

THANK YOU FOR  
COMING TO THE 2019-20  
BOOSTER CLUB  
TRAINING

Please Make Sure to Sign In





# BOOSTER CLUB GUIDELINES SEPTEMBER 2019

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# What is a Booster Club?

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- Booster clubs are **any** support organizations formed by parents, interested community members, fundraising entity, and/or interested patrons as a means to support extracurricular activities or complement a particular student group (athletics, band, fine arts, senior class, etc).
- Why is this governed?
  - GASB 39: The Governmental Accounting Standards Board (GASB) Statement #39 requires school districts to consider financial activities of all parent-teacher organizations, parent-teacher associations, booster clubs, foundations and other fund-raising entities for inclusion in the district's financial statements.
  - GE LEGAL/LOCAL: District-affiliated school-support organizations and booster organizations, and other parent groups, shall organize, fundraise or solicit donations, and function in a way that is **consistent with the District's philosophy and objectives, Board policies, District administrative regulations, applicable UIL or other governing association guidelines, and financial and audit regulations.**
  - CDC LEGAL/LOCAL & CFC LEGAL/LOCAL
- If you are raising funds without being an approved Booster Group, then you will be shutdown because your group is not compliant with the above and the criteria outlined in the Booster Club Guidelines

# Why Training Requirements?

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- Requested by coaches/sponsors, parents, boosters, and principals.
- Fraud & theft.
- Avoid uncomfortable situation due to lack of knowledge.
- Support for our Booster Clubs and our campuses/organizations.
- Protection for both parties.
- Yearly turnover in Support Organization Officer Positions.
- Designed to better educate people in a leadership role in the Booster Club.



# Why Training Requirements?

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- Often, a friend nominates another friend to share the joy of being a Booster Club Officer. Many times individuals enter the roles without knowing the legal requirements of a Non-Profit.
- Training is designed to better educate those of you who obtained a leadership role in the Booster Club.
- Ultimately, to protect you in the role you serve.
- 3 Types of Years – School Year, Fiscal Year, & Calendar Year (Sales Tax).



# National Booster Club Training Council

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- Estimates show that only \_\_\_\_\_ of booster clubs have taken the steps to register and become tax exempt organizations, thus giving them the ability to legally promote and to gain donor contributions with a tax benefit.
  - a) 12%
  - b) 34%
  - c) 65%
  - d) 80%
  
- An estimated \_\_\_\_\_ of booster clubs recently polled responded that they had not formally established any accounting policies and procedures.
  - a) 30%
  - b) 50%
  - c) 70%
  - d) 90%

# Role of Booster Club

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- Booster Clubs shall organize and function in way consistent with the District's philosophy and objectives, within adopted Board policies, and in accordance with UIL regulations as applicable.
- Although a Booster Club works very closely with the District, it is a separate legal entity from the District. The formation of a Booster Club must be approved by the appropriate District Administrator.
- The vision of each Booster Club is set by the director, sponsor, principal, or head coach and should reflect GISD's vision.
  - PTAs have a vision, mission, and purposes stated in their bylaws.
- District Policies GE (LEGAL/LOCAL), GKD (LEGAL/LOCAL).

# Role of Booster Club

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- The Booster Club is responsible for supporting a student group, activity, or program. Their support supplements the students activities that range anywhere from providing a fan base at school games and events, to fundraising for the group. The collaboration between the sponsor/principal and Booster Club helps achieve desired goals. Booster Clubs decide the type and amount of assistance they will provide; and can offer suggestions about particular activities. However, the sponsor is responsible for the final decision with the Principal's approval.
- Booster Clubs must always work collaboratively with the Coach/Sponsor/Principal (employee of the District).
- Although Booster Clubs are separate, legal entities, these are not Independent Organizations. What does this mean?



# Organization

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- Maintain Bylaws and Current Officers updated with Principals and/or Sponsor.
  - Terms should be based on Fiscal Year.
- Provide adequate insurance coverage for activities conducted on school premises.
- Transparency.
- Federal, State, & Local Requirements.



