

Student Extraclassroom Activity Fund Tax Chart Q & A

1-8-2013

General:

- 1. Student organizations and their activities, both buying and selling, are New York state taxable.**
- 2. If you have to pay sales tax on an item or event in the outside world, you have to pay sales tax as a student organization.**
- 3. The school district is the tax free entity. The student organization is the taxable entity. It is illegal, a violation of NYS tax law, to use the school district's tax free status (the districts NYS tax exemption number) to avoid the payment (or collection) of sales tax.**
- 4. You can read more on student organization taxable status on the SDIAA Message Board. You can post tax questions on the SDIAA Message Board. Website: www.Superintendentofschools.com ,top of right column on the home page "Message Board," registration necessary.**

<u>TAXABLE ITEMS</u>	<u>NOT-TAXABLE ITEMS</u>
Vending machine sales Items selling for more than \$0.75 and not on the exempt food list.	Vending machine sales Items selling for less than \$0.75 and on the exempt food list.
Candy, soda, soft drinks, fruit juice less than 70% fruit juice	
Prepared food, eaten at the point of sale or "take-out" is taxable (like at a restaurant or supermarket deli) <ul style="list-style-type: none"> - Spaghetti dinners - Pancake breakfasts - Make a sub - Ice cream social - Hot pizza - Hot coffee, tea, chocolate - Chicken BBQ - Smoothies - Carmel/Candy coated snack foods 	Food in bulk (caned, packaged, frozen) or food not prepared is not taxable (like at a supermarket). <ul style="list-style-type: none"> - Frozen pizza - Bulk popcorn [un-popped] - Uncooked meat (chicken, etc.) - Canned, bottled [bulk], packaged food - Whole pie from bakery
	Bake sales (home baked) NOTE 1: In some districts home baked items may not be sold (not from health inspected kitchens). NOTE 2: In some districts bake sales may not be permitted, or not permitted at certain times, under the district's food wellness policy.
Concession stands sales	
	More
	<u>NOT-TAXABLE ITEMS</u>

<u>TAXABLE ITEMS</u>	
Admissions to prom, dances [band or DJ], movie nights, dinner cruises, variety shows, magic shows, circus etc. Sales from Photo Booth where separate charge is made	Admission to dramatic (play), musical arts performance, or choreographed performance to music (including color guard admissions)
Drama club party Sports banquets Class [Senior Class] banquets	Zoo
Sports camps run by extraclassroom activity or booster organization [if NOT 501.c.3] Exhibition Powder Puff football game	Sports camps run by the school district or booster organization [if 501.c.3] NOTE: Sports camps run by coaches on school property are personal businesses and are illegal.
	Entertainment Books, Coupon Books, Gold Cards, advertising in programs
Plants, trees shrubs Flower sales	
Bookstore sales [both extraclassroom or district run]	Newspapers, magazines
	Haircuts or hair styling
Yearbooks	Yearbook advertising
Specialty catalog sales – AVON, candles, candy, wrapping paper, etc.	
Sale of “gift baskets”	
Babysitting (child watching) service for parents	
Class rings [all jewelry] Graduation announcements Caps & gowns [that students keep]	Cap & gown rentals
	Gift cards
<u>Admission (spectator) to a Walk-a-Thon, Run-a-Thon, Swim-a-Thon as a student organization fund raiser.</u>	Walk-a-Thon, Run-a-Thon, Swim-a-Thon <u>participation</u> , or 501.c.3 run (organized and funds handled by a recognized, registered charitable organization)*
Student crafts or prepared food sold at a Crafts Fair or Arts Festival.	Rental of space and tables to vendors at a Crafts Fair or Arts Festival.
DONATIONS FROM A STUDENT EXTRACLASSROOM ACTIVITY ORGANIZATION In the wake of a tragedy it is not uncommon for a student organization to want to make a donation to help an individual or family. The donation from the student extraclassroom activity fund is being made with sales taxed money. The student organization may want to support a separate fund raiser being held by a tax exempt organization (foundation, food kitchen, church, etc.) to avoid the taxes.	
RAFFLES NYS Racing and Gaming Law: www.racing.state.ny.us/charitable/Raffle_Information.htm “Only persons eighteen years of age or older shall purchase raffle tickets, sell raffle tickets, or conduct or assist in the conduct of a raffle drawing.” Some district prohibit both student and adult raffles on district property.	

* We recommend that the recognized, registered 501.c.3 charitable organization (American Cancer Society, Make-a-Wish, March of Dimes, etc.) register the participants, and collect and handle the funds.