



FLOYD COUNTY BOARD OF EDUCATION  
Anna Whitaker Shepherd, Superintendent  
442 KY RT 550  
Eastern, KY 41622  
Telephone (606) 886-2354 Fax (606) 886-4550  
www.floyd.kyschools.us

William Newsome, Jr., Board Chair - District 3  
Linda C. Gearheart, Vice-Chair - District 1  
Dr. Chandra Varia, Member- District 2  
Keith Smallwood, Member - District 4  
Steve Slone, Member - District 5

**Consent Agenda Item (Action Item):**

Consider/Approve the memorandum of understanding between Legal Applicant UNITE SERVICE CORPS/Operation UNITE and Floyd County School System for the 2024-2025 AmeriCorps year. UNITE Service 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 I funded in part by the Corporation for National and Community Service thought ServeKY.

**Applicable State or Regulations:**

BOE Policy 01.11 General Powers and Duties of the Board. 160.345

**Fiscal/Budgetary Impact:**

Provide financial support for the match cost of members. The district contributes \$6850.00.

**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> and 5<sup>th</sup> grade students.

**Recommended Action:**

Approve MOU between Legal Applicant UNITE SERVICE CORPS/Operation UNITE and Floyd County School System for the 2024-2025 AmeriCorps year.

**Contact Person(s):**

Thomas Gearheart, Chief Safety Officer

  
Director

  
Superintendent

**Date:**

June 3<sup>rd</sup>, 2024

UNITE SERVICE CORPS PARTNER MEMORANDUM OF UNDERSTANDING

**MEMORANDUM OF UNDERSTANDING**

**Floyd County School System**

And UNITE (Unlawful, Narcotics, Investigation, Treatment and Education) 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** the 2024-25 AmeriCorps year. The parties agree to the following:

**Statement of purpose:**

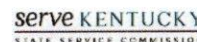
**UNITE Service Corps (hereafter referred to as USC)** is the AmeriCorps project of Operation UNITE in partnership with other school districts and community-based organizations around the Commonwealth of Kentucky in the Fifth Congressional District. The Corporation partly funds the UNITE Service Corps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

**UNITE SERVICE Corps** is a service organization that provides opportunities for adults (hereafter referred to as members) aged 18 and up to contribute to service in their 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” program for all 4th-grade students in their assigned school. They 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.



UNITE SERVICE CORPS is the AmeriCorps project of Operation UNITE. USC is funded in part by the Corporation through Serve Kentucky.

UNITE Service Corps is an equal opportunity organization.

## I. PARTNER DISTRICT ROLES AND RESPONSIBILITIES

- A. **Financial:** Provide financial support for matching the cost of members during the UNITE Service Corps program year September 1, 2024-July 31, 2025. The partner site contribution is \$ 6,850 for members 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, they may be replaced if they have served less than 42% (504 hours) of their commitment as stated in the Corporation for National and Community Service guidelines. They cannot be replaced if they have served over 42% of their time commitment.
- 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, a site supervisor's agreement, and technical assistance from program staff. The site supervisor must review and sign the service site agreement before August 1 or before the placement of the USC member of the program year.
- D. **Site Supervisor Criminal History:** The district affirms that the 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). The district maintains this documentation, which may be shared by written request and employee permission.
- 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 conducts screenings of applicants and makes the AmeriCorps mission and goals clear before any final agreement is made with 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 harassing any individual or group of individuals for any reason. CNCS is committed to treating all people with dignity and respect. CNCS prohibits discrimination based on 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, including removal or termination of any CNCS 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 they have been discriminated against in violation of civil rights laws, regulations, or this policy or retaliation for opposition to discrimination or participation in discrimination complaint proceedings (e.g., as a complainant or witness) in any CNCS program or project, may raise their concerns with our Office of Civil Rights and Inclusiveness (OCRI). Discrimination claims not brought to the attention of OCRI within 45 days (about 1 and a half months) 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>



serve KENTUCKY  
STATE SERVICE COMMISSION



UNITE SERVICE CORPS is the AmeriCorps project of Operation UNITE. USC is funded in part by the Corporation through Serve Kentucky.

UNITE Service Corps is an equal opportunity organization.

- 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. A contract with Operation UNITE provides member workers’ compensation and other applicable insurance.
- H. **Member Criminal History:** All applicants interviewed for USC positions must agree to the National Service Criminal History Check. Members must give written consent and provide a color photo ID. Truescreen facilitates the check. 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). 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 at least one hour of tutoring per week. USC members also teach a 10-week curriculum, Too Good for Drugs, to all fourth-grade students. Members must also sponsor/cosponsor a UNITE Club.
- J. **Student Assignment to Members:** Members will provide pre and post-test scores; tests will be provided by USC staff. Students who receive tutoring will not have IEP goals in math. The target group will be students who can show improvement with the help of a 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 the care of students 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 time a tutor sees a student become part of the student’s confidential record. Student data is used to evaluate program effectiveness in meeting math growth targets. 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 USC's efforts to inspire local community members to volunteer in school activities, community service, tutoring programs, drug education, and other USC projects, including, but not limited to, UNITE coalition meetings and other UNITE programs in the service area.
- N. **Reporting:** Complete weekly and monthly reports, two performance evaluations, and other reports and surveys required by USC, Serve Kentucky, and CNCS.
- O. **Meetings and Trainings:** Attend partner meetings as they are held, which will provide information about program policies and procedures and an opportunity for information exchange between USC partners. USC will reimburse the



UNITE SERVICE CORPS is the AmeriCorps project of Operation UNITE. USC is funded in part by the Corporation through Serve Kentucky.

UNITE Service Corps is an equal opportunity organization.

- P. traveling member for the required orientation and training. District-required travel for members will be the district's responsibility. Members *are required to attend UNITE County Coalition Meetings* and will be reimbursed for travel by USC.
- Q. **Media Release: Understand** that any photograph, audio recording, video, or film taken of the operating site, in conjunction with AmeriCorps, CNCS, and USC, can be used by USC, consistent with the school district's parental approval policy. The site forgoes any rights to royalties in conjunction with photos, audio recordings, video, or film.
- R. **Communication:** Site supervisors or principals must immediately report any professional problems, extended absences, or work-related accidents to USC program staff.
- S. **Prohibited Activities: Ensure** that USC members do not engage in or participate in any of the following while charging time to AmeriCorps and 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 the 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 USC's efforts and its partnership with the school district to inspire local community members to volunteer in activities such as school activities, community service, tutoring programs, and other USC projects.
- D. **Performance Goals:** USC staff must 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 completeness.
- E. **Reporting: complete** weekly and monthly reports, as well as other reports and surveys as required by USC, Serve Kentucky, and CNCS. Provide reports to the Superintendent as requested to communicate program information.
- F. **Meetings and Training: Sponsor partner meetings to provide information about program policies and procedures and an opportunity for information exchange between all partners of USC.** Also, present programs that will benefit targeted grade levels as UNITE develops them.
- 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 the school board and other relevant meetings as requested by partners.
- I. **Prohibited Activities:** Ensure that members of USC **will not** engage or participate in any prohibited activity.
- J. **Security:** Ensure that members of the USC and community volunteers adhere to all school district safety procedures.



UNITE SERVICE CORPS is the AmeriCorps project of Operation UNITE. USC is funded in part by the Corporation through Serve Kentucky.

UNITE Service Corps is an equal opportunity organization.

**K. Confidentiality:** Ensure that USC members and community volunteers maintain the confidentiality standard expected of all school district employees. Also, ensure that the confidentiality of referred students is maintained. Under this understanding, USC members shall receive confidentiality training required from other community volunteers before entering the school grounds or buildings.

**L. Refund Policy:** If a member is released from service either voluntarily or involuntarily before, 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 expenses 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:**

\_\_\_\_\_ **County Schools** and USC now acknowledge by their signatures that they have read, understood, and agree to the terms of this document. This agreement is in effect for the 2024-2025 school year.

**OPERATION UNITE**

Signature on file at Operation UNITE Date: \_\_\_\_\_

**Tom Vicini, CEO of Operation UNITE**

**UNITE SERVICE CORPS**

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

**Crystal Smallwood, USC Program Director**

**Floyd County School System** \_\_\_\_\_ Date: \_\_\_\_\_

**Anna Shepherd, Floyd County School System Superintendent**



UNITE SERVICE CORPS is the AmeriCorps project of Operation UNITE. USC is funded in part by the Corporation through Serve Kentucky.

UNITE Service Corps is an equal opportunity organization.

## 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 their assigned site.
  - ii. Follow directions of the UNITE SERVICE CORPS Program Staff and on-site supervisor(s).
  - iii. Direct concerns, problems, and suggestions to the Program Staff to be addressed by the Program Staff; Verbal complaints will be addressed once submitted to the Program Staff in writing or by email.
  - iv. Ask questions or get assistance from the UNITE SERVICE CORPS program staff anytime.
2. At no time may the member (while charging time to the AmeriCorps Program):
  - I. Engage in any illegal activity 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 training/meetings, as approved by UNITE SERVICE CORPS Program Staff. Members must carpool to all UNITE SERVICE CORPS training with other members in the county they serve or a surrounding county unless prior arrangements have been made.
  - v. 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 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 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 use 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. This condition will be satisfied for any program if the aggregate non-Federal public expenditure for that program in the fiscal year that help will be provided is equal to the previous fiscal year.
    - (12) **Nonduplication.** Corporation assistance may not be used to duplicate an activity already available in a program's locality. 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 offered 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 displacements 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 that will infringe on the promotional opportunity of an employed individual will not be created under this chapter. A participant in a program receiving Corporation assistance may refrain from performing any services or duties or engaging in activities that an employee would otherwise perform 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 our services, tasks, or activities concerning which an individual must recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.



UNITE SERVICE CORPS is the AmeriCorps project of Operation UNITE. USC is funded in part by the Corporation through Serve Kentucky.

UNITE Service Corps is an equal opportunity organization.

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 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 to support 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 where 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 any other Federal agency.

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

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

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 above activities. Individuals may exercise their rights as private citizens and participate in the activities listed above on their initiative, non-AmeriCorps time, and using the Corporation funds. Individuals should not wear the AmeriCorps logo while doing so.



UNITE SERVICE CORPS is the AmeriCorps project of Operation UNITE. USC is funded in part by the Corporation through Serve Kentucky.

UNITE Service Corps is an equal opportunity organization.