

Report of investigation
Josh Dahl, Assistant Principal
Osgood elementary school

investigated by:
Beth Slette (Superintendent) and
Dr. Rachael Agre (Assistant Superintendent for Elementary Schools)
West Fargo public schools

I. Introduction

- On April 12, there was an assembly for K-5 students at Osgood Elementary School; the performance was Alice in Wonderland.
- On April 23, Kristi Toy (Osgood Principal) received an e-mail from [REDACTED] (3rd grade teacher) requesting to meet with her.
- Principal Toy and [REDACTED] met at noon the next day, April 24, 2024.
- During the meeting, [REDACTED] told Principal Toy that [REDACTED] dad contacted her and reported that Mr. Dahl had moved his daughter (physically) during a school assembly. He was very upset about the incident.
- Mrs. Toy met with Mr. Dahl (assistant principal) shortly after meeting with [REDACTED] to discuss the concern.
- Mr. Dahl did not recall the incident but said he could pull it up on the video camera.
- Principal Toy and Mr. Dahl watched the video of the incident together.
- Principal Toy advised Mr. Dahl to get more information from [REDACTED]
- Mr. Dahl approached [REDACTED] by the copy machine in the workroom to discuss the accusation; the details of their conversation vary based on recollection of both educators.
- On Sunday evening, April 28, [REDACTED] mother [REDACTED] emailed Principal Toy about the incident involving her daughter, [REDACTED]
- On Monday afternoon, April 29, 2024, Beth Slette (Superintendent), and Dr. Rachael Agre (Assistant Superintendent for Elementary Schools), were notified by Principal Toy, via phone, regarding the reported incident involving Josh Dahl.
- Further dialogue happened by phone and FaceTime later that same evening, between Superintendent Slette and Principal Toy, and later Dr. Agre and Principal Toy. Principal Toy was still at school with access to the video, so she used FaceTime to share the video with Superintendent Slette and Dr. Agre.
- On Tuesday morning, April 30, Dr. Agre met with Principal Toy at Osgood Elementary to review the video of the incident and to gather more background information. Brittnee Nikle (Human Resources Director), Superintendent Slette, and Dr. Agre then met to determine the next steps towards an investigation. Dr. Agre filed a 960 with Cass County Social Services.

- On Tuesday afternoon, April 30, Mr. Dahl was placed on administrative leave pending an investigation into the alleged wrongdoing that occurred in the gym on April 12th, 2024.
- On April 30, in the late afternoon, Jann Neameyer from Children and Family Services, a branch of the North Dakota department of Human Services, reached out to Dr. Agre by phone. It was determined the two entities would work collaboratively on the investigation.
- On April 30, both sets of parents whose children were involved were called by Dr. Agre to inform them of the concern and to set up a time to visit. The parents were told that Jann Neameyer would be reaching out to them as part of her investigation.
- On May 1, Dr. Agre emailed [REDACTED] parents with follow-up information.
- On May 2, the parents of [REDACTED] [REDACTED] emailed Principal Toy about a concern. The parents were not certain of the date of the incident, but [REDACTED] stated that Mr. Dahl pushed her and another student (later determined to be [REDACTED] into the wall while in the hall.
- On May 8, a formal complaint was filed by [REDACTED] regarding her son, [REDACTED]. The complaint outlined a concern that her son was injured by Mr. Dahl on January 24, 2024, when Mr. Dahl left a bruise on [REDACTED] shoulder during a transport to the Owl Zone.
- The news media picked up the story regarding Mr. Dahl's administrative leave, which likely prompted the parents of the two other students to come forward with concerns. These concerns were investigated as part of the original complaint.

II. Summary of Allegations:

- a. Mr. Dahl violated policy when he physically moved two students during a program in the gym on April 12, 2024.
- b. Mr. Dahl violated district policy when he left a bruise on a student during a transport to the Owl Zone on January 24, 2024.
- c. Mr. Dahl violated district policy when he pushed two students against the hallway wall on an unknown date.

