

LA ACADEMIA DOLORES HUERTA  
A Dual-Language Public Charter Middle School  
MEETING MINUTES  
SPECIAL GOVERNING BOARD MEETING  
September 2, 2010, 6:00PM

1. Call to order and Roll Call 6:03 PM: In attendance Dr. Rodriguez, Dr. Lucero, Mr. Soriano and Mr. del Plain. Mrs. Rodriguez arrived at approximately 6:15 PM during the closed session.
2. Motioned by Mr. Soriano and seconded by Dr. Lucero for the board to go into closed session. This motion was voted upon and approved in the unanimous at 6:04 PM.
3. The Board went into closed session at 6:04 PM.
4. Motioned by Mr. del Plain and seconded by Mr. Soriano to go into open session. This motion was voted upon and approved in the unanimous.
5. Mr. Gutierrez requested to review what was reviewed in closed session and read the documents that were presented to Mr. Gutierrez in closed session. Dr. Rodriguez reviewed the finalized House-P which Mr. Gutierrez stated was not complete. Dr. Rodriguez stated that he believes the House-P is now complete. It is also noted the patronizing and condescending way in which Mr. Gutierrez refers to Dr. Rodriguez's Ph.D. and professor of education leadership status during the meeting. Mr. Gutierrez stated that he and he alone is responsible for the budget and no one else. At the end of this document are the documents read during this section of the Special Board Meeting.
6. Motion by Mr. Soriano and seconded by Dr. Lucero to adjourn the meeting. This motion was voted upon and approved in the unanimous.

Below are the documents read aloud in section five of the meeting:

Date: September 2, 2010

To: Mr. Gilbert Gutierrez

From: Governing Council, La Academia Dolores Huerta

Subject: Notice of Reprimand based on Insubordination

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Evidence of the facts:

Insubordination as per NMAC 6.69.2.7B, is defined as “actual or implied willful refusal to follow written policies, regulations, rules, or procedures established by the public education department (PED), the local school board, or administrative authorities, or the lawful written or oral orders, requests or instructions of administrative authorities.

On Monday, August 16, 2010, at 8:50PM, in an email from Dr. Cristobal Rodriguez, subject name “Finalized Agenda”, Mr. Gutierrez was directed in the following manner: “Mr. Gutierrez please post accordingly and be prepared to submit your report; additionally at some point during the closed session the council might request your presence in order to respond to personnel related questions. Additionally, please have your personnel file ready as we will be discussing your contract.”

The Governing Council August 19, 2010 Agenda, which was originally sent to all Governing Council members and to Mr. Gutierrez on August, 10, 2010 at 8:29PM, specifically described that “Mr. Gutierrez is to provide a written report by August 19, 2010 in the regular meeting a written response to the following academic analysis and to every section and questions found on page 7 of this agenda.” Additional in that email Mr. Gutierrez was instructed “to provide a written report to the section on Academic Progress” and to “Please review and post the entire agenda.”

The Governing Council August 19, 2010 Agenda had 8 pages of items when it was finalized on August, 10, of 2010. Mr. Gutierrez only publicly posted pages 1 and 8 of the agenda, missing the sections on the academic analysis and Questions Based on the Academic Analysis Regarding Academic Proficiency. Additionally, Mr. Gutierrez failed to provide a written report to the Governing Council as instructed.

During the Governing Council August 19, 2010 meeting, as an agenda item of Principal Contract and salary raise, it was discussed how Mr. Gutierrez was receiving a 4.1% Salary raise for the 2010-2011 academic year. It was confirmed that in the April 27, 2010 Governing Council special meeting that salaries for all staff were reviewed. It was also confirmed that salary percent raises were only discussed for teachers and staff, and not for Mr. Gutierrez on April 27, 2010 through the testimony of all present board members on that date. Mr. Gutierrez testified that his salary raise was discussed and by approving the new budget meant providing him the salary raise, and directed Gina Trujillo to confirm his testimony. The 4.1% principal salary raise was originally and first reported by the June 15 LCPS School Board meeting reviewing the LADH annual budget. Additionally, the 4.1% raise is not reflective of the signed 3-year contract. It was voted at the August 19, 2010 meeting to reaffirm that the contract remain the same and therefore the salary of Mr. Gutierrez remain the same.

