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June 6, 2022

## ISSUE PAPER

**AGENDA ITEM:** Request approval of memorandum of understanding between Legal Applicant UNITE SERVICE CORPS/Operation UNITE and Floyd County School System for the 2022-2023 AmeriCorps year. UNITE Service Corps (hereafter referred to as USC) is the AmeriCorps project of Operation UNITE in partnership with other school districts and community-based organizations around the Commonwealth of Kentucky including Floyd County School System. UNITE Service Corps is funded in part by the Corporation for National and Community Service (hereafter referred to as CNCS) through ServeKY.

**APPLICABLE STATUTE(S), REGULATIONS OR BOARD POLICY:** 160.345

### FISCAL/BUDGETARY IMPACT:

Provide financial support for match cost of members. The district contributes \$6,300.00

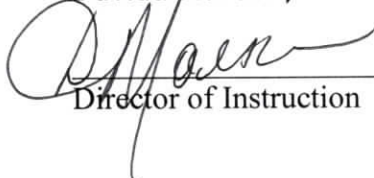
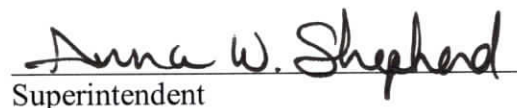
### HISTORY/BACKGROUND:

The AmeriCorps UNITE, USC Corps is a program that provides tutoring support in mathematics, (primarily grades 3-5) and drug prevention education to 4<sup>th</sup> grade and 5<sup>th</sup> grade students

**RECOMMENDATION AND RATIONALE:** Approve MOU between Legal Applicant UNITE SERVICE CORPS/Operation UNITE and Floyd County School System for the 2022-2023 AmeriCorps year

### CONTACT PERSON:

Davida Marson,

  
Director of Instruction  
Superintendent

UNITE SERVICE CORPS PARTNER MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

**Floyd County School System**

And UNITE SERVICE CORPS of Operation UNITE

For the Corporation for National and Community Service/AmeriCorps

This agreement is entered into between Legal Applicant UNITE SERVICE CORPS/Operation UNITE and

**Floyd County Schools** for the 2022-2023 AmeriCorps year. The following is agreed to by the parties:

**Statement of purpose:**

**UNITE Service Corps (hereafter referred to as USC)** is the AmeriCorps project of Operation UNITE in partnership with other school districts and community-based organizations around the Commonwealth of Kentucky in the Fifth Congressional District. UNITE Service Corps is funded in part by the Corporation for National and Community Service (hereafter referred to as CNCS) through Serve Kentucky.

**UNITE SERVICE Corps** is a service organization that provides opportunities for adults (hereafter referred to as member) from the age of 18 and up, to contribute service in their own community. USC members, a diverse group of individuals, serve in elementary schools providing mathematics tutoring to targeted students with a focus on improving math skills.

The Members further facilitate the “Too Good for Drugs” for all 4<sup>th</sup> or 5<sup>th</sup> grade students in their assigned school. Members also mobilize community volunteers to assist with drug education activities, UNITE Clubs and community projects involving the students enrolled in the program.

**UNITE SERVICE CORPS Mission Statement**

The mission of the UNITE Service Corps, together with the school district partners and community volunteers, is to serve the children of Eastern Kentucky by assisting the school in removing academic and non-academic barriers to higher levels of student achievement.

**I. PARTNER DISTRICT ROLES AND RESPONSIBILITIES**



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UNITE Service Corps is an equal opportunity organization.



