

AppleTree Institute for Education Innovation

400 7th Street, SE
Washington, DC 20003

February 9, 2006

Chairwoman Carol J. Mitten
Zoning Commission for the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

#06-06

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DC OFFICE OF ZONING

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Dear Chairwoman Mitten:

On behalf of the AppleTree Institute for Education Innovation and AppleTree Early Learning Public Charter School ("AppleTree"), I write to urge the Zoning Commission to reject the Office of Planning proposal to amend the treatment of public schools under the Zoning Regulations on an "emergency" basis.

There is no "emergency" that compels immediate revisions to the Zoning Regulations. The *only* basis for emergency action cited in the Office of Planning report is that "[t]his text is needed to clear up an existing ambiguity regarding charter schools in the Zoning Regulations." [OP Report, p.7] But there is no such "ambiguity." As the same report recites earlier, "[t]he United States Congress has *mandated* that the District of Columbia *treat charter schools the same as public schools* for the purposes of the Zoning Regulations." [OP Report, pp.1-2 (emphasis added)] Under the Zoning Regulations, public schools for the past 50 years have had "of right" development status; as we have previously explained in letters to Mr. Crews, since charter schools were authorized by federal law in 1996 they have been "public schools" entitled to equivalent treatment for zoning purposes. [Oct. 28, 2005 Letter from Mr. Williams to Mr. Crews; Nov. 21, 2005 Letter from Mr. Perry to Mr. Crews] This has been the law for the past 10 years, and has caused no difficulty in administration.

AppleTree's proposed development does not constitute an "emergency"
AppleTree has received a charter to operate a school for pre-kindergarten and pre-school children, ages 3-5, and has purchased a commercial property in Northeast to house the school. Today, AppleTree has filed an application for construction permits. Under the Zoning Regulations, those permits should issue as a matter of right. A small group of neighbors and community activists, who object to the use of this property as a charter preschool emphasizing early language and literacy, have made repeated efforts to block this project – going so far as to file a lawsuit against the District of Columbia. It appears that the proposed amendments to the Zoning Regulations are yet another weapon that this small group intends to use to stop our one project, and that the "emergency" designation proposed by the Office of Planning is nothing other than an ill-considered response to a concentrated effort by a small, but influential group, to stop AppleTree from educating children in this neighborhood. But a single school development, which is clearly

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EXHIBIT NO. 2

permissible under current law—and has been so for 10 years, does not constitute an “emergency” justifying the waiver of procedural rules, particularly where such a waiver would clearly prejudice AppleTree.

Rushing these amendments through is an abuse of the public process. We take no position on whether it would be advisable for the Zoning Commission to adopt, on a *prospective* basis, revised Regulations governing *all* public schools. That is an important policy question that warrants public comment and debate. To date, however, there has been no opportunity for such a process. Setting down the proposed amendments in the usual course, without the “emergency” designation, would be a more appropriate, and lawful, course of proceedings. Declaring a false and implausible “emergency,” by contrast, would cause irreparable harm to AppleTree, which has adhered to the Zoning Regulations, received approval from the Historic Preservation Review Board, and followed established processes to obtain permits to renovate our property so that it is fit for the education of young children

There is a clear and compelling emergency that *should* guide the Zoning Commission as it considers this matter:

1. Nine out of every ten District of Columbia fourth graders cannot read with proficiency. Seven of every ten cannot read with a basic level of understanding at their grade level. (Source: National Assessment of Educational Progress 2005)
2. Over 100 DC Public Schools are failing under the provisions of No Child Left Behind (Source: United States Department of Education).
3. One out of every four children enrolled in a DC public school attends a charter school. (Source: Friends of Choice in