# Scenario

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- My Booster Club can hold a Bingo Night?
  - True or False
- Probably not. The Bingo Enabling Act (BEA) imposes numerous restrictions on bingo operations. The Texas Lottery Commission (TLC) is responsible for licensing and administrative enforcement of the BEA.
  - Only five types of entities may be licensed for bingo (Source: [TASB](#)):
    - Certain religious societies;
    - Certain nonprofit organizations that support medical research or treatment programs;
    - Certain fraternal organizations;
    - Veterans' organizations;
    - Volunteer fire departments



# Guidelines

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- Be voluntary & provide unified support for student activity.
- Encourage involvement by all students' parents.
- Obtain 501(c)(3) Federal Tax Exempt Status.
- Function in a way consistent with the District's Guidelines/Policies as applicable.
- Comply with UIL regulations as applicable.



# UIL Guidelines for Roles of Booster Clubs

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- UIL has regulations for:
  - Athletic Boosters
  - Academic Boosters
  - Music Boosters
  
- Best Point of Contact for Questions, start with:
  1. Campus Sponsor/Coach
  2. Campus Coordinator
  3. Athletics Department or Fine Arts Department

# Incorporating as a Non-Profit

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- Each Booster Organization must register with the Office of the Chief Financial Officer
  - A copy of the bylaws, Financial Audit Report, GISD Booster Club Checklist, and Confirmation Statement are required to be submitted to the Business Services Division Office.
  - PTA's information are compiled with the Garland ISD PTA Council
- Financial Reporting to the District:
  - GASB Statement No. 39 of the Governmental Accounting Standards Board requires the District to obtain and review the financial performance information of supporting organizations to determine whether these organizations should be considered a component unit. To this end, Booster Clubs are **required to submit** to the Chief Financial Officer's Office end-of-year financial statements.
- Booster Clubs – Required Officers Must be Elected within one-month from the formation date. Booster Clubs can only exist at the High School Campus Level, along with current existing Middle School Booster Clubs.
- Legally, funds cannot be raised without being an approved Booster Club.

# Booster Club Websites & Social Media

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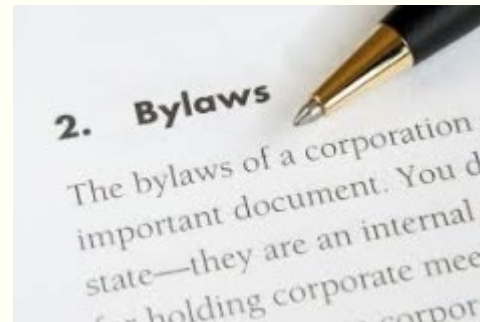
- Each Booster Club website & Social Media Sites must clearly state that it is a BOOSTER CLUB website, preferably as a heading.
  - Ex. Garland HS Band Booster Club; Lakeview Centennial Senior Parents of Class of 2021
- Each Booster Club website must have a statement like the following:
  - This web site is maintained by the Rowlett High School Basketball Booster Club and is not part of Rowlett high School or the Garland Independent School District. Neither Rowlett HS nor Garland ISD are responsible for the content of this website or the content of links external to this website.



# Bylaws

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- Bylaws: provide rules for how your organization operates:
  - Detail the rules of membership.
  - Address the fiscal year.
  - Describe the organization's structure.
  - State the method used to elect/unelect officers.
  - Must state the official Booster Club name (cannot use Garland ISD in the name, but must be identified as a Booster Club, can use the school name).
  - Sample bylaws are included in the booster guidelines.



# Meetings

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- The sponsor, coach, director, principal (or designee) must be invited to meetings.
- All actions of the Booster Club board are to be recorded in the meeting minutes.
- Any action taken at the meeting is to be documented in the minutes and is subject to review.