During the April 27, 2010 Special Meeting to approve the LADH 2010-2011 Budget, Mr. Gutierrez was asked by the governing council if the deadline to approve and submit the budget could be extended. The response by Mr. Gutierrez was that such a request should not occur. It was confirmed by the Chair of the Governing Council that as per state code the deadline to approve the budget was in June, and the deadline in April was only for the administration to submit a budget for initial review, but did not need approval at that time.

During the Governing Council meeting on August 19, 2010, at the point in the agenda of Closed Session, Mr. Gutierrez asked if he needed to be available at some point in the closed session. The Chair, Dr. Rodriguez responded with a yes.

During the Closed Session agenda item in the August 19, 2010 meeting, Dr. Rodriguez requested from Mr. Gutierrez his personnel file to view his contract. Mr. Gutierrez replied that he did not have it and Gina Trujillo, the administrative assistant had his file and that she is no longer available.

During the Closed Session agenda item in the August 19, 2010 meeting, Mr. Gutierrez instructed the Governing Council to turn off all the lights in the building and close front door behind them, and proceeded to leave for the night.

During the Closed Session agenda item in the August 19, 2010 meeting, immediately after the departure of Mr. Gutierrez, board members expressed concern with his insubordinate behavior. Board members felt that his departure undermined the commitment, efforts, and responsibilities of the Governing Council, and displayed disrespect to all governing council members. Additionally, it was expressed by several board members that this type of behavior has been evident in numerous board meetings, thus establishing a pattern of disrespect to the commitment, efforts, and responsibilities of the Governing Council. Additionally, it is evident that these actions are deemed as insubordination as per NMAC 6.69.2.7B, and violate the Code of Ethics and Standards of Professional Conduct, of NMAC 6.60.9 Code of Ethical Responsibility of the Education Profession.

Lastly, it has been reported by numerous staff members from La Academia Dolores Huerta, that Mr. Gilbert Gutierrez as ordered staff members not to speak to the Governing Council of La Academia Dolores Huerta, and making disrespectful statements such as "They do not do anything, and you can tell them that". Additionally, it has been that Mr. Gutierrez is harassing individual staff members that have come forward or interact with members of the Governing Council of LADH. This not only violates U.S. Constitutional Rights of staff members to engage in verbal communication with Governing Council members, but also violates the Code of Ethics and Standards of Professional Conduct, of NMAC 6.60.9 Code of Ethical Responsibility of the Education Profession.

Therefore, Mr. Gilbert Gutierrez, is being asked through this Notice of Reprimand to follow the attached Corrective Action Plan. Additionally, this Corrective Action Plan, along with the Educational Plan for Student Success (EPSS) of La Academia Dolores Huerta for 2010-2011, are to be integrated in order to inform and shape Housse-P Form B, NM Principal Professional Development Plan, by Mr. Gilbert Gutierrez, and due on September 16, 2010 at the GC regular meeting.

Respectfully,

Governing Council of La Academia Dolores Huerta Public Charter M.S.

## Unsatisfactory Work Performance: Corrective Action Plan Based on Notice of Reprimand for Mr. Gilbert Gutierrez

Objective: To establish a procedure for supervising and correcting *unsatisfactory work performance*, before notice of intent to discharge.

Proviso: This action is consistent with NMAC Title 6 Primary and Secondary Education, Chapter 69 School Personnel – Performance, Part 2 Unsatisfactory Work Performance of Certified (Licensed) School Personnel.