III. Information Gathering:

a. Interviews

[REDACTED], Grade 3 Teacher

[REDACTED] Grade 3 Teacher

[REDACTED] Grade 3 Teacher

[REDACTED] Instructional Coach
Kristi Toy, Osgood Principal (2)
Josh Dahl, Osgood Assistant Principal (2)
[REDACTED], Student
[REDACTED], Mom
[REDACTED], Special Education Teacher
[REDACTED], Student
[REDACTED], Mother
[REDACTED], Mother

- b. Training
- c. Applicable Policies

IV. Findings:

- a. **Allegation:** Mr. Dahl violated policy when he physically moved two students during a program in the gym on April 12, 2024.

Finding: The policy was not followed.

Policies & Forms / FCC-AP: Physical Intervention and Crisis Prevention (k12.nd.us)

Mr. Dahl appeared to be trying to get students seated quickly to start the scheduled program on time. The two students, [REDACTED] reported not understanding Mr. Dahl's request to move out of the walkway, so he first put his hands on [REDACTED] to bring her to her feet (she seemed to stand up on her own) and moved her over about a foot. Mr. Dahl then reached for [REDACTED] lower arm to physically assist her, but she pulled away and moved over on her own. It is unclear if [REDACTED] was bruised in this incident, but it did not appear on the video to be aggressive enough to potentially cause physical harm. Mr. Dahl appeared to be in a hurry.

During [REDACTED] interview, she said she did not understand what Mr. Dahl wanted her to do. [REDACTED] felt "heartbroken" by the incident but said she was not physically hurt. The original complaint was said to be made by [REDACTED] father to [REDACTED] however, [REDACTED] father said he did not report the incident to anyone, and he did not want to be interviewed. He sent the following message to Mr. Dahl upon hearing about the investigation in the media.

██████████ mother shared detailed information in an email to Principal Toy regarding the incident and how it impacted her daughter. She was also interviewed by Dr. Agre and Jann Neameyer.

A physical escort or transport in this situation violates policy because the students were not engaged in behavior that posed an immediate risk of harm to self or others.

- b. **Allegation:** Mr. Dahl violated district policy when he left a bruise on a student's shoulder during a transport to the Owl Zone on January 24, 2024.

Finding: The policy was followed.

Policies & Forms / FCC-AP: Physical Intervention and Crisis Prevention (k12.nd.us)

The policy was not followed.

Policies & Forms / FCA-D: Child Abuse and Neglect (k12.nd.us)

██████████ is a first grader who receives special education services for a primary disability of Emotional Disturbance. Osgood staff meet with ██████████ mother once a month and also provides a daily report home daily to communicate his progress and areas for continued growth. Notes from monthly meetings, PowerSchool Logs, and behavior logs indicate multiple incidents a month involving property damage, peer injury, staff injury, or mat seclusion.

On January 24, logs indicate that ██████████ came to Owl Zone for a yellow zone break because he was in the general education classroom walking around the class making loud noises and being disruptive. He was escorted by staff to the Owl Zone for a break, but when entering the Owl Zone, he went to the green zone which is for students who receive rewards. He was prompted to leave the area but refused. He was prompted again but did not comply and started saying the "N" word. ██████████ was prompted to walk to the red zone since he chose to say a bad word. When entering the red zone ██████████ became upset and began screaming, cussing, spitting, and hitting staff. Mr. Dahl reported trying to de-escalate the situation but was bitten during the event. Additionally, ██████████ was punching and kicking, and eventually punched Mr. Dahl in the crotch. Mr. Dahl stated he used one hand to try and hold ██████████ back and the other to protect his lower body from injury.

██████████ parents brought their concern to Principal Toy and Mr. Dahl the next day, stating a bruise was found on ██████████ during bathtime. Mr. Dahl said he could have been the one that caused the bruise. He stated he would apologize to ██████████. There was no other discussion of the incident until the parents filed a complaint on May 8, 2024.

