

**MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**

**August 2014**

**CONSIDERATION TO DISCIPLINE THE  
LICENSE TO TEACH OF LYLE DEHUES, CASE # HR 14-002**

**STATUTORY AUTHORITY:**

Section 168.071, RSMo

Consent  
Item

Action  
Item

Report  
Item

**DEPARTMENT GOAL NO. 3:**

Missouri will prepare, develop, and support effective educators.

**SUMMARY:**

Lyle DeHues, Respondent, holds lifetime certificates of license to teach in the areas of instrumental music, grades K-12; and vocal music, grades K-12.

Respondent was investigated by the Children’s Division, Department of Social Services for alleged child abuse involving minor students at the school in which he taught. In November 2011, the Children’s Division investigator made a finding of a preponderance of the evidence for sexual abuse of a minor by Respondent. In August 2012, the Child Abuse/Neglect Review Board upheld this finding as a result of an administrative review requested by Respondent.

Respondent received notice of a hearing on this matter, but was not present either personally or through counsel.

**PRESENTER(S):**

Mark Allan Van Zandt, General Counsel, will participate in the presentation and discussion of this agenda item.

**RECOMMENDATION:**

It is recommended that the State Board of Education revoke Lyle DeHues’ teaching certificates pursuant to its authority under Mo. Rev. Stat. § 168.071 (Supp. 2013).

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF MISSOURI

IN THE MATTER OF:	)	
	)	
Department of Elementary and	)	
Secondary Education,	)	
Petitioner,	)	
	)	
v.	)	Case No. HR 14-002
	)	
Lyle DeHues,	)	
Respondent.	)	

Introduction

This matter was held on April 23, 2014, before Kristen A. Morrow, Hearing Officer designated by the Commissioner of Education. Those present were:

- Curtis Schube, Counsel for Department of Elementary and Secondary Education;
- Margery Tanner, Director, Educator Certification, Department of Elementary and Secondary Education;
- Dana Keilholz, Legal Assistant, Department of Elementary and Secondary Education;
- and
- Joni Beem, Out-of-Home Investigator (OHI), Children’s Division, Department of Social Services, Witness for Petitioner, via telephone.

Findings of Fact

1. Lyle DeHues, Respondent, holds lifetime certificates of license to teach in the areas of instrumental music, grades K-12; and vocal music, grades K-12; issued on July 2, 1975, and July 2, 1969, respectively. Respondent’s certificates are current and active and were so during all times material herein (Petitioner’s Exhibit 2) (Transcript page 12, line 1 – page 13, line 12).
2. On or about November 7, 2011, Joni Beem, OHI, Children’s Division, Department of Social Services, made a finding of preponderance of the evidence for sexual abuse of LNT, a minor, by Respondent. Respondent sought a review of the finding by the OHI Unit Manager. By letter dated February 6, 2012, the OHI Unit Manager upheld the OHI’s finding and forwarded the case to the Child Abuse/Neglect (CA/N) Review Board for an administrative review. On August 3, 2012, the CA/N Review Board notified Respondent that it upheld the preponderance of the evidence finding, and Respondent’s name was entered into the Central Registry (Petitioner’s Exhibit 3) (Transcript page 19, line 5 – page 22, line 22).

