1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND) 4 FINAL ORDER OF PUBLIC Educator License of) 5 BENNO LYON REPRIMAND AND PROBATION 6 7 On March 16, 2018, the Teacher Standards and Practices Commission 8 (Commission) received a report from the Oregon Trail School District (OTSD) indicating 9 possible professional misconduct on the part of licensed educator, Benno Lyon (Lyon). 10 After review of the matters alleged, Lyon and the Commission agree that their 11 respective interests, together with the public interest, are best served by a stipulation to 12 certain facts, the imposition of a Public Reprimand, and a period of probation. 13 This Order sets forth the facts upon which the parties have agreed and the 14 sanction to be imposed. Lyon stipulates that there are sufficient facts contained in the 15 Commission's files and records to support the findings of fact and conclusions of law set 16 forth below. In entering into this stipulation, Lyon waives the right to a hearing to 17 contest the findings of fact, conclusions of law and order set forth below. 18 By signing below, Lyon acknowledges, understands, stipulates, and agrees to the 19 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 20 findings of fact, conclusions of law, and order set forth below, and fully and finally 21 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of 22 Facts and Final Order of Public Reprimand and Probation (Stipulation and Final Order); 23 (ii) this Stipulation and Final Order is a public document and disclosed to the public 24 upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does 25 not approve and adopt this Stipulation and Final Order, then neither Lyon nor the 26 27 Commission are bound by the terms herein; (iv) he has fully read this Stipulation and 28 Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of 29 30 the Stipulated Final Order below; (vi) he states that no promise or representation has

been made to induce him to sign this Stipulation and Final Order; and (vii) he has

consulted with an attorney regarding this Stipulation and Final Order and has been fully

attorney prior to entering into this Stipulation and Final Order and issuance and entry of

advised with regard to his rights thereto, or waives any and all rights to consult with an

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the Stipulated Final Order below.

STIPULATION OF FACTS

The Commission has licensed Lyon since April 16, 2003. Lyon holds a
 Professional Teaching License, with endorsements in Foundational English
 Language Arts (PK-12); Foundational Mathematics (PK-12); Foundational Social
 Studies (PK-12); Integrated Science (PK-12); and Legacy Middle Level (PK-12),
 valid from June 22, 2016, through June 21, 2021. During all relevant times, Lyon
 was employed by OTSD.

- On March 16, 2018, the Commission received a report from the Oregon Trail
 School District (OTSD) indicating Lyon may have committed an act of gross
 neglect of duty and/or gross unfitness. Specifically, unprofessional interactions
 with students.
- 3. Investigation determined the following: On March 2, 2018, a female middle school student (AW) and her mother met with Lyon's principal and alleged that Lyon gets too close to her when she is working and that he has touched her hand.
- 4. OTSD conducted an investigation, and on March 14, 2018, interviewed nine students, including AW. In her interview, AW made additional allegations against Lyon beyond those she communicated on March 2, 2018. She and three other female students claimed in their interviews that Lyon had touched their lower back, sides, rear end and/or hands during class. Three other female students interviewed said he had never touched them. Several of the students also claimed Lyon stared at female students' rear-ends and breasts. The four students who made touching allegations were all in Lyon's 6th period Science class and all came to speak to the principal together. No male students reported being touched as described by the female students, and no touching was reported by any students in Mr. Lyon's other classes.
- 5. Lyon denies any inappropriate touching. While he may have had incidental contact during class or put his hand on students' upper backs to guide them or as he leaned over to assist them on their computers (he is 6' 3" and has had three back surgeries), he denies ever touching any student on the rear end or any other sensitive area. He also denies ever staring at students' chests or rear ends. Because he was a probationary teacher with no rights to challenge the allegations in any outside forum, on March 14, 2018, prior to the completion of the district's investigation, Lyon submitted a letter of resignation to OTSD, effective immediately. OTSD confirmed Lyon's conduct violated district policy.

1	6. The Commission has no record of any prior reports or complaints regarding Lyon
2	since he obtained his Oregon teaching license in 2003.
3	IT IS SO STIPULATED:
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4 5	Benno Lyon Date
6	TTQ D. 1 5/21/19
7 8	Trent Danowski, Deputy Director Date
9	Teacher Standards and Practices Commission
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11	CONCLUSION OF LAW
12	The conduct described above constitutes gross neglect of duty in violation of ORS
13	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use
14	professional judgment), OAR 584-020-0025(2)(e) (Using district lawful and reasonable
15	rules and regulations), and OAR 584-020-0040(4)(0) as it incorporates, OAR 584-020-
16	0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and
17	conversations at all times).
18	
19	The Commission's authority to impose discipline in this matter is based upon
20	ORS 342.175.
21	ORDER
22	The Commission adopts and incorporates herein the above findings of fact and
23	conclusions of law, and based thereon, imposes a Public Reprimand on Benno Lyon's
24	Oregon educator license.
25	Furthermore, the Commission imposes a period of two (2) years of probation
26	upon Lyon's licensure to commence from the date this order is signed by the
27	Commission and subject to the following conditions:
28	Lyon shall comply with the Standards for Competent and Ethical Performance of
29	Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
30	Issued and dated this day of June, 2019.
31	TEACHER STANDARDS AND PRACTICES COMMISSION
32	STATE OF OREGON
33	By Ann
34	Dr. Anthony Rosilez, Executive Director
U-T	DI. Initiony Roomes, Executive Director