Interviews and behavior logs indicate that ██████████ displays complex behaviors daily. Mr. Dahl, and other staff that work with ██████████, are Safety Care trained, which decreases the likelihood of injury. It is the investigators' opinion that Mr. Dahl did not intend to injure ██████████ and was doing his best to protect himself and others in the vicinity, as well as ██████████ during an intense behavior episode.

North Dakota state law mandates that schoolteachers and administrators having knowledge of or reasonable cause to suspect that children coming before them in their official or professional capacities are abused or neglected shall report the circumstances to Cass County Social Services.

Mr. Dahl and/or Principal Toy should have reported the bruise to Cass County Social Services and Dr. Agre once they were made aware. By not reporting the bruise, they violated the Child Abuse and Neglect policy (see link above).

- c. **Allegation:** Mr. Dahl violated district policy when he pushed two students against the wall on an unknown date.

Finding: The policy was not followed.

[Policies & Forms / FCC-AP: Physical Intervention and Crisis Prevention \(k12.nd.us\)](#)

There was no need to physically move the students as they were not a danger to themselves or others. The student, ██████████ did not recall when it occurred, but she stated that she liked all her teachers and staff except for an incident with Mr. Dahl, who once grabbed her and another student by the arms and pushed them against the wall without explaining why. The parents of the second student did not want their son to be interviewed. They spoke highly of Mr. Dahl.

The investigators concluded that the students were not where they were supposed to be, so Mr. Dahl physically helped them move. Mr. Dahl was not angry with the students and did not hurt them; rather, he was attempting to keep order in the hallway. The students may have benefited from a conversation with Mr. Dahl at that time since they did not know what Mr. Dahl wanted them to do.

V. **Conclusions:** based on interviews conducted in evidence reviewed and gathered during the investigation, the investigators draw the following conclusions:

- a. Inconsistencies were noted throughout the investigation; educator and student recollections were not aligned in many cases, making it very difficult to determine exactly what occurred and when.
- b. West Fargo school board policy states the superintendent will maintain a climate characterized by support and encouragement for the physical, mental, and emotional health of all students. Although there were inconsistencies in the interviews conducted, we conclude the students and teachers involved expressed varying levels of disappointment, fear, sadness, and confusion regarding Mr. Dahl's approach to keeping order in the school.
- c. To minimize the need for physical restraint to respond to dangerous behavior, the educators shall use behavioral intervention strategies to the extent possible.
- d. All staff are to be trained in identifying the need for behavioral intervention strategies and in implementing these interventions once established. The staff involved were trained according to district records and confirmed in interviews.
- e. Mr. Dahl has a strong physical presence, and his voice is loud; this sometimes scares or causes concern for some students and educators.
- f. Mr. Dahl moves quickly, and in some cases, he places his hands on students to speed things up; this is not necessary and must cease immediately.
- g. Lack of communication, documentation, follow-through, and a general mistrust of building administration was noted in several interviews.
- h. Although all staff received the required training for mandated reporting and physical intervention and crisis prevention, there was a lack of understanding by both teachers and administrators on when and how to report such incidents.

VI. Course of Action: The detailed findings and conclusions noted herein support disciplinary and/or corrective action.

- a. Principal Kristi Toy will be placed on Plan of Improvement (POI) which will be monitored by her supervisor, Dr. Agre.
- b. Principal Kristi Toy will receive a one-on-one mentor to improve deficiencies outlined in the improvement plan.
- c. Assistant Principal, Josh Dahl, will receive a letter of deficiency for the policy violations.
- d. Assistant Principal, Josh Dahl, will be placed on a Plan of Improvement which will be monitored by his supervisor, Kristi Toy, with support from her mentor and Dr. Agre.
- e. All staff at Osgood will receive the required legal training but will also receive follow-up training to ensure understanding compliance of district policies.