



STATE OF NEW MEXICO
PUBLIC EDUCATION COMMISSION
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-6661
www.ped.state.nm.us

ALAN BRAUER, CHAIR
PUBLIC EDUCATION COMMISSION

MARINA D. PADILLA
INTERIM SECRETARY OF EDUCATION

February 6, 2023

Alan Brauer, Chair
District 3, Albuquerque

Rebekka Burt, Vice Chair
District 4, Rio Rancho

Melissa Armijo, Secretary
District 1, Albuquerque

Timothy E. Beck, Member
District 2, Albuquerque

Sharon Clahchischillage, Member
District 5, Aztec

Stewart Ingham, Member
District 6, Deming

Patricia Gipson, Member
District 7, Las Cruces

Michael M. Taylor, Member
District 8, Roswell

K.T. Manis, Member
District 9, Hobbs

Steven J. Carrillo, Member
District 10, Santa Fe

Via email

Tani Arness
Principal/Executive Director
Cesar Chavez Community School
1325 Palomas SE,
Albuquerque, NM
87108
tarness@cesarchavezcharter.net

Anacelie Verde-Claro
President, Governance Council
Cesar Chavez Community School
1325 Palomas SE,
Albuquerque, NM
87108
averdeclaro@hotmail.com

Dear Ms. Arness and Ms. Verde-Claro:

Thank you for your presentation at the January 30, 2023 special meeting of the Public Education Commission ("PEC"). As you know, the PEC directed me to send you this letter indicating that the PEC is issuing a Notice of Breach of the Charter Contract of Cesar Charter Community School and is inviting the school to present a Corrective Action Plan that corrects the breach. The Corrective Action Plan should contain specific actions to be taken by the school by specific dates to correct the issues set forth below immediately. The commissioners provided many specific suggestions related to what they expect to be in the plan at the January 30, 2023 meeting, and I direct your attention to the transcript of the meeting for those details.

By this letter, the PEC is providing you of notice of the breach due to the following failures:

1. Failure of the school to return to in-person instruction as directed by the Governor and the PED and follow guidelines as set forth in the Public Health Order of August 12, 2022 in violation of the Contract, including Section 4.8.iii.
2. Failure to provide in-person instruction as the primary form of instruction at the facility as required by the Contract, Section 4.6 and 11 as that educational instruction was described to the PEC in the renewal hearing held on December 11, 2018.
3. Failure to address the needs of its student population, such as those identified in the 2020-2021 annual report, when the school failed to return to in-person instruction in the 2022-2023 school year, impacting the mission and comprehensive educational program of the school set forth in the Contract, Section 4.2 and 4.6.
4. Possible fiscal violation regarding acceptance of funds for the building as an educational facility if the school is providing primarily on-line instruction and not fully utilizing the facility for instruction.
and that the school provide a corrective action plan within 10 days to return to in-person instruction that allows a hybrid option for students.

This item be placed on the February 17, 2023 agenda of the PEC to provide the school an opportunity to present its position to the PEC on the breach of contract, and for the PEC to take action on the breach of contract, including possible approval of a Corrective Action Plan presented by the school. If the Corrective Action Plan is not accepted, the PEC may move forward to take action due to the breach of contract, including moving forward on suspension or revocation.

Thank you.

Sincerely,

e/Alan Brauer

Chair, Public Education Commission

cc: Dan Hill, attorney for the school
dan@dmhlaw.us