- A. **Financial:** Provide financial support for match cost of members during the UNITE Service Corps program year August 1, 2022-July 31, 2023. Partner site contribution is **\$6300** for member serving in a full-time capacity. Funds provided to UNITE Service Corps as a restricted donation to support the expenditures of UNITE Service Corps Programs, including necessary expenditures that are outside of the provisions of 2 CFR 200, Subpart E. If total contributions exceed the total program costs incurred by UNITE Service Corps as of the end of the program year, Partner site agrees that any remainder may be carried over for the benefit of the subsequent year program:
- B. **Member Replacement:** If a member leaves the program during their term of service, that member maybe replaced if they have served less than 42% (510 hours) of their commitment as stated in the guidelines from the Corporation for National and Community Service. If the member has served over 42% of their time commitment as stated in the guidelines from the Corporation cannot be replaced.
- C. **Site Supervision:** The partner site will provide site supervision where AmeriCorps members are assigned. The principal will serve as the Site supervisor. Site supervisors receive UNITE Service Corps orientation information and a site supervisor's agreement as well as technical assistance from program staff. The site supervisor must review and sign the service site agreement prior to August 1 or prior to the placement of the USC member of the program year.
- D. **Site Supervisor Criminal History:** The district affirms their employee who acts as site supervisor has a criminal history check that clears them to work as certified personnel in the school district in compliance with KRS 160.380(5) (a-c). This documentation is maintained by the district and may be shared by written request and permission of their employee.
- E. **Recruitment:** Sites are responsible for recruiting potential AmeriCorps/USC members. The USC application is required as the first step in this process. USC staff conduct screenings of applicants and make the AmeriCorps mission and goals clear prior to any final agreement of the applicant to enter this Americorps program. The site supervisor and/or applicable school and district staff select the candidate they prefer for their site. Final approval must come from the USC Program Director.
- F. **Civil Rights / Equal Opportunity Policy:** The Corporation for National and Community Service (CNCS) has zero tolerance for the harassment of any individual or group of individuals for any reason. The Corporation is committed to treating all persons with dignity and respect. The Corporation prohibits all forms of discrimination based upon race, color, national origin, gender, age, religion, sexual orientation, disability, gender identity or expression, political affiliation, marital or parental status, or military service. Any such harassment, if found, will result in immediate corrective action, up to and including removal or termination of any Corporation employee or volunteer. Recipients of Federal financial assistance, be they individuals, partner sites, programs and/or projects are also subject to this zero-tolerance policy. Where a violation is found, and subject to regulatory procedures, appropriate corrective action will be taken, up to and including termination of Federal financial assistance from all Federal sources. Any person who believes that he or she has been discriminated against in violation of civil rights laws, regulations, or this policy, or in retaliation for opposition to discrimination or participation in discrimination complaint proceedings (e.g., as a complainant or witness) in any Corporation program or project, may raise his or her concerns with our Office of Civil Rights and Inclusiveness (OCRI). Discrimination claims not brought to the attention of OCRI within 45 days of their occurrence may not be accepted in a formal complaint of discrimination. No one can be required to use a program, project or sponsor dispute resolution procedure before contacting OCRI. If another procedure is used, it does not affect the 45-day time limit. OCRI may be reached at (202) 606-7503 (voice), (202) 606-3472 (TTY), eo@cns.gov, or through <http://www.nationalservice.gov/>. CNCS civil rights / equal opportunity requirements at <https://www.nationalservice.gov/build-your-capacity/grants/civil-rights-eo-reqs>



