

In the Matter of the Educator )  
License of )  
RASPBERRY (Formerly Randal Dean Berry) )

DEFAULT ORDER OF  
REVOCATION OF  
EDUCATOR LICENSE

“IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”

## FINDINGS OF FACT

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1 area of unnecessary physical force to restrain students. Investigations by the  
2 Commission, the school district, and local law enforcement identified the following  
3 unprofessional conduct: On October 20, 2011, Raspberry was issued a letter of  
4 reprimand and final warning regarding a pattern of use of unreasonable physical  
5 force and restraints employed by Raspberry against students. This letter provided  
6 very specific examples of Raspberry's improper restraints and use of force. One  
7 specific example included Raspberry's interactions with student [REDACTED]. According to  
8 district reports and witnesses, Raspberry's improper physical restraint of [REDACTED]  
9 resulted in injury to [REDACTED] including bruising of his arms. Prior to these events,  
10 Raspberry was provided training regarding proper ways to restrain students when  
11 required and alternatives to physical contact with students.  
12

- 13 3. On April 24, 2013, the Commission received a report from Portland Public Schools  
14 indicating that Raspberry had violated professional standards by sexually harassing  
15 a fellow employee by engaging in unwelcome verbal sexual comments and  
16 unwelcome physical sexual contact. Investigation determined that on or about  
17 February 1, 2013, while working at school on a grading day where students were not  
18 in attendance, Raspberry sexually assaulted another teacher. Teacher KO stopped by  
19 Raspberry's room to talk. Raspberry approached KO, lifted up his untucked shirt,  
20 looked at his groin and made a sexual comment. Uncomfortable, KO returned to his  
21 room and Raspberry followed. Raspberry walked up behind KO, placed his left hand  
22 on KO's shoulder while reaching around KO with his right hand and grasped KO's  
23 genitals on the outside of his clothing. Raspberry said something similar to "*What I*  
24 *could do with that*", then Raspberry let go and left the room. A few minutes later  
25 Raspberry returned to KO's classroom and apologized stating, "I shouldn't have  
26 grabbed you down there. I don't know what I was thinking. You're not as big as I  
27 thought". A police investigation resulted in Raspberry being charged with Sex Abuse  
28 in the 3<sup>rd</sup> degree and Harassment. On January 17, 2014, Raspberry pled guilty to and  
29 was convicted of Harassment, a class A misdemeanor. Raspberry was sentenced to  
30 two days in jail and 36 months of probation. The terms of Raspberry's sentencing  
31 included no contact with children, a sex offender program, a

1 polygraph/plethysmograph and Raspberry is not allowed to frequent places where  
2 children congregate.

- 3 4. Raspberry refused to comply with multiple requests by the Commission to meet with  
4 their investigator to be interviewed and / or provide documents as required.  
5

### 6 CONCLUSIONS OF LAW

7 Raspberry's conduct described in section 2 above constitutes gross neglect of duty in  
8 in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-  
9 020-0010(1) (*Recognize the worth and dignity of all persons and respect for each*  
10 *individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-  
11 0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and OAR 584-  
12 020-0040(4)(d) (*Unreasonable physical force against students, fellow employees, or*  
13 *visitors to the school, except as permitted under ORS 339.250*).

14 Raspberry's conduct described in section 3 above establishes that you do not possess  
15 good moral character or mental and physical fitness as required to hold a license under ORS  
16 342.143(2). Furthermore, Raspberry's conduct constitutes gross neglect of duty in violation of  
17 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1)  
18 (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-  
19 020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful*  
20 *and reasonable rules and regulations*); and OAR 584-020-0040(4)(o) as it incorporates  
21 OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and*  
22 *obeying the law, exemplifying personal integrity and honesty*). This conduct also  
23 constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)  
24 (*Conviction of violating any federal, state, or local law. A conviction includes any final*  
25 *judgment of conviction by a court whether as the result of guilty plea, no contest plea or*  
26 *any other means*), specifically ORS 166.065(4) (*Harassment*). Your conduct that resulted in  
27 the criminal charges and conviction also constitutes gross unfitness in violation of ORS  
28 342.175(1)(c); OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*  
29 *criminal conduct, even in the absence of a conviction*), specifically ORS 166.065(4)  
30 (*Harassment*) and ORS 163.415 (*Sexual Abuse in the Third Degree*).

31 Raspberry's conduct described in section 4 above constitutes gross neglect of duty in

1 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(p) (*Subject to the exercise of any*  
2 *legal right or privilege, failure or refusal by an educator under investigation to respond to*  
3 *requests for information, to furnish documents or to participate in interviews with a*  
4 *Commission representative relating to a Commission investigation*).  
5

6 The Commission's authority to impose discipline in this matter is based upon ORS  
7 342.175.

8 **FINAL ORDER**

9 The Commission hereby revokes Raspberry's Educator License.

10 IT IS SO ORDERED THIS 31<sup>st</sup> day of October, 2014.

11 TEACHER STANDARDS AND PRACTICES COMMISSION



12 By: \_\_\_\_\_  
13 Victoria Chamberlain, Executive Director  
14

15 **NOTICE OF APPEAL OR RIGHTS**

16  
17 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW  
18 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM  
19 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE  
20 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.