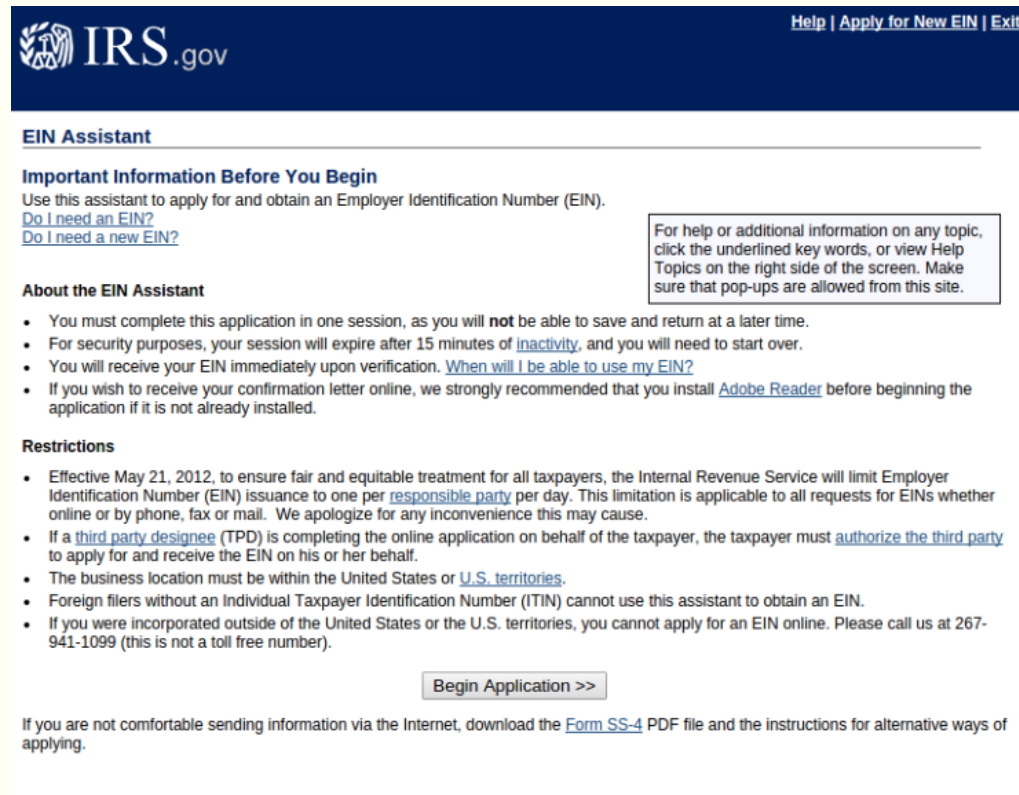




# Finance

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- Obtain an Employer Identification Number (EIN).
- Obtain a 501(c)3 for tax exempt purposes.



The screenshot shows the IRS.gov EIN Assistant page. At the top left is the IRS logo and ".gov". At the top right are links for "Help | Apply for New EIN | Exit". The main heading is "EIN Assistant". Below it is "Important Information Before You Begin" with instructions to use the assistant to apply for and obtain an EIN, and links for "Do I need an EIN?" and "Do I need a new EIN?". A callout box on the right says: "For help or additional information on any topic, click the underlined key words, or view Help Topics on the right side of the screen. Make sure that pop-ups are allowed from this site." Below is "About the EIN Assistant" with a bulleted list of requirements and warnings. Then "Restrictions" with another bulleted list of limitations. At the bottom is a "Begin Application >>" button and a note about downloading Form SS-4 PDF if uncomfortable with online information.

IRS.gov [Help](#) | [Apply for New EIN](#) | [Exit](#)

### EIN Assistant

**Important Information Before You Begin**  
Use this assistant to apply for and obtain an Employer Identification Number (EIN).  
[Do I need an EIN?](#)  
[Do I need a new EIN?](#)

**About the EIN Assistant**

- You must complete this application in one session, as you will **not** be able to save and return at a later time.
- For security purposes, your session will expire after 15 minutes of [inactivity](#), and you will need to start over.
- You will receive your EIN immediately upon verification. [When will I be able to use my EIN?](#)
- If you wish to receive your confirmation letter online, we strongly recommended that you install [Adobe Reader](#) before beginning the application if it is not already installed.

**Restrictions**

- Effective May 21, 2012, to ensure fair and equitable treatment for all taxpayers, the Internal Revenue Service will limit Employer Identification Number (EIN) issuance to one per [responsible party](#) per day. This limitation is applicable to all requests for EINs whether online or by phone, fax or mail. We apologize for any inconvenience this may cause.
- If a [third party designee](#) (TPD) is completing the online application on behalf of the taxpayer, the taxpayer must [authorize the third party](#) to apply for and receive the EIN on his or her behalf.
- The business location must be within the United States or [U.S. territories](#).
- Foreign filers without an Individual Taxpayer Identification Number (ITIN) cannot use this assistant to obtain an EIN.
- If you were incorporated outside of the United States or the U.S. territories, you cannot apply for an EIN online. Please call us at 267-941-1099 (this is not a toll free number).