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- G. Member Terms of Service:** USC members are contracted to serve through Operation UNITE regardless of the district they serve. Members are not district employees. The definition of “participant” in the National and Community Service Act includes AmeriCorps members. Under the law, “a participant (member) shall not be considered to be an employee of the organization receiving assistance under the national service laws through which the participant (member) is engaged in service” (42 U.S.C. 12511(30)(B)). USC staff must work with site supervisors to hire, terminate, reprimand, etc. members. Any concerns about the member must be brought to the attention of the USC staff immediately. UNITE provides a grievance protocol for the member. The member worker’s compensation and other applicable insurance are provided through contract with Operation UNITE.
- H. Member Criminal History:** All applicants who are interviewed for USC positions must agree to National Service Criminal History Check. Members must give written consent while providing a color ID. The check is facilitated by Truescreen. It includes the search of the Department of Justice’s Sex offender database, a search of state of service criminal history repository and from the repository of the applicant’s state of residence if different; a fingerprint-based check submitted for a national search through FieldPrint or the Kentucky State Police (IdentoGO). The USC bears the cost of the search. District-initiated criminal history checks cannot substitute the NSCHC requirement. Any individual who is registered or is required to register on a sex offender registry or was convicted of murder will not be cleared to participate in the USC program, even if the school district’s policy may, under some circumstances (e.g., through an appeals process), allow.
- I. Performance Goals:** USC members tutor 35 students in grades 3-5 in math. Students will receive a minimum of one hour per week tutoring. USC members also teach a 10-week curriculum, Too Good for Drugs to all students in the fourth grade. Pike members teach to the fifth graders. Members must also sponsor/co-sponsor a UNITE Club.
- J. Student Assignment to Members:** Members will provide pre and post test scores, test will be provided by USC staff. Students that receive tutoring will not have IEP goals in math. The target group will be students that can show improvement with the help of small group or one to one tutoring. USC members are not trained to manage students identified with behavior disorders. USC members should not be assigned care of students who are identified with or suspected of having atypical impulse control or violent behavior.
- K. Confidentiality of Student Data:** USC uses student assessment scores to document student growth. Tutors assign students confidential IDs in USC’s report management system, America Learns. Assessment scores, instruction notes and the amount of time a tutor sees a student become part of the student’s confidential record. Student data is used in aggregate to evaluate program effectiveness meeting targets of math growth. Student data is exclusively used by USC staff and evaluators.
- L. CNCS or Serve Kentucky Requested Service:** The site will allow the USC member to participate in disaster relief/emergency response efforts as requested by Serve Kentucky and/or the USC Program Director.
- M. Civic Engagement:** Attend, support and promote the efforts of USC to inspire local community members to volunteer in school activities, community service, tutoring programs, drug education, and other projects of USC including, but not limited to, UNITE coalition meetings and other UNITE programs in the service area.
- N. Reporting:** Complete weekly, monthly reports and two performance evaluations as well as other reports and surveys as required by USC, Serve Kentucky, and CNCS.
- O. Meetings and Trainings:** Attend partner meetings as they are held, which will provide information regarding program policies and procedures, as well as an opportunity for an exchange of information between partners of USC. USC will reimburse the travel for required meetings and trainings. District required travel for members will be



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the responsibility of the district. Members *are required to attend UNITE County Coalition Meetings* and will be reimbursed for travel by USC.

- P. **Media Release:** Understands that any photograph, audio recording, video, or film taken of the operating site, in conjunction with AmeriCorps and/or CNCS and/or USC, can be used by USC consistent with the parental approval policy in the school district. The site forgoes any rights to royalties in conjunction with photographs, audio recordings, video or film.
- Q. **Communication:** Site supervisors or principals must immediately report any professional problems, extended absences or work-related accidents to USC program staff immediately.
- R. **Prohibited Activities:** Ensure that members of USC will not engage or participate in any of the following while charging time to AmeriCorps and/or while wearing AmeriCorps gear.  
**Please see attached Prohibited Activities**

