable).
7. \$50 filing fee payable with credit card or E-check

Once an Exemption has been approved, any changes/updates to the filing must be filed online under the "Update to the Notice of Exemption" within thirty (30) days of the update/change.

A Notice of Exemption is filed online at www.sos.ms.gov under the Charities tab. For assistance with filing a Notice of Exemption, please contact the Secretary of State's Tupelo office at 2844 Traceland Dr., Suite 100, Tupelo, MS 38801, 662.449.3362

Tupelo Public School District Booster Packet 2023-2024

Implementation of the following policies, rules and procedures will be in effect beginning January 1, 2024.

Table of Contents

TPSD Booster/PTO Acknowledgement Form

TPSD Booster/PTO Guidance

Related/Related TPSD Policies and Procedures

<https://tupelo.msbapolicy.org/DistrictHome/tabid/5878/Default.aspx>

DJEIB – Acceptance of Gifts From Vendors or Suppliers

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=329396>

DK – Student Activities Fund Management

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=289765>

DKAAA – Fund Raising

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=290705>

DKAB – Fundraising Tax Exemption for School Affiliated Organizations

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=267737>

GAG – Staff Conflict of Interest

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=205780>

GBADC – Booster Clubs Enhancing Employees' Salaries

NEW

GBRGB – Professional Personnel Tutoring for Pay

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=106382>

JHC – Student Organizations

NEW

JK – Fundraising Students

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=75537>

JS – Fee Policy

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=209167>

KHD – Gifts to Staff Members

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=328582>

KHE – Gifts to Schools

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=310254>

LEB – Relations with Parent Organizations

<https://tupelo.msbapolicy.org/DistrictPolicies/ViewsAdmin/SelectedDocumentReadOnly/tabid/5911/Default.aspx?docId=154325>

Internal Revenue Service Letter Regarding Fundraising on an Individual Basis

Mississippi Department of Revenue Letter

Mississippi Charities

Steps to Start a Charity

https://www.sos.ms.gov/content/documents/sec_char/Steps%20to%20Start%20a%20Charity.pdf

Charity Online Registration

<https://charities.sos.ms.gov/online/portal/ch/page/instructions/Portal.aspx>

Other Helpful Resources

Manage a Mississippi Booster Club

<https://boostr.co/learn-about-booster-clubs/booster-club-management-by-state/manage-a-mississippi-booster-club/>

Internal Revenue Service Application for Recognition of Exemption and Publication on Exemption

<https://www.irs.gov/charities-non-profits/application-for-recognition-of-exemption>

<https://www.irs.gov/pub/irs-tege/eotopica93.pdf>

National Booster Club Training Council

<https://boosterclubs.org/>

Parent Booster

<https://parentbooster.org/>

PTO

<https://www.pto.org/topics.html>

PTA

<https://www.pta.org/>