[Begin Application >>](#)

If you are not comfortable sending information via the Internet, download the [Form SS-4](#) PDF file and the instructions for alternative ways of applying.

# Sales Tax – Texas State Comptroller

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- Any organization that has obtained a tax-exempt status may purchase items tax free.
- Items sold as personal property (example-sweaters, t-shirts, school supplies), you must charge sales tax (8.25%).
- Each qualifying group/organization (501(c)3) is allowed two tax-free sale days per calendar year, outside of the tax-free weekend as designated by the Texas Legislature.
- <https://www.comptroller.texas.gov/taxes/publications/94-183.pdf>

## Registering and Reporting Texas Sales and Use Tax

- [Apply for a Sales Tax Permit](#)
- [Change Mailing Address/Phone Number](#)
- [Move or Add a New Business Location](#)
- [Close One or More Locations](#)
- [Reporting and Payment Requirements](#)

# Sales Tax – Texas State Comptroller

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- All Booster Clubs must apply for their own sales permit number.
  - Legally, the District's sales permit number cannot be used.
- Exempt from sales tax when they buy, lease, and rent items that are necessary to the organization's exempt functions.
- Tax-free items cannot be used for personal benefit.
- Each approved Club has 2 tax free sale days during the 12-month calendar period per Texas State Sales Tax Law. Everything else must have Sales Tax Paid and Collected On (Outside of the Tax Free Weekend set by the Texas Legislature).
- Not exempt from collection of remittance of sales tax on taxable items sold.
- Must be filed even if zero taxes for a period. \$50 late fee and the State will not waive it.

# Other Compliance

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## ■ Purchase

- Sales tax permit – sales tax exemption applies to purchase, lease or rent of taxable items that are necessary to organization's exempt functions, but NOT sales.
- Provide exemption certificate at time of purchase
- Cannot use tax-free purchase for personal benefit
- Items which become the personal property of individuals are not exempt from tax.
- When purchasing items to resale, provide the vendor with a resale certificate.

## ■ Sales

- Must obtain state sales tax permit to collect and remit sales tax on taxable sales.
- Two tax free sales per year – qualifying organizations only – 501(c)3, outside of the Tax-Free Weekend as designated by the Texas Legislature.

# Fundraising

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- Not allowed – violates IRS provisions:
  - Individual Accounts – the IRS can disqualify the tax-exemption status
  - Required Participation in Fundraising.
  - Required Sales Quotas.
- Activities must benefit the group as a whole instead of benefiting individual members of the group.
  - “Individual Fundraising Accounts” [IFA]– The IRS has said that IFAs can disqualify a school booster club from tax-exemption as a public charity under section 501(c)(3) of the Internal Revenue Code.
- Cannot use individual accounts to benefit only certain individuals with revenues raised.
- Cannot require a person to participate in fundraising. Can have certain criteria met for member to receive benefit – attendance at meetings, events, etc. but not fundraising.
- Cannot require that a certain amount be raised or sold per person.
- If a group is raising funds and the group is not a 501(c)3, then every dollar raised is taxable and the group will be shutdown by the District.

# Fundraising

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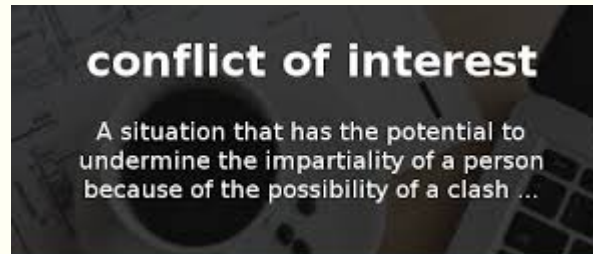
- All fundraisers must be pre-approved by the Principal/Coach/Sponsor.
- Use internal controls to secure money collected from fundraising.
- Funds collected must be used to support school/student activities.
  - Cannot pay for:
    - Adult meals
    - Personal groceries
    - Loans to booster members
    - And more