## II. UNITE SERVICE CORPS Roles and Responsibilities

- A. **Financial:** Provide additional financial support for the program and members through grant funds.
- B. **Site Supervision:** Provide programmatic supervision and management to ensure quality of service, program accountability and member support. USC Staff Crystal Smallwood, Benji Hammons, Marionette Little, and Kim Tackett.
- C. **Civic Engagement:** Support and promote the efforts of USC and its partnership with the school district to inspire local community members to volunteer in activities, including but not limited to, the following: school activities, community service, tutoring programs, and other projects of USC.
- D. **Performance Goals:** USC staff is required to review site and member progress to ensure members are on track for completion. USC staff will review reports submitted by members and site supervisors for accuracy and entirety.
- E. **Reporting:** Complete weekly and monthly reports, as well as other reports and surveys as required by the USC, Serve Kentucky, and CNCS. Provide copies of reports as requested to the Superintendent to communicate program information.
- F. **Meetings and Trainings:** Sponsor partner meetings, to provide information regarding program policies and procedures, as well as an opportunity for an exchange of information between all partners of USC. Also present additional programs as they are developed by UNITE that will benefit targeted grade levels.
- G. **Media:** Create, develop, and publish articles, videos, displays and other forms of publicity, using a variety of media outlets, promoting the mission of USC and its partners.
- H. **Communications:** Report any problems or work-related accidents to partners immediately. Present information at school board and other relevant meetings as requested by partners.
- I. **Prohibited Activities:** Ensure members of USC **will not** engage or participate in any prohibited activity.
- J. **Security:** Ensure members of USC and community volunteers adhere to all safety procedures of the school district.
- K. **Confidentiality:** Ensure that members of USC and community volunteers maintain the confidentiality standard



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expected of all school district employees. Ensure that confidentiality of referred students is maintained. USC members shall, before entering onto the school grounds or buildings pursuant to this understanding, receive confidentiality training required of other community volunteers.

**L. Refund Policy:** If a member is released from service either voluntarily or involuntarily prior to, and the site chooses not to remain in Partner status, UNITE Service Corps may consider issuing a refund of a portion of the Partner Site contribution **LESS** training costs, benefit costs, amount of stipend already dispersed and related costs, if funds are available. Refunds are not guaranteed.

### III. Amendments to this Agreement:

This agreement may be changed or revised with the written consent of both parties.

### IV. Authorization:

**Floyd County Schools** and USC hereby acknowledge by their signatures that they have read, understood, and agree to the terms of this document. This agreement is in effect for the 2022-2023 school year.

OPERATION UNITE

Signature on file at Operation UNITE  
Nancy Hale, CEO

Date: 06/03/2022

UNITE SERVICE CORPS

Cystal Smallwood  
Program Director

Date: 06/03/2022

Floyd County Schools

\_\_\_\_\_  
Superintendent

Date: \_\_\_\_\_



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## PROHIBITED ACTIVITIES

### § 2520.65

1. The member is expected to, always while acting in an official capacity as an AmeriCorps member:
  - i. Demonstrate mutual respect towards the UNITE SERVICE CORPS Program Staff, UNITE SERVICE CORPS program, other AmeriCorps members and his/her assigned site.
  - ii. Follow directions of the UNITE SERVICE CORPS Program Staff and on-site supervisor(s);
  - iii. Direct concerns, problems, and suggestions in writing to the Program Staff to be addressed by the Program Staff; Verbal complaints will not be addressed until submitted to the Program Staff in writing or by email.
  - iv. Ask questions of or ask assistance from the UNITE SERVICE CORPS Program Staff at any time.
2. At no time may the member (while charging time to the AmeriCorps Program):
  - i. Engage in any activity that is illegal under local, state, or federal law.
  - ii. Engage in activities that pose a significant safety risk.
  - iii. Charge the UNITE SERVICE CORPS for any expenditure, without prior approval from the UNITE SERVICE CORPS Program Staff. Reimbursements from the UNITE SERVICE CORPS for travel expenditures via designated carpools by UNITE SERVICE CORPS AmeriCorps members are restricted to travel to UNITE SERVICE CORPS trainings/meetings, as approved by UNITE SERVICE CORPS Program Staff. Members are required to carpool to all UNITE SERVICE CORPS trainings with other members in the county they serve or a surrounding county unless prior arrangements have been made.
  - iv. Prohibited Activities: At no time may the member while charging time to the AmeriCorps Program, accumulating service, or training hours, or otherwise performing activities supported by the AmeriCorps program or CNCS, staff and members may not engage in the following activities (see 45 CFR § 2520.65)
    - (1) Attempt to influence legislation.
    - (2) Organize or engage in protests, petitions, boycotts, or strikes.
    - (3) Assist, promote, or deter union organizing.
    - (4) Impair existing contracts for services or collective bargaining agreements.
    - (5) Engage in partisan political activities, or other activities designed to influence the outcome of an election to any public office.
    - (6) Participate in, or endorse, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.
    - (7) Engage in religious instruction, conduct worship services, provide instruction as part of a program that includes mandatory religious instruction or worship, construct or operate facilities devoted to religious instruction or worship, maintain facilities primarily or inherently devoted to religious instruction or worship or engage in any form of religious proselytization.
    - (8) Provide a direct benefit to
      - i. A business organized for profit.
      - ii. A labor union.
      - iii. A partisan political organization.
    - iv. A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
    - v. An organization engaged in the religious activities described in paragraph (g) of this section unless Corporation assistance is not used to support those religious activities.
  - (9) Conduct a voter registration drive or using Corporation funds to conduct a voter registration drive.
  - (10) Provide abortion services or referrals for receipt of such services.
  - (11) **Supplantation.** Corporation assistance may not be used to replace State and local public funds that had been used to support programs of the type eligible to receive Corporation support. For any given program, this condition will be satisfied if the



