

District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



March 14, 2007

Mr. William Crews
Zoning Administrator
Department of Consumer and Regulatory Affairs
District of Columbia
941 North Capitol Street
Washington, DC 20002

Mr. Crews:

At our regularly scheduled meeting on March 8, 2007, and with a quorum present, we voted unanimously to bring to your attention a letter (attached) received by Councilmember Wells from Thomas Nida, Chair of the Public Charter School Board, addressing concerns raised by Board of Zoning Adjustment (BZA), case #17532, an appeal by AppleTree Institute for Education Innovation (the Institute) of the denial of building permits at 138 12th Street, NE, by the Zoning Administrator.

In his letter, Mr. Nida states that the Institute: "...is a D. C. non-profit organization and is not a public charter school." He further states that the PCSB: "...has received no petition from the (AppleTree Public) Charter School...to approve an additional campus at this site."

Since the applicant for the permits is not a public school, and since no public school has been authorized at this site by the chartering authority, our Commission asserts that no valid request for a school "by-right" modification of 138 12th Street is, or ever has been, pending. We consequently assert that the original application is void, and the subsequent appeal by the Institute of the decision of the Zoning Administrator is moot.

Accordingly, we request that any building permits for this site, located at 138 12th Street, NE, that claim public school status for a matter of right development be denied.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Cc: Councilmember Wells



District of Columbia Public Charter School Board

March 2, 2007

Councilmember Tommy Wells
The John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Councilmember Wells:

The D.C. Public Charter School Board (the "Board") received your letter dated February 26, 2007. In response, I am drafting this letter on behalf of the Board to (1) state that the Board has no jurisdiction over the AppleTree Institute for Education Innovation; (2) clarify the role of the Board regarding the selection and location of facilities of the charter schools it authorizes; and (3) invite you to discuss with the Board the general charter school facility selection issues you raise in your letter.

First, please be advised that the AppleTree Institute for Education Innovation (the "Institute") is a D.C. non-profit organization and is not a public charter school. The Board has issued a charter to AppleTree Early Learning Public Charter School (the "Charter School"), a separate legal entity. The Charter School is located at 680 I Street, SW.

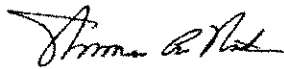
The Board recognizes that the commercial property in question, 138-140 12th Street, NE, has been the subject of an ongoing controversy between the Institute and some residents of the neighborhood, and that the site was acquired by the Institute with the plan to complete renovations and to lease the facility to the Charter School. However, to date the Board has received no petition from the Charter School to modify its charter agreement to approve an additional campus at this site.

At our last monthly meeting, on February 26, 2007, the Board did approve a request from the Charter School for an enrollment increase. For your information, I have enclosed copies of our Decision Memorandum for the approval of the recent enrollment increase request by the Charter School. In addition, the Charter School provided us with preliminary information on two additional sites under negotiation – in a new building under construction in Columbia Heights, and in a potential co-location with St. Thomas More Catholic School in Washington Highlands. In order to operate at either or both of these prospective new sites, the Charter School must receive Board approval.

Because we have had no request from the Charter School to add a new campus located at 138-140 12th Street, NE, this Board has no jurisdiction to intervene in the matter. As mentioned above, the Institute is not a charter school, and the Board has no jurisdiction over the operations of the organization, including where it chooses to locate.

Finally, the Board shares your concerns for the safety and welfare of D.C. school children, and considers the location of charter school facilities to be an important one. Since you raise other general issues regarding the availability of space for charter school facilities, the Board welcomes the opportunity to meet with you, to discuss these issues further, and to establish a direct line of communication between us.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Nida". The signature is fluid and cursive, with a prominent initial "T" and a long, sweeping underline.

Thomas Nida
Chair

Enclosure

cc: Victor Reinoso
Advisory Neighborhood Commission 6A
Appletree Early Learning Public Charter School

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

DECISION MEMORANDUM

PREPARED BY : Corey Carter

SUBJECT : Enrollment Increase Request – Appletree Early Learning Public Charter School

DATE : February 15, 2007

BACKGROUND

As a part of their charter, schools under the authority of the PCSB establish enrollment ceilings for years 1-5 of their charters. During the course of a school's first five years, it may be desirable to increase the school's enrollment to exceed the approved ceiling to accommodate the demand for a school or in order to obtain a facility. Additionally, schools in their fifth year may want to establish a higher sixth year enrollment ceiling, and would have to do so in their fifth year prior to establishing new five-year enrollment projections.

The PCSB grants increases in enrollment ceilings based on the following criteria:

1. access to a facility to accommodate the projected enrollment;
2. a history of meeting enrollment projections;
3. demand for the school, as indicated by a waiting list;
4. in good standing; and
5. submission of timely audits.

PROPOSAL

Appletree Early Learning Public Charter School is a second year school that serves students in grades PS-PK. The School was granted an enrollment increase to ninety students for the 2006-07 school year, but did not meet the enrollment due to their inability to secure a facility to accommodate the increase. The school proposes to increase its enrollment from 36 students at its location on 680 I Street SW, to 180 students who will be housed at a location on 14th and Girard Streets NW, and at 4265 4th Street SE in addition to the I street location.

	2006-07	2007-08
Current	36	
Proposed	90	180

The school's current facility cannot accommodate the projected enrollment. However, the school has executed a Memorandum of Understanding subject to PCSB approval for the site on 4th Street SE and has signed a Letter of Intent for the location on in The Lofts of Columbia Heights on the corner of 14th and Girard NW. The school currently has a waiting list and indicates demand as evidenced by market research but has not elaborated on recruitment plans for the proposed increase. The school is currently in good standing and they have submitted timely financial statements to the PCSB, per their charter.

RECOMMENDATIONS OF STAFF

Based on the established criteria, staff recommends conditional approval of Appletree Early Learning PCS's request pending clarification of recruitment plans, and acquisition of facilities on a timeline suitable for a seamless transition to accommodate the enrollment increase.