# Accounting – Bank Accounts

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- Obtain an Employer Identification Number (EIN). Booster Clubs are not legally allowed to use the District's EIN.
- Suggest that at least 2 officers be signers on checks. For Booster Clubs, District employees cannot serve as Treasurer or signer on the bank accounts. Our Council of PTA's already have a process in place to meet this need, and this is what the District is following. PTA's must add policy to standing rules.
- Reconcile bank statement monthly – Resource on website.
- All collections for fees, dues, and fundraising must be deposited upon receipt.



# Accounting – Record Keeping

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- A disbursement voucher with attached receipts should be completed for all expenditures regardless of amount.
  - Receipts should be itemized so that each expenditure can be tracked, and reflect what was purchased.
- All funds must be supported by some type of record documenting the source, amount, and be available for audit purposes.

Check no	Tab	Cov	Ser	Time	Date
25755/1	4	2	14	14:05	
1	ICED TEA				2.00
1	MEAT SOUP - BOWL				3.95
1	TURKEY BURGER				6.95
	Food				12.90
	SUB TOTAL				12.90
	Sales Tax				1.10
	TOTAL				14.00



# Accounting – Internal Controls

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- Separation of Duties.
- Training of New Officers.
- Policies and Procedures.
- Controls over approval of expenditures.
- Bylaws and Standing Rules (If applicable)

# Financial Review Report & Confirmation Statement

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- Why?
  - To assure all income and expenses are accounted for and consistent with the budgets and goals for the year.
  - To protect the officers and the organization.
  
- When?
  - Booster Clubs - Submit the audited financial report to the Chief Finance Officer's Office by September 15<sup>th</sup> for 2018-19.
  - PTAs work with Council of PTAs

# Financial Review Report

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- Who?
  - Conduct by an outside party (CPA) or a review committee which is comprised of at least 2 members of the Booster Club (not the President and/or Treasurer).



# Contracts

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- Booster Clubs may not sign any contracts on behalf of Garland ISD.
- Contracts must be in the name of the Booster organization.
- Sponsor/Coach/Principal (District Employee) needs to be involved in the discussions of what contracts are being entered into.

# Scenario

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- My Booster Club can charge a required fee that all students must pay?
  - True or False
    - The Booster Club 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.
    - Fundraising is an opportunity to generate revenue for the Booster Club as a group, not individuals. Therefore, revenues shall be recorded in a group account where all members or students have the same opportunity to benefit equally from revenues.
    - One member or student should not receive a larger benefit from Fundraising than another. In addition, if a member or student chooses to not participate in the fundraiser, then that person still receives an equal benefit from the revenues generated.
    - If your Club is using individual accounts to benefit individual members, discontinue this practice.
    - Per the IRS, this can disqualify the 501(c)3.

# Officers

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- Garland ISD Employees are not allowed to serve in a financial capacity of a booster or other parent organization. Financial capacity includes holding positions as treasurer, fundraising chair, serving as a check signer, or any other function that involves the receipt and distribution of funds.
- Garland ISD employees are not allowed to serve at the president of a booster club.

# Important Note

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- IRS Stipulates that a member who does not participate in a fundraiser would be entitled to the same benefits as those members who did participate.
- Booster groups may donate money or merchandise to the school to the school with prior approval of the sponsor/principal. It is a violation of Booster Groups to give cash to GISD employees and/or GISD students.



# BOOSTER CLUB CHECKLIST



# General Reference

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To Form: Must have a District Approval; **Must have a minimum of 8-members**; Officers must be elected within 1-month of formation; Groups are not allowed to form during the school year; Booster groups are not allowed to form at the Elementary and Middle School Levels; Existing Middle School Booster Clubs are able to continue operation. Complete appropriate paperwork to submit to the District

1. Provide the District's appropriate sponsor/Principal with a list of Booster Club Officers at the beginning of each school year and as officers change. The list should include:
  - First and Last Name
  - Office Held
  - Mailing Address
  - Cell Phone
  - Email Address
  