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aggregate non-Federal public expenditure for that program in the fiscal year that support is to be provided is not less than the previous fiscal year.

(12) **Nonduplication.** Corporation assistance may not be used to duplicate an activity that is already available in the locality of a program. And, unless the requirements of paragraph (f) of this section are met, Corporation assistance will not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency in which such entity resides.

(13) **Non-displacement.** An employer may not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, because of the use by such employer of a participant in a program receiving Corporation assistance.

An organization may not displace a volunteer by using a participant in a program receiving Corporation assistance.

A service opportunity will not be created under this chapter that will infringe in any manner on the promotional opportunity of an employed individual.

A participant in a program receiving Corporation assistance may not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.

A participant in any program receiving assistance under this chapter may not perform any services or duties, or engage in activities, that will supplant the hiring of employed workers; or are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.

A participant in any program receiving assistance under this chapter may not perform services or duties that have been performed by or were assigned to any:

- Presently employed worker.
- Employee who recently resigned or was discharged.
- Employee who is subject to a reduction in force or who has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.
- Employee who is on leave (terminal, temporary, vacation, emergency, or sick); or
- Employee who is on strike or who is being locked out.

(14) **Fundraising.** § 2520.

AmeriCorps members may raise resources directly in support of your program's service activities.

(A) Examples of fundraising activities AmeriCorps members may perform include, but are not limited to, the following:

- Seeking donations of books from companies and individuals for a program in which volunteers teach children to read.
- Writing a grant proposal to a foundation to secure resources to support the training of volunteers.
- Securing supplies and equipment from the community to enable volunteers to help build houses for low-income individuals.
- Securing financial resources from the community to assist in launching or expanding a program that provides social services to the members of the community and is delivered, in whole or in part, through the members of a community-based organization.
- Seeking donations from alumni of the program for specific service projects being performed by current members.

(B) AmeriCorps members may not:

- Raise funds for living allowances or for an organization's general (as opposed to project) operating expenses or endowment.
- Write a grant application to the Corporation or to any other Federal agency.

(C) § 2520.45. Ten Percent Limitation. An AmeriCorps member may spend no more than ten percent of his or her originally agreed-upon term of service, as reflected in the member enrollment in the National Service Trust, performing fundraising activities, as described in § 2520.40.

(15) Such other activities as the Corporation may prohibit.



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AmeriCorps members may not engage in the above activities directly or indirectly by recruiting, training, or managing others for the primary purpose of engaging in one of the activities listed above. Individuals may exercise their rights as private citizens and may participate in the activities listed above on their initiative, on non-AmeriCorps time, and using the Corporation funds. Individuals should not wear the AmeriCorps logo while doing so.



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