



STATE OF NEW MEXICO  
PUBLIC EDUCATION COMMISSION  
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**PATRICIA GIPSON, CHAIR**  
PUBLIC EDUCATION COMMISSION

**DR KURT STEINHAUS**  
SECRETARY of EDUCATION (Designate)

January 19, 2022

Patricia Gipson, Chair  
District 7, Las Cruces

Via email

Glenn Voigt, Vice-Chair  
District 3, Albuquerque

Tani Arness  
Principal/Executive Director  
Cesar Chavez Community School  
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Steven J. Carrillo, Member  
District 10, Santa Fe

Anacelie Verde-Claro  
President, Governance Council  
Cesar Chavez Community School  
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RE: Notice of Breach of Contract

Dear Ms. Arness and Ms. Verde-Claro:

As you know, the Public Education Commission (“PEC”) discussed the fact that Cesar Chavez Community School has not returned to in-person learning this school year. As shown on the January 4, 2022 memo from Katarina Sandoval at the Public Education Department sent to all charter and school district superintendents, schools **should** make in-person learning available to the greatest extent possible, even if one or several schools must transition to remote instruction for periods of time due to COVID.

Ms. Arness presented information to the PEC that the school does not intend to return to in-person learning but remain a virtual school. The school has not presented the PEC with an amendment of its charter contract nor notified the PEC of this position until the issue was brought before the PEC by Director Corina Chavez.

The PEC has directed me to put you on notice of breach of your charter contract pursuant to the intervention ladder. The following violations of the contract appear to have been breached:

1. Failure to follow directives of the Public Education Department regarding instruction during COVID as shown in the January 4, 2022 Memorandum provided to all Superintendents and Charter Directors (Document 08.a PED Memo on Remote Instruction and attached) as required in Section 8x of the contract.
2. Failure to provide instruction at the school site pursuant to Section 11 of the contract.
3. Possible fiscal violation regarding acceptance of funds for the building as an educational facility if the facility is not used as such.
4. Failure to propose an amendment to these sections as required in Section 6, 2 and violating the contract by implementing the amendment without an approved amendment.

Pursuant to the contract, this Notice of Breach will be heard at the next meeting of the PEC in February and will be listed as an agenda item for that meeting for discussion and possible action. The school will have an opportunity to address the Notice of Breach at that time.

While we understand that you have not hired counsel to represent the school on this issue, we are providing a courtesy copy to Patricia Matthews.

The PEC understands the difficulties in operating classes during COVID and appreciates that you are trying to do the best for your students. However, we believe it is essential that the school comply with the charter contract.

If you have questions, please feel free to contact me.

Sincerely,

*Patricia E Gipson*

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Chair, Public Education Commission  
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Rebekka Burt, incoming Chair, PEC, Burt, Rebekka <[pec.districtfour@state.nm.us](mailto:pec.districtfour@state.nm.us)>