2. The Booster Club's Official Mailing Address (School facilities may not be equipped to handle Booster Club mail):
  - Official Booster Club
  - Mailing Address
  - City, State, Zip Code

# Insurance & Fundraisers

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3. The Booster Club should consider purchasing a general liability policy, event liability, and/or fidelity (bond) insurance coverage policies. Neither the Booster Club nor officers/members are covered under Garland ISD's liability insurance. By law, Booster Clubs are considered a separate, legal entity.
4. All Fundraising activities shall be pre-approved by the Principal.
5. Since the Booster Club is a 501(c)(3) organization, per IRS regulations the organization cannot require members or students to fundraise or raise a certain amount. Fundraising is an opportunity to generate revenue for the Booster Club 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. Per IRS Regulations, the Booster Club cannot use an individual account to credit an individual for funds raised. If the Booster Club elects to raise funds in any form that focuses on individuals, and not a group, the club runs a risk of being fined by the IRS and being dissolved..

One member or student should not receive a larger benefit from Fundraising than another. In addition, if a member or student chooses to not participate in the fundraiser, then that person still receives an equal benefit from revenues generated.

# Financial Matters

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6. The bank account(s) used by the Booster Club include (cannot be affiliated with the Garland ISD).
  - Bank Name & Account Number
7. Determine the identification number used for the bank accounts. The Booster Club's Employer Identification Number (EIN) should be used. Do not use individual social security numbers and do not use the District's EIN.
  - The EIN used for the bank account(s) is (are) as follows:
8. Update the authorized signers on your bank accounts as officers change. It is highly recommended that all checks issued require two signatures (Officers).
9. Determine whether your organization is in good standing with the IRS by searching the following link: <http://www.irs.gov/Charities-&-Non-Profits/Exempt-Organizations-Select-Check>

# Financial Matters

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10. 501(c) groups are not automatically exempt from tax. Search the following verification of nonprofits that hold state tax exemption from sales and use tax, franchise, and/or hotel occupancy tax. Organizations must apply for exemption with the Texas Comptroller's Office. Determine whether your organization is in good standing with the Texas Comptroller's Office and tax-exempt status.
11. File the Booster Club's Texas Sales Tax Report as required. The Texas Comptroller's Office Determines how often the report needs to be filed and is subject to change. The reports, as determined by the Texas Comptroller's Office, could be Monthly, Quarterly, or Annually.
12. Present a Treasurer's Report at every meeting that includes General Membership and Board Meetings.
13. Present a Treasurer's Report at the General Membership meeting that entails the financial position of the Booster Club at the end of the fiscal year, annual report for previous fiscal year at the first membership meeting of the year (with Financial Review Report).

# Financial Matters

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14. If applicable, issue 1099 forms to applicable individuals or businesses by January 31<sup>st</sup> of each year. The 1099 forms should be sent to the IRS by February 28<sup>th</sup> of each year.
- Request a W-9 from the individual or business before issuing them a check.
15. **IMPORTANT:** Filed the IRS Form 990, 990-EZ, 990-N, Return of Organization from Income Tax, each year.
- The return is due by the 15<sup>th</sup> day of the 5<sup>th</sup> month after the organization's account period ends (due 4.5 months after your groups official year-end).
  - For the fiscal year ending in 2011 and later:
    - Booster Clubs must use Form 990-N, normally known as the e-Postcard if:
      - 1. Gross receipts are \$50,000 or less.
    - Booster Clubs must use Form 990-EZ if:
      - 1. Gross receipts are more than \$50,000 but less than \$200,000 AND 2. Total assets are less than \$500,000 at yearend.
    - Booster Clubs must use Form 990 if:
      - 1. Gross receipts are \$200,000 or more OR 2. Total assets are \$500,000 or more at year-end.
    - **These provisions may change so consult with a tax professional or the IRS for additional assistance.**
  - Official Year-End: \_\_\_\_ / \_\_\_\_ / \_\_\_\_      Due Date for Return: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

# State Regulatory Information

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16. Booster Clubs provide a copy of the financial report and confirmation statement to the Coach/Sponsor/Principal and the Chief Financial Officer's Office ). GASB Statement #39 requires the District to obtain and review the financial performance of supporting organizations.
17. Determine whether your organization has obtained a Texas Sales Tax Permit.
18. Determine whether your organization has obtained a tax-exemption from the Texas Comptroller's Office.
- The Booster Club has received a tax-exemption from the Texas Comptroller's Office:
    - Yes \_\_\_\_\_ No \_\_\_\_\_
    - REMINDER; Only those organizations with a tax exemption from the Texas Comptroller's Office are entitled to the two "one day, tax-free" sales/auction days.
19. If the Booster Club is incorporated, determine whether your organization has obtained an exemption from Texas Franchise Tax Form from the Texas Comptroller's Office:
- Yes \_\_\_\_\_ No \_\_\_\_\_

# Federal Regulatory Information

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The following items need to be done only once. Once completed, maintain documentation received.

20. Obtain an Employer Identification Number (EIN) from the Internal Revenue Service (IRS).

20. The EIN for the Booster Club is (Cannot be the District EIN): \_\_\_\_\_

21. Determine whether the Booster Club has received a tax-exempt status as a Public, 501(c)(3) organization from the IRS. If the IRS has approved the club's tax exempt status, then a Determination Letter would have been received from the IRS.

➤ The Booster Club received its tax-exempt status as a public 501(c)(3) organization from the IRS.

➤ Yes \_\_\_\_\_

No \_\_\_\_\_

**22. A copy of the bylaws, Financial Audit Report, GISD Booster Club Checklist, and Confirmation Statement are required to be submitted to the Business Services Division Office.**

**The District has the authority to dissolve Booster Clubs who are not compliant and not operating under District Policy/Guidelines.**



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# SUMMARY FOR FOLLOW-UP

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# IMPORTANT

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- Booster Club Officers and their designated Coach/Sponsor/Principal are both responsible for ensuring the Booster Club is in compliance with District policies and guidelines, UIL Guidelines, and State/Federal Regulations.
- Regarding holding an officer position with a Booster Club, or any school related non-profit entity, a district employee in a supervisory/administrative position that has control, or influence of a school program, is restricted from holding an officer position in a similar Booster Club.
  - For example, a football coach at the high school cannot hold an officer position in the football booster club.

# Scenario

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- As a Booster Club, we are able to hold a Charitable Raffle?
  - True or False
  
- True, under the Charitable Raffle Enabling Act, only a “qualified nonprofit organization” may conduct raffles to benefit the campus/district group. The Act requires the following in order to conduct a raffle:
  - Can conduct two raffles per calendar year
  - Five items must be printed on each ticket for the Raffle to be legal under the Act
    - The name of the organization conducting the raffle.
    - The address of the organization or of a named officer of the organization
    - The ticket price
    - A general description of each prize having a value of more than \$10 to be awarded I the raffle.
    - The date on which the raffle prize or prizes will be awarded.
  - Cash prizes are strictly prohibited

Source: Texas Attorney General Website

# Budgetary and Oversight Controls

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- Sponsors cannot collect and deposit cash for Booster Groups, as then it becomes a District Operation and the sponsor will be required to follow Cash Management Protocols.
- Expenditures: Occur in a manner consistent with the organization's bylaws.
- Treasurer: Provide a financial report at each meeting, which should include the bank account balance, budget versus actuals, receipt of funds, and expenditures of funds.
- Debit/Credit Cards: Should not be used, as disbursement is weakened.



# Properly Set-up Booster Club

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- Follow the provided to checklist (available on the website) to assist in guidance.
  
- **A copy of**
  1. the bylaws;
  2. Financial Audit Report for 18-19;
  3. GISD Booster Club Checklist;
  4. Confirmation Statement; and
  5. Booster Club Leadership Information Sheetare required to be submitted to the Business Services Division Office in order to operate for the 2019-20 school year.

**Failure to attend this training and failure to submit Required Documents to [BoosterClub@garlandisd.net](mailto:BoosterClub@garlandisd.net) will result in the Booster Club being dissolved in October 2019.**



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# WE APPRECIATE YOU

Questions or Clarifications: Please write your question on the card and the District will post an Frequently Asked Question document to answer all questions at once

Email: [BoosterClub@garlandisd.net](mailto:BoosterClub@garlandisd.net)

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