

PROFESSIONAL CONSULTANTS, RESOURCE PERSONS, CONTRACTORS, AND STUDENT SERVICES PROVIDERS **6317.09**

The Board of Trustees encourages the use of professional consultants, resource persons, contractors, and student service providers when they can provide valuable and necessary specialized services not normally required on a continuing basis and which cannot be provided by district personnel because of limitations of time, experience, or knowledge.

Any person employed in the above categories must meet the Internal Revenue Service (IRS), State Teachers' Retirement System (STRS), and Public Employees' Retirement System (PERS) requirements as an independent contractor or they must be hired as an employee of the school district.

Any retired employee from the school district providing services must be hired as an employee of the district and wages are restricted by PERS/STRS earnings limitations. Retired employees working for an established and licensed consulting firm may be employed as independent contractors provided all fees are paid directly to the consulting firm.

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1.0 PURPOSE

To clearly define those persons or firms who are independent contractors and are not considered employees of the school district. This may be a person or firm who: is contracted to perform specific services for the school district; retains control over how the job is performed; and meets the requirements of the Internal Revenue Service (IRS), State Teachers Retirement System (STRS) and the Public Employees Retirement System (PERS) for independent contractor status.

1.1 No person or firm may be retained in an independent contractor status, such as professional consultant, resource person, or student service provider if such person or agency will directly influence decisions which will benefit him/her financially.

1.2 A professional consultant is an independent contractor who is retained to provide opinions and advice in financial, economic, accounting, engineering, legal, or administrative matters.

1.3 A resource person is an independent contractor who is a recognized expert in the field with a level of talent and skill not available in the school district and who provides services for instructional programs and/or instructional support programs.

1.4 A student service provider is an independent contractor who provides direct pupil services.

2.0 Current Employees, Retired Employees and Employees of Other Public Agencies

2.1 Current employees of the school district, including employees on a leave of absence, may not be retained as independent contractors. They may provide additional services as employees of the school district. Teachers and other certificated staff may work outside their contract day for specific in-service presentations, curriculum writing, and other instructional tasks, earning the hourly miscellaneous pay rate. Classified employees will be compensated based on their respective association contracts, with the exception of irregular ASB activities, which are excluded under the Fair Labor Standards Act. ASB activities will be paid on a unit basis on the regular time sheet of classified and certificated employees of the school district.

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- 2.2 Retired district employees must be regarded as "Employees" and processed through the appropriate personnel office for employment. Retired employees are subject to their retirement system's earnings limitation and deductions for Social Security, Medicare, and other employment taxes as required by law.
 - 2.3 Employees of other public agencies who serve as professional consultants, resource persons, or student service providers are required to 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 specified calendar days worked, on a form provided by the district.
- 3.0 Other Requirements
- 3.1 Student service providers who work directly with students must provide evidence of tuberculosis clearance as required by law.
 - 3.2 The principal requesting the services of a professional consultant, resource person, or student services provider will complete all required documents, at least 90 days prior to the actual start date. A consulting agreement must be completed and approved by the site administrator, district administrator, and the Board of Trustees before the presentation occurs. Presenters not previously approved by the Board of Trustees must submit a resume' along with the consulting agreement. Previously approved presenters must complete a consulting agreement as well as submit an updated resume', if the most recent resume' is older than three years. All documents must be reviewed and approved by the district administrator responsible for the funding source.
 - 3.3 Pay rates for independent contractors will be determined by grant monies available, budget of individual schools or departments, and the services to be provided, and will require both district office and Board of Trustees approval.
 - 3.4 Independent contractors will be evaluated on forms provided by the school district. District employees who are responsible for the obtaining of services of independent contractors will also be responsible for their evaluation.

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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

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

Board of Trustees

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