

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION

**Business and Noninstructional Operations
CONSULTANTS**

The County Board and County Superintendent recognize their authority to use consultants to provide expert professional advice or specialized technical services which are not needed on a continuing basis and which cannot be provided by County Superintendent staff.

Individuals, firms, or organizations employed as consultants by the County Superintendent may assist the County Superintendent with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters. The County Superintendent shall not hire as a consultant any person or entity in which he or she has a financial interest. (Education Code 1281.) If the County Superintendent enters into a consultant contract for \$25,000 or more and the contract constitutes a budget revision, it shall be in the next interim financial report or other board report when the report is submitted to the County Board for discussion and approval at a regularly scheduled public meeting of the County Board. (Education Code 1281.)

The County Board may, pertaining to their duties as defined in law, contract with or employ any persons for the furnishing to the County Board of special services and advice relating to financial, economic, accounting, engineering, legal, or administrative matters if these persons are specially trained and experienced and competent to perform the special services required. (Education Code 1042.)

As part of the contract process, the County Superintendent or designee shall determine, in accordance with applicable law, that the consultant is properly classified as an independent contractor. County Superintendent employees shall not be retained as independent contractors to perform extra duty consulting services. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

All consultant contracts entered into by the County Superintendent shall be approved and executed by the County Superintendent or designee. Any consultant contracts entered into by the County Board shall be approved by the County Board unless the County Board delegates the approval and execution thereof to the County Superintendent.

Consultants shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the County Superintendent or designee, depending on the range of the duties to be performed by the consultant. The County Superintendent or designee shall consider this statement when deciding whether to recommend approval of the contract. Any consultant hired by the County Board or County Superintendent who is subject to the filing requirements shall file a Statement of Economic Interests within the time period required by law. (Government Code 87302)

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) The County Superintendent

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION**

prohibits the harassment of an independent contractor by a County Superintendent employee or by any other person with whom the independent contractor comes in contact during the course of employment with the County Superintendent. Additionally, the County Superintendent prohibits the harassment of a County Superintendent employee by an independent contractor. Any complaint of harassment shall be investigated and resolved in accordance with applicable complaint procedures.

Adopted: 11/15/2018

Amended: 05/18/2023

Legal ReferencesEducation Code

1042 Powers of county boards of education

1281 Consultant contracts requirements

1300 Consultancy contracts with retired certificated employees

35041.5 Legal counsel

Government Code

53060 Contract for special services and advice

Management ResourcesInternal Revenue Service Publications

15-A Employer's Supplemental Tax Guide