

Policy 3600 Consultants

Status: ADOPTED

Original Adopted Date: 01/1985

Last Revised Date: 06/26/2024

The Governing Board authorizes the use of consultants and other independent contractors 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 independent contractors may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters.

As part of the contract process, the Superintendent or designee shall determine that the individual, firm, or organization is properly classified as an independent contractor.

A person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the district is able to demonstrate that all of the following conditions have been met: (Labor Code 2775)

1. The person is free from the control and direction of the district in connection with the performance of the work.
2. The person is performing work that is outside the usual course of the district providing educational services.
3. The person is customarily engaged in an independently established trade, occupation, or business of the same nature as the work to be performed.

The determination of whether an individual acting as a sole proprietor or a firm or other business organization is an independent contractor shall be made in accordance with Labor Code 2775-2785, as applicable.

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

All qualified independent contractors shall be accorded equal opportunity for contracts regardless of actual or perceived race, ethnicity, color, national origin, ancestry, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, immigration status, or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 220; Government Code 12940)

Independent contractors 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 approval of the contract. Any consultant hired by the district who is subject to the filing requirements in the district's conflict of interest code shall file a Statement of Economic Interests within the time period required by law. (Government Code 87302)

When employees of a public university, county office of education, or other public agency serve as consultants or independent contractors in other capacities for the district, they shall certify as part of the 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 the district.

The Board prohibits the harassment of an independent contractor by any district employee or by any other person with whom the independent contractor comes in contact during the course of employment with the district. Additionally, the Board prohibits the harassment of a district employee by an independent contractor. Any complaint of harassment shall be investigated and resolved in accordance with applicable district complaint procedures. (Government Code 12940)

01/85
09/88
10/96
06/11/97
06/26/2024

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 18700-18760	Conflicts of Interest
Ed. Code 10400-10407	Cooperative improvement programs
Ed. Code 17596	Limit on continuing contracts
Ed. Code 220	Prohibition of discrimination
Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35172	Promotional activities
Ed. Code 35204	Contract with attorney in private practice
Ed. Code 44925	Part-time readers employed as independent contractors
Ed. Code 45103	Classified service in districts not incorporating the merit system
Ed. Code 45103.5	Contracts for management consulting services; restrictions
Ed. Code 45134-45135	Employment of retired classified employee
Ed. Code 45256	Merit system districts; classified service; positions established for professional experts on a temporary basis
Gov. Code 12940-12952	Unlawful employment practices
Gov. Code 53060	Special services and advice
Gov. Code 82019	Definition; designated employee
Gov. Code 87300-87313	Conflict of interest code
Lab. Code 2775-2787	Worker status: employees
Unemp. Ins. Code 606.5	Determination of employment status
Unemp. Ins. Code 621	Employee defined

Management Resources

Court Decision

Court Decision

Website

Description

Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal. 5th 903

S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal. 3d 341

CSBA District and County Office of Education Legal Services

Cross References**Code**

0410

0415

3311

3311

3312

3470

3515.6

4030

4030

4112.23

4117.14

4119.11

4119.11

4119.12

4119.12-E(1)

4132

4219.11

4219.11

4219.12

4219.12-E(1)

4232

4317.14

4319.11

4319.11

4319.12

4319.12-E(1)

4332

9270

9270-E(1)

Description

Nondiscrimination In District Programs And Activities

Equity

Bids

Bids

Contracts

Debt Issuance And Management

Criminal Background Checks For Contractors

Nondiscrimination In Employment

Nondiscrimination In Employment

Special Education Staff

Postretirement Employment

Sexual Harassment

Sexual Harassment

Title IX Sexual Harassment Complaint Procedures

Title IX Sexual Harassment Complaint Procedures

Publication Or Creation Of Materials

Sexual Harassment

Sexual Harassment

Title IX Sexual Harassment Complaint Procedures

Title IX Sexual Harassment Complaint Procedures

Publication Or Creation Of Materials

Postretirement Employment

Sexual Harassment

Sexual Harassment

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Publication Or Creation Of Materials

Conflict Of Interest

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