

# Santa Barbara Unified School District

## Board Policy

### Business and Non-Instructional Operations

BP 3600

#### CONSULTANTS

The Governing Board 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.

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.

To be valid or to constitute an enforceable obligation against the district, all consultant contracts greater than \$10,000, excluding claims and actions against the district, must be submitted for Board approval unless the Superintendent or designee deems the contract to be of an urgent nature and any delay would be a significant detriment to the safety of the educational or maintenance program. All consultant contracts under \$10,000 may be entered into by the Superintendent or designee for later Board ratification.

In accordance with Board Policy 3320, the Governing Board delegates to the Superintendent or designee the authority to allow, compromise or settle claims of \$50,000 or less. (Government Code 935.4)

*(cf. 3312 - Contracts)*

*(cf. 3310 – Purchasing Procedures)*

*(cf. 3320 - Claims and Actions Against the District)*

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.

*(cf. 3311 - Bids)*

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

*(cf. 4030 - Nondiscrimination in Employment)*

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.

(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*

17596 *Limit on continuing contracts*

35010 *Control of districts; prescription and enforcement of rules*

35172(a) *Promotional activities*

35204 *Contract with attorney*

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*

SANTA BARBARA UNIFIED SCHOOL DISTRICT  
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