



1 2. On June 12, 2020, the Commission received a School District Misconduct Report  
2 from the Superintendent of the WESD. The report alleges that Gutierrez made a  
3 threat of violence against his supervisor at WESD. The threat came in the form of a  
4 YouTube video of a Cypress Hill song "I Ain't Goin' Out Like That." The song  
5 contains lyrics about using a gun to change the outcome of a situation.

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7 3. An investigation conducted by WESD determined the following:  
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- 9 • On February 27, 2020, Gutierrez was sent a non-renewal notice regarding his  
10 employment contract with WESD.
- 11 • Per WESD records, Gutierrez's contract was not renewed due to WESD  
12 determining that he had demonstrated unprofessional behavior on the job.
- 13 • On March 4, 2020, the WESD board consented to his contract non-renewal.
- 14 • Gutierrez opted contest the non-renewal matter at a hearing, which was set to  
15 go before the board on June 2, 2020.
- 16 • Gutierrez did not show for the hearing before the board.
- 17 • On June 9, 2020, Gutierrez sent his WESD supervisor a You Tube link to the  
18 Cypress Hill music video "I Ain't Goin' Out Like That."
- 19 • WESD referred Gutierrez's actions to the Marion County Threat Advisory  
20 Team, and he was trespassed from WESD property.

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22 4. On January 5, 2020, Commission investigative staff interviewed Gutierrez. During  
23 the interview, he reported WESD chose not to renew his contract because they were  
24 retaliating against him for raising parent concerns with some of the other ESD  
25 coordinators. Gutierrez also stated that he had complained to WESD about another  
26 staff getting a promotion over him, despite him being better qualified, and stated  
27 that he told WESD that this was racist. Gutierrez told the Commission investigator  
28 this was why he believed his contract was not renewed. Gutierrez was asked about  
29 the video he sent his supervisor and he stated that he takes responsibility for this.  
30 Gutierrez reported that he is an artist and see things more visually and stated he was  
31 depressed and indicated he felt like the young man being chased in the video.

1 Gutierrez reported that all the abuse, racism, and retaliation he experienced at  
2 WESD made him feel like he was running from a mob. Gutierrez reported to the  
3 Commission investigator that he should not have sent the video but stated this was  
4 how he expressed his feelings.

5 **CONCLUSIONS OF LAW**

6 The conduct described above constitutes gross neglect of duty in violation of ORS  
7 342.175(1)(b); OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-  
8 0025(2)(e) (*Using district lawful and reasonable rules and regulations*).

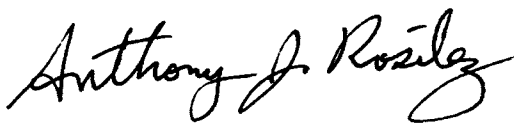
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11 The Commission's authority to impose discipline in this matter is based upon ORS  
12 342.175.

13 **FINAL ORDER**

14 The Commission hereby issues a thirty-day (30) suspension of Adrian Gutierrez's  
15 Oregon educator license. Upon successful reinstatement of licensure, Gutierrez will be place  
16 on probation for a period of two (2) years.

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18 IT IS SO ORDERED THIS 16<sup>th</sup> day of June, 2022.

19 **TEACHER STANDARDS AND PRACTICES COMMISSION**

20 By: 

21 Dr. Anthony Rosilez, Executive Director

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23  
24 **NOTICE OF APPEAL OR RIGHTS**

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