

Consultants

01 The Governing Board authorizes the use of consultants to provide expert
02 professional advice or specialized technical or training services which are not
03 needed on a continuing basis and which cannot be provided by District staff
04 because of limitations of time, experience or knowledge. Individuals, firms or
05 organizations employed as consultants may assist management with decisions
06 and/or project development related to financial, economic, accounting,
07 engineering, legal, administrative, instructional or other matters.
08
09

10
11 As part of the contract process, the Superintendent or designee shall
12 determine, in accordance with Internal Revenue Service guidelines, that the
13 consultant is properly classified as an independent contractor. District
14 employees who perform extra-duty consultant services shall not be retained as
15 independent contractors. They shall be considered employees for all
16 purposes, even if the additional services are not related to their regular duties.
17
18

19 All consultant contracts shall be brought to the Board for approval.
20

21
22 (cf. 3312 - Contracts)
23

24 The District shall not contract for consulting services that can be performed
25 without charge by a public agency or official unless these services are
26 unavailable from the public source for reasons beyond the District's control.
27
28

29 All qualified firms or resource persons shall be accorded equal opportunity for
30 consultant contracts regardless of race, creed, color, gender, national or ethnic
31 origin, age or disability.
32
33

34 (cf. 3311 - Bids)

35 (cf. 3551 - Food Service Operations/Cafeteria Fund)

36 (cf. 4030 - Nondiscrimination in Employment)
37
38

39 Independent contractors applying for a consultant contract shall submit a
40 written conflict of interest statement disclosing financial interests as determined
41 necessary by the Superintendent or designee, depending on the range of
42

Consultants

duties to be performed by the consultant. The Superintendent or designee shall consider this statement and all other characteristics protected by law when deciding whether to recommend the consultant's employment.

(cf. 9270 - Conflict of Interest)

When employees of a public university, county office of education or other public agency serve as consultant or resource persons for the District, they shall certify as part of the consultant agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for this District.

Legal Reference:

EDUCATION CODE

10400-10407 Cooperative improvement programs

35010 Control of Districts; prescription and enforcement of rules

35172 Promotional activities

35204 Contract with attorney

17596 Limit on continuing contracts

44925 Part-time readers employed as independent contractors

45103 Classified service in Districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

45256 Merit system Districts; classified service; positions established for professional experts on a temporary basis

GOVERNMENT CODE

53060 Contract for special services and advice

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

15-A Employer's Supplemental Tax Guide

CSBA: (1/85 9/88) 10/96

Adopted: