



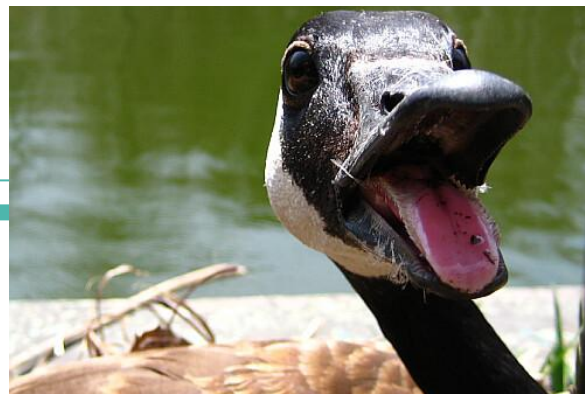
Element Education, Inc.
Empowering Students to Discover Their Element



The Independent Contractor Duck

And How to Avoid Getting Goosed

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Our Schools



DIMENSIONS
COLLABORATIVE
School

Our Story - Ducks Unlimited

Start Up - How many cannonballs can you juggle at once?

Protocols - Of course we are all on the same page, even if nothing is in writing.

Competition - Keeping up with the Joneses.

The law - Clear as mud.

Common sense - Not always common.

Staff - Accountability and trust.

Quality vs Quantity - Sometimes less is best



Independent Contractors... The Next Target

Employment Development Department (EDD)

STRS

The ABC Test

AB - 5

Insurance / Workers Compensation/Labor Code Section
3700

Media coverage of Inspire use of vendors

County Office of Education response to A3 and Inspire
use of vendors



The San Diego Union-Tribune

July 15, 2019

Inspire is one of several home school charter networks across California that use a vendor-based model, although other schools differ in the types of vendors they offer and the rules they set for families in spending funds.

There are virtually no state rules about how home school charter families are allowed to use enrichment funds, partly because homeschool charters are not well-known outside of home school circles.



Use of Public Funds

The best test is the “Public-scrutiny Test.” - Whether the tax-paying public would view the expenditure as necessary to support public education.

- Direct and tangible benefit to student
- Public vs private purpose
- Only benefits an individual or small group
- Adequate service for funds expended



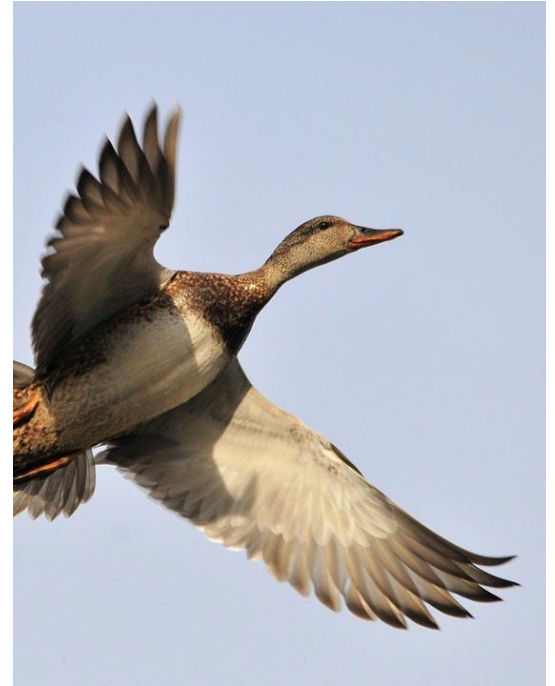
Need strong justification for how, when, and why we use Independent Contractors...before they all fly away

Enrollment similar to that of a small district; not able to hire credentialed teachers for all subjects.

Wide span of operation (county-wide, or more).

Specialized services requiring unique environment (PE, cooking, woodworking, etc.).

Provide support as instructional aides to your credentialed teachers.



Getting Our Ducks in a Row

- 01 | Board approved policy and paperwork for use of independent contractors (review by attorney first)
- 02 | Written procedures for recruiting, vetting, monitoring, and evaluating (more heads are better than one)
- 03 | Paper trail providing clear and detailed information on how much is being paid to whom and for what*
- 04 | Vendors Board approved (or at least informed)
- 05 | All staff trained on law, paperwork, and procedures
- 06 | Policy and procedures followed consistently
- 07 | Paperwork and procedures reviewed annually

*Services aligned with skills and credentials

*Services aligned with student learning plan

*Standard rate

*Livescan/ ORI

*No conflict of interest



Avoid “fowl” play... Potential Conflict of Interest

Blood or immediate relative to student

Relative of staff member

Employee of school

Employee of another school



Make sure it looks like a duck,

- 1 Tax registration certificate or Business license with city, Fictitious name with county, or Corporation Number
- 2 Insurance
- 3 Specialized expertise, credentials, certifications, experience, etc.
- 4 More than one client
- 5 W-9

Swims like a duck,

1

ABC Test:

Free from your control and direction
(own time, tools, and procedures)

Performs work outside what you pay
employees to do, and

Performs services aligned with an
established business

2

AB - 05

“Borello Test” adding other factors to
determine whether a worker is an
employee or an independent
contractor.

Maintain a separate business location

Set own rate

Exercises independent judgement in
performance of services

An Independent Contractor on your site, using your tools and equipment, and following your rules and procedures is a goose.

Quacks like a duck.



How does the person describe what they do?



How does the person communicate with students and families?



How does the person describe their employer?



What do they say about you on their website?

When in Doubt...

Hire as an employee

But Remember...



Ducks Don't Always Make Great Pets

- Conflict of interest - Working for more than one charter school
- Cost - Credentialed staff must be classified as credentialed staff
- Commitment - Do you want them for the long-haul?



Responding to the noise...

But so and so doesn't require that.

I am a teacher at ABC Charter School.

I live in an unincorporated area, so I don't need a license.

I only want to work with one or two students.

I don't want to work with that student anymore.

But my child will only work with this person.

But "the teacher" gave him an A



Other Quacktions?



Thank You



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