



MEMORANDUM OF AGREEMENT

BETWEEN

Educational Service District 123
(Hereinafter referred to as ESD 123)
3924 West Court Street
Pasco, WA 99301
Tel: 509-547-8441
Fax: 509-544-5795

AND

Kennewick School District
(Hereinafter referred to as District or Contractor)
1000 W. Fourth Avenue
Kennewick, WA 99336
Tel: 509-222-5000

WHEREAS, the Educational Service District No. 123 (ESD 123) and Kennewick School District desire to enter into an agreement for Chuck Fleming to provide behavior management consultation and recommendations provided to the Special Education Director.

NOW, THEREFORE, in consideration of the premises and of the mutual promises herein, the parties hereto agree to enter into a contractual arrangement with the following terms and conditions:

I. PURPOSE:

The purpose of this Agreement is to observe special education students with significant behavior needs and provide recommendations for best practices.

II. RESPONSIBILITIES:

A. Kennewick School District agrees to:

Pay for services rendered at the cost of \$1,080 per day for 8 days. Days can be charged at the rate of half days or full days.

B. Educational Service District 123 will be responsible for:

Providing behavior management consultations services. This includes, but is not limited to:

- Observing staff
Observing students
Meeting with administrators
Providing specific recommendations

III. TERM OF THE AGREEMENT:

This Agreement shall commence on the 29th day of October, 2021 and shall terminate at midnight on the 22nd day of August, 2022.

IV. PROHIBITION AGAINST ASSIGNMENT:

Neither this agreement nor any interest therein may be assigned by either party without first obtaining the consent of the other party.

V. SUPPLANT:

No use of funds from this agreement shall be used to supplant existing programs.

**VI. INDEMNIFICATION:**

The District/Contractor and the ESD 123 agree to mutually indemnify and hold each other harmless for any and all claims which hereafter arise on the part of any and all persons as a direct or indirect result of the District/Contractor or the ESD 123 employees or agents performance or failure to perform duties pursuant to this agreement.

**VII. APPLICABLE LAW:**

The laws of the State of Washington shall govern this Agreement.

**VIII. VERBAL AGREEMENTS:**

This written agreement constitutes the mutual agreement of District/Contractor and ESD 123 in whole. No alteration or variation of the terms of this Agreement and no oral understandings or agreements not incorporated herein, unless made in writing between the parties hereto, shall be binding.

**IX. SUSPENSION AND DEBARMENT:**

District/Contractor hereby certifies, by signing this agreement, it is not on the Excluded Parties List Report, that they, nor their Principals, are presently debarred, suspended, proposed for debarment, or declared ineligible, or voluntarily excluded for the award of agreements by any Federal governmental agency or department. (Principals, for purposes of this certification, mean officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity). District/Contractor shall provide immediate written notice to ESD 123 if, at any time during the term of this Agreement, including any renewals hereof, it learns that its certification was erroneous when made or has become erroneous by reason of changed circumstances.

**X. NONDISCRIMINATION:**

No person shall, on the grounds of race, creed, color, national origin, gender or handicapping condition be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under activities performed pursuant to this Agreement.

**SIGNATURES:**

In witness whereof, the Superintendent of ESD 123 and the District/Contractor certify that they have read, understood, and executed this entire agreement.

DocuSigned by:  
*Darcy Weisner*  
Darcy Weisner, Superintendent ESD 123  
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DocuSigned by:  
*[Signature]*  
District/Contractor's Signature  
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10/31/2021 | 8:43 AM

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*[Signature]*