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In the Matter of the)
Teaching License of)
LYLE DAVID MANN)

On August 14, 2009, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Lyle David Mann (Mann) in which the Commission charged him with Gross Neglect of Duty pursuant to OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5); OAR 584-020-0015(3)(a); OAR 584-020-0025(3)(a); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(2)(b), OAR 584-020-0035(3)(a); and OAR 584-020-0040(4)(c). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7008 1140 0002 8580 9508 to the address on file with the Commission. The U.S. Postal Service delivered two notices to Mann, the first on August 17, 2009, and the second on August 22, 2009, in an attempt to deliver this certified mail, before returning the certified mail receipt to the Commission on September 2, 2009. The first class mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated August 14, 2009 and signed by Victoria Chamberlain, Executive Director, stated:

“You, Lyle David Mann, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice.”

Mr. Mann did not request a hearing. The Commission, therefore, finds Mr. Mann to be in default and enters the following findings of fact, conclusions of law and order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. Lyle Mann was first licensed by the Commission in 1986. He was originally issued a Standard Teaching License with an endorsement in Standard Agricultural Science, effective 12/1/1986 to 12/20/1991. This Standard Teaching License was most recently renewed on 01/23/2001 and expired on 12/20/2006. Mann was first issued a Basic Administrator's License in 1997. His most recent Standard Administrative License was effective 12/27/1999 to 12/20/2004. Mann has not applied to renew either of these licenses.

- 1 2. On or before September 2004, Lyle Mann was director of professional, technical, and alternative
2 education programs for the Union-Baker Education Service District (UBESD). As director of
3 these programs, he was responsible for supervising various employees in the administration of
4 the UBESD's programs throughout the state. Part of his responsibilities included overseeing
5 employee reporting of UBESD Average Daily Membership (ADM), a system used by the
6 Department of Education to determine portions of the State School Fund (SSF) that is paid to
7 each school district.
8
9 3. While directing the various UBESD programs, the UBESD was responsible for providing
10 alternative education services to 41 school districts. The UBESD was responsible for tracking
11 student attendance and calculating ADM for students attending the UBESD programs. Between
12 the 1999-2000 and 2003-2004 school years, the UBESD, through various employees, submitted
13 false or erroneous ADM data to school districts served by the UBESD. The ADM data was
14 submitted to school districts to bill school districts for services provided by the UBESD. In turn,
15 those districts provided the false or erroneous ADM information to the Oregon Department of
16 Education to receive funding from the State School Fund. The submission of false or erroneous
17 ADM information resulted in the school districts improperly claiming approximately 626 ADM,
18 and receiving approximately \$3.4 million dollars from the SSF that the districts were not entitled
19 to. The false or erroneous information provided by the UBESD included:
20
21 a. Reporting excessive ADM;
22 b. Claiming ADM for non-resident students;
23 c. Claiming ADM outside of allowed age limits;
24 d. Making multiple ADM claims for the same students.
25

26 Lyle Mann was a primary contact with school districts in connection with ADM calculations.
27

- 28 4. As director of professional, technical and alternative education programs for the UBESD, on one
29 or more occasions Mr. Mann directed or allowed employees, including himself, to submit
30 erroneous or false ADM information to school districts.
31
32 5. While employed by the UBESD, Lyle Mann submitted claims for travel reimbursement or
33 incurred expenses. The reimbursements/expenses included the following:
34
35 a. Between July 1, 2001, and June 30, 2003, Mr. Mann charged approximately \$2010 on a
36 UBESD credit card for restaurants in the local La Grande area without supporting
37 documentation that it was for a legitimate business purpose.
38
39 b. Mr. Mann claimed reimbursement for twenty-four out of town trips for which there was no
40 supporting documentation. Of these twenty-four trips, twelve trips showed conflicting
41 geographical charges/phone calls with the geographic location of the expense or travel
42 claimed.
43
44 6. While employed by the UBESD, Mr. Mann directed or allowed an employee to submit travel
45 reimbursement for mileage not incurred in order to reimburse the employee for providing
46 meals/alcohol to UBESD clients.
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CONCLUSIONS OF LAW

Lyle David Mann's conduct violated Commission standards as follows:

Allowing false or erroneous ADM information to be reported, as described in paragraph 3 above, constituted gross neglect of duty under ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0015(3)(a) (*Skill in assisting individual staff members to become more competent educators by complying with federal state and local laws, rules, and lawful and reasonable district policies and contracts*); OAR 584-020-0025(3)(a) (*Leadership skills in managing school, students, staff and programs...*) and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(2)(b) (*Conduct professional business, including grievances, through established lawful and reasonable procedures*).

Submitting false ADM information, as described in paragraph 4 above, constitutes gross neglect of duty under ORS 342.175(1)(b); OAR 584-020-0040(4)(c) (*Knowing falsification or misrepresentation related to licensure, employment, or professional duties*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*); OAR 584-020-0035(2)(b) (*Conduct professional business, including grievances, through established lawful and reasonable procedures*) and OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*).

Submitting travel costs for reimbursement without proper documentation, as described in paragraph 5 above, constitutes gross neglect of duty under ORS 342.175(1)(b); OAR 584-020-0040(4)(c) (*Knowing falsification or misrepresentation related to licensure, employment, or professional duties*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*); OAR 584-020-0035(2)(b) (*Conduct professional business, including grievances, through established lawful and reasonable procedures*) and OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*).

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2 Submitting travel reimbursement for mileage not incurred, as described in paragraph 6 above,
3 constitutes gross neglect of duty under ORS 342.175(1)(b); OAR 584-020-0040(4)(c) (*Knowing*
4 *falsification or misrepresentation related to licensure, employment, or professional duties*); OAR 584-
5 020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by*
6 *respecting and obeying the law, exemplifying personal integrity and honesty*); OAR 584-020-0035(2)(b)
7 (*Conduct professional business, including grievances, through established lawful and reasonable*
8 *procedures*) and OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
9 *judgment*).

10
11 **FINAL ORDER**

12 The Commission hereby revokes the right of Lyle David Mann to apply for Oregon
13 educator licenses.

14
15 Approved by the Commission on November 6, 2009, effective November 9, 2009.

16 IT IS SO ORDERED THIS 12th day of July, 2010.

17 TEACHER STANDARDS AND PRACTICES COMMISSION

18
19
20 By: 
21 Victoria Chamberlain, Executive Director
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24
25

26 **NOTICE OF APPEAL OR RIGHTS**

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28 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
29 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
30 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
31 THE OREGON COURT OF APPEALS.
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