Unsatisfactory Work Performance	Corrective Action	Timeframe	Documented Evidence of Completion	Work Performance Observations
<p>A. Minimal evidence of honest and respectful interactions and evidence of dishonesty, and disrespect with all governing council members, some faculty, some staff, some students, some parents, and some school district personnel. Additionally, the Chancellor/Principal may not infringe on the rights of individuals, staff, students, or parents when they feel necessary to speak to the Governing Council for any reason by directing them to not speak to the Governing Council, especially regarding any concerns or grievances. Abuse of power.</p> <p>B. Incidents of Insubordinate behavior (See Reprimand)</p> <p>B.1 Governing Council Meeting of August 19, 2010 evens of disrespect.</p> <p>B.2 Governing Council Special Meeting of April 27. 2010 regarding approval of budget.</p> <p>B.3 Salary raise not reflective of the contract and through lack of transparent means to the governing council.</p>	<p>A. Chancellor/Principal will express concerns, opinions, and recommendations, using a professional communication that reflective and representative of the Code of Ethical Responsibility of the Education Profession NMAC 6.60.9. Although protocol is recommended, when anyone feels the issue is directly related to the principal and individuals do not feel comfortable approaching Mr. Gutierrez, they have every right to address any matter directly to the GC. The GC must balance the issue whether to pass it down to Mr. Gutierrez, or mediate the matter themselves.</p>	<p>A. Immediately with all interactions and to be evaluated at the next Chancellor/Principal evaluations in September 2010, November 2010, February 2011, and April 2011.</p>	<p>A. Minutes from Governing Council meetings, documented interactions with governing council members, all faculty, students, parents, and school district personnel. As well as written memos, notes, letters, emails, cards, that express follow-up communications, positive interactions, and commendations submitted by the chancellor/principal. Additinally HOUSSE-P Handbook Page 18, for Examples of Data Sources.</p>	<p>A. Observations conducted by all Governing Council members at Governing Council meetings, any interactions with governing council members, faculty, staff, students, parents, and school district personnel.</p>

Mr. Gilbert Gutierrez (Principal/Chancellor)

Signature of Acknowledgment: \_\_\_\_\_ Date Receipt: \_\_\_\_\_



**District** \_\_\_\_\_

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**NEW MEXICO PRINCIPAL PROFESSIONAL DEVELOPMENT PLAN**

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**District:** \_\_\_\_\_

**Principal's Name:** \_\_\_\_\_

**Principal's Signature:** \_\_\_\_\_

**Supervisor's Name:** \_\_\_\_\_

**Supervisor's Signature:** \_\_\_\_\_

**School:** \_\_\_\_\_

**School Year:** \_\_\_\_\_

**Years of Experience:** \_\_\_\_\_

**Date of PDP Development:**  
(Within 40 days of Principal  
commencing his or her  
contract) \_\_\_\_\_

**Dates of Site Visits: (1):** \_\_\_\_\_

**Dates of Site Visits: (2):** \_\_\_\_\_

**Dates of Site Visits: (Other):** \_\_\_\_\_

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District \_\_\_\_\_

**NEW MEXICO PRINCIPAL PROFESSIONAL DEVELOPMENT PLAN**

Competencies/Indicators Focus Area(s)		EPSS Goal Focus Area(s)	
Action Plan (describe the action(s) planned to meet the objective chosen)	Assistance to be provided by Supervisor	Timeline	Evidence of PDP Implementation



**District** \_\_\_\_\_

**NEW MEXICO PRINCIPAL PROFESSIONAL DEVELOPMENT PLAN**

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**Mid Year Review**

The Professional Development Plan has been reviewed, discussed, and refined as appropriate.

**Principal's Name:**

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**Principal's Signature:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

**Supervisor's Name**

\_\_\_\_\_

**Supervisor's Signature**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

**Submitted at the end of the school year with Summative Evaluation – Form D**

**Copies to: Principal, Personnel File, Supervisor**