

CONSULTANTS

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

The administrative and supervisory staff of the Orcutt Union School District shall encourage the use of professional consultants from the State Department of Education, colleges, universities, and other sources, when members of the staff feel such consultative services will be helpful in the improvement of the instruction and business/fiscal program. All consultants shall be approved by the superintendent or designee prior to the invitation and arrangement for visitation by such person or persons to the school system.

Provision of funds for consultant service shall be included in planning specific projects or programs and will be charged to that particular budget category.

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

Consultant Contracts

All contracts between the district and outside agencies shall conform to prescribed standards as required by law. In addition, they shall be prepared under the supervision of the Assistant Superintendent, Business and Fiscal Services and where appropriate, subject to approval of the legal advisor of the district.

Compensation for Consultant Services

The Board shall compensate consultants on a daily or hourly basis in relationship to the work to be performed. Reimbursement for expenses incurred, such as travel, hotel, etc., may be included.

The Board, in an agreement for consultant services rendered by a retired employee, may provide the consultant enrollment in the district's health and welfare benefit program. The terms and coverages for such eligible benefits would be specified in the consultant agreement authorized by the Board.

Business and Noninstructional Operations

BP 3600(b)

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

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

Nondiscrimination

Consultants shall abide by the current provisions, and later revisions, of the United States Civil Rights Act of 1964, which prohibits discrimination against any service recipient on the basis of race, national origin or ancestry, age, religion, sex, marital status, political affiliation, or physical or mental condition. Consultants shall comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), pertaining to the prohibition of discrimination against qualified handicapped persons under any program or activity that receives or benefits from federal financial assistance.

Termination

A consultant agreement may be terminated or amended in writing at any time by mutual consent of the parties hereto; or, upon thirty (30) days advance notice by either party. In the event of cancellation prior to completion of the specified services, all finished or unfinished documents, data, studies, and reports prepared by the Consultant under this Agreement shall, at the option of the District, become District's property and the Consultant shall be entitled to receive just and equitable compensation for any satisfactory work completed on such items.

Notwithstanding the above, the Consultant shall not be relieved of the liability to the District for damages sustained by the District by virtue of any breach of the contract by the Consultant, and the District may withhold any payments to the Consultant for the purpose of setoff until such time as the exact amount of damages due the District from the Consultant is determined.

Consultants shall submit a signed Nondiscrimination statement agreeing to the terms listed above.

Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the superintendent or designee, depending on the range of duties to be performed by the consultant. The superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment.

When employees of a public university, county office of education or other public agency serve as consultants 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.

Business and Noninstructional Operations

BP 3600(c)

Legal Reference:

EDUCATION CODE

10400-10407 Cooperative improvement programs

35010 Control of districts; prescription and enforcement of rules

35172(a) Promotional activities

35204 Contract with attorney

39148 Preparers of plans, estimates and specifications; qualifications; observation

39644 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

Administrative Code, Title 5, Education

5800 Credential requirements for consultants

Government Code

53060 Contract for special services and advice

Management Resources:

Internal Revenue Service Publications

15-A Employer's Supplemental Tax Guide

Policy Adopted: 2/15/07

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California