



HOME

REPORTS

OPERATIONS

ABOUT

CONTACT US

- STRATEGIC PLAN
- WHISTLEBLOWER PROTECTION
- NEWS STAND

- CLOSED INVESTIGATIONS
- AUDIT REPORTS
- SEMI-ANNUAL REPORTS
- MANAGEMENT ALERT

- AUDITS
- INVESTIGATIONS

- PLAIN WRITING ACT
- MEET THE STAFF

- EMPLOYMENT / CAREER
- PRIVACY POLICY
- HOTLINE

AmeriCorps Members Displace Teachers in Classroom

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The OIG received hotline allegations that AmeriCorps members assigned to the Summit Tutoring Corps (Summit), Redwood City, CA, were displacing staff. Members at Summit, a subgrantee of The Match Foundation Incorporated (Match Foundation) in Boston, MA, were assigned to provide intensive small group tutoring in math and reading to students in grades 6 through 12. The caller alleged that the Summit members alone managed Personalized Learning Time (PLT) classes, which a paid teacher previously lead.

CNCS-OIG investigators found Summit staff violated 45 CFR § 2540.100(f) *Nondisplacement*, when members were placed to manage PLT classes as part of their AmeriCorps service. The PLT classes were independent study periods that occurred several times a day. The classroom size ranged from 20 to 43 students from all grade levels and required one member to independently manage per session. The members were (1) required to maintain discipline in the class, (2) ensure the students were productive, and (3) proctor the Content Assessment Test. The members performed little to no tutoring during the PLT classes compared to their normal tutoring service.

Investigators also discovered that members at one school, as part of their AmeriCorps service, were directed to fill in as a receptionist after the receptionist was terminated. In addition, members were also required to be perform lunch monitor duties; the members were required to maintain control and oversee the students during lunch. Summit also allowed members to count their lunch break as part of their AmeriCorps service hours.

Agency/Administrative Action: CNCS management informed CNCS-OIG they concurred with the finding of displacement and disallowed service hours for the members that performed receptionist duties. CNCS management also disallowed service hours for the members who claimed hours during lunch in which they were not engaged with students.

CNCS management disagreed with the CNCS-OIG finding that members displaced teachers in the Personalized Learning Time (PLT). CNCS management reported that after reviewing the information provided by Summit, CNCS found that the assignment of a member to a PLT class did not result in staff displacement. The nature of the PLT class had changed to provide students an opportunity to receive direct tutoring from members, rather than being a time for self-directed student activity akin to a study hall when it was supervised by a teacher. They claimed that the Match Foundation program focused on delivering tutoring services to improve students' academic achievement, but AmeriCorps members were also expected to be fully integrated into school operations, including supporting the school's student behavioral expectations. Member participation in the PLT class contributes to the overall relationship between AmeriCorps member tutors and the students.

CNCS-OIG disagreed with CNCS management's conclusion that the members placed in PLT classes did not displace teachers. As stated in 45 CFR § 2540.100(f)(6)(i) *"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 (i) Presently employed worker"* The investigation discovered that prior to the arrival of the AmeriCorps members, as part of their duties, PLT classes were managed by the teachers. Once the members arrived, the PLT duties were removed from the teachers and given to the members as part of their AmeriCorps service.

Additionally, CNCS management claimed that Summit added direct tutoring from the members to the PLT classes. However, the teachers' also "tutored" students when they helped them with homework assignments and prepared them for the assessment test during the PLT classes. Members would still be able to "be integrated into school operations, including supporting the school's student behavioral expectations", if they were performing proper service.

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