3. On or about November 1, 2011, Joni Beem, OHI, Children's Division, Department of Social Services, made a finding of preponderance of the evidence for sexual abuse of CN, a minor, by Respondent. Respondent sought a review of the finding by the OHI Unit Manager. By letter dated February 6, 2012, the OHI Unit Manager upheld the OHI's finding and forwarded the case to the CA/N Review Board for an administrative review. On August 3, 2012, the CA/N Review Board notified Respondent that it upheld the preponderance of the evidence finding, and Respondent's name was entered into the Central Registry (Petitioner's Exhibit 4) (Transcript page 22, line 24 – page 26, line 18).
4. From 2007 to 2011, Respondent taught music classes at Della Lamb Charter School in Kansas City (Petitioner's Exhibit 2) (Transcript page 12, line 1 – page 13, line 12).
5. LNT and CN were students of Respondent at Della Lamb (Petitioner's Exhibits 3 and 4) (Transcript page 17, line 23 – page 18, line 7 and transcript page 23, line 10 – page 25, line 25).
6. Joni Beem, OHI, Children's Division, Department of Social Services, investigated the allegations of child abuse by Respondent of LNT and CN (Transcript page 14, line 21 – page 17, line 1).
7. In her investigation of Respondent regarding LNT, Ms. Beem made a preponderance finding of child abuse based on the following: Respondent asked LNT to marry him when she turned 18; Respondent has given LNT a book about an old man marrying a young girl; Respondent has touched LNT's breasts; Respondent kissed LNT; Respondent took LNT to his home and showed her computer images of a girl, CN, exposing her privates; and Respondent talked to her about her period and private areas (Petitioner's Exhibit 3) (Transcript page 19, line 5 – page 22, line 2).
8. At the time, LNT was 11 years old (Petitioner's Exhibit 3) (Transcript page 22, lines 3 – 7).
9. In her investigation of Respondent regarding CN, Ms. Beem made a preponderance finding of child abuse based on the following: Respondent had photographs of CN he had obtained from her computer when holding it for safekeeping while her family was on vacation – prior to the vacation, CN had taken photos of herself at home with her genitals exposed; Respondent gave CN three (3) options: He told CN he would keep quiet about the photos and teach her how to have an orgasm; he told CN he would tell her grandmother and mother about the photos, and a friend would report her to the police; or he would let his friend call the police and let the police deal with it (Petitioner's Exhibit 4) (Transcript page 23, line 3 – page 26, line 4).
10. At the time, CN was approximately 14 years old (Petitioner's Exhibit 4) (Transcript page 19 – 25).

11. By letters dated February 13, 2014, and April 8, 2014, Respondent received notice of this complaint and hearing scheduled for April 23, 2014 (Petitioner's Exhibit 1) (Transcript page 7, line 15 – page 10, line 2).
12. On April 10, 2014, a hearing was held before Kristen A. Morrow, designated Hearing Officer. The Respondent was neither present nor represented by counsel. Respondent submitted a written statement in response to the OHI's findings (Hearing Officer's Exhibit A) (Transcript page 5, line 21 – page 6, line 2 and transcript page 27, line 24 – page 28, line 24).

#### Conclusions of Law

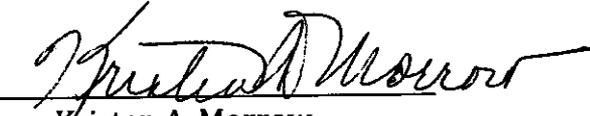
1. These charges were set for hearing and notice was served on Respondent in compliance with the requirements of Mo. Rev. Stat. § 536.067 (2000).
2. Mo. Rev. Stat. § 168.071.1 (Supp. 2013) authorizes the State Board of Education to discipline a certificate of license to teach for the following causes:  

*(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder[.]*
3. Based upon the notice of hearing and documentation by the CA/N Review Board, Children's Division, Department of Social Services upholding the findings of a preponderance of evidence for child abuse by Respondent, the State Board of Education, pursuant to Mo. Rev. Stat. § 168.071 (Supp. 2013), is authorized to suspend or revoke the certification of Lyle DeHues.

#### Recommendation

Respondent's conduct with minor students LNT and CN, as documented by the OHI, Children's Division, Department of Social Services, resulting in his placement on the Central Registry, constitutes incompetence, immorality, and/or neglect of duty. It is recommended that the State Board of Education revoke Respondent's certificates.

Submitted this 30th day of June 2014, by the  
designated Hearing Officer for the Commissioner  
of Education.

  
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Kristen A. Morrow  
Hearing Officer