**Private Letter Ruling**

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| **Ruling Number:** | **P-2004-052** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Certain food services by a Kansas school district.** |
| **Keywords:** |  |
| **Approval Date:** | **09/28/2004** |

**Body:**

Office of Policy & Research

September 28, 2004

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Re: Your Correspondence XXXX

Dear XXXX:

This responds to your request for private letter ruling regarding the following fact patterns:

1. A Kansas school district operates its cafeteria primarily for the benefit of its students and staff and does not encourage outsiders to eat there. However, on a daily basis a certain minimal number of outsiders, in particular parents, eat at the cafeteria. Would a minimal amount of sales (say 10% or less of total sales) to outsiders without charging sales tax on any of the meals sold be allowed?

Response: The cafeteria should be charging sales tax on all meals sold to outsiders (such as parents) at the school.

2. A Kansas school district serves lunch off campus to a group of school superintendents, district business officials and the districts’ outside auditors from other Kansas school districts attending a seminar covering school district business topics. The district does not charge sales tax on the food sold. Would that be allowed on the theory that over 90% of the meals purchased were being purchased by other Kansas school districts from the Kansas school district selling the food?

Response: Direct purchases of meals made by an exempt educational entity (such as a school district) by check or voucher and used for educational purposes, would be exempt from sales tax. Sales tax should be charged on any meals sold to others.

3. A Kansas school district serves lunch off campus to a civic group and does not charge sales tax on the food sold. Would this be allowed?

Response: Unless the civic organization has been granted its own sales tax exemption (in which case they should present a properly completed sales tax exemption certificate at the time of purchase, and the meal purchase should be by check or voucher from the exempt civic organization itself), sales tax should be charged on the any meals sold.

This is a private letter ruling pursuant to K.A.R. 92-19-59. It is based solely on the facts provided in your request. If it is determined that undisclosed facts were material or necessary to an accurate determination by the department, this ruling is null and void. This ruling will be revoked in the future by the operation of law without further department action if there is a change in the statutes, administrative regulations, or case law, or published revenue ruling, that materially affects this private letter ruling.

Please let me know if you have additional questions.

Very truly yours,

Richard L. Cram

**Date Composed: 09/30/2004 Date Modified: 09/30/2004**