



Consultant Agreement Procedures

Consultant Agreements are necessary for services provided by companies and individuals who will be compensated by SLOCOE but are not employed by SLOCOE or school districts in this county, according to IRS criteria ([Contractor Classification Checklist](#)). A template for the [Consultant Agreement](#) is fillable, and is accompanied by other forms which are necessary for ensuring the safety of students, for reporting of taxes, and for correct payment. It is important to use this template as opposed to any that may be stored on individual computers to ensure compliance with the most current language required by federal regulation and California Education Code. *Please note: The Business Department will determine if individuals meet IRS criteria for independent contractors.*

1. Agreements should be initiated **at least 3 weeks prior** to requested services to allow time for the review and approval process.
2. Customize the agreement template, detailing the specific services to be performed along with a timeline for completion, and terms of payment
3. Routing for review and approvals for a consultant agreement packet looks like this:
 - ⇒ **Originator/Program Assistant** ensures a complete package with all required parts is compiled and ready for review.
 - ⇒ **Program Director** completes the [Contractor Classification Checklist](#).
 - ⇒ **Assistant Superintendent/Division Head** receives the complete packet for review, signs the DOJ Waiver and initials the signature page of the contract.
 - ⇒ **Executive Assistant for Business** receives the complete agreement packet, and tracks Business approvals: **Assistant Superintendent approval of Classification Criteria Checklist; Fiscal Services Director approval of funding and account lines.**
 - ⇒ **County Superintendent** reviews and signs approval for the complete package, which represents SLOCOE's offer of an agreement to the consultant.
 - ⇒ **Program Assistant** receives the approved packet for forwarding to the consultant, or alternatively receives it back because of insufficient funding, an incomplete packet, or questions.
4. The **approved agreement** is mailed to the consultant, with the following documents:
 - [DOJ Waiver](#), signed by the Program Director and Department Head. The DOJ Waiver is used when the consultant will have no unsupervised access to students. Otherwise, an [Affidavit](#) of fingerprint clearance must be provided.
 - [W-9 Form](#) for tax reporting purposes, mailed to the consultant along [with 1099 Information reporting memo](#)
 - [California Form 590](#) or [California Form 587](#) as applicable.
 - Consultants must answer the question at the bottom of the third page of regarding employment with schools (SLOCOE is required to report earnings of CalSTRS members).
5. Once the documents have been completed and returned by the consultant, an online requisition for a purchase order may be processed. The complete packet with all attachments and signatures may be forwarded to SLOCOE's **Buyer** and attached to the requisitions. The **Originator** and **Consultant** receive copies of the Purchase order. **Accounts Payable** receives all original, signed paperwork.
6. Upon completion of services, the **Consultant** sends an invoice for processing and payment, addressed to **Accounts Payable**. The invoice is forwarded to the **Originator** for approval, then paid.

IRS audits increasingly are focused on consultants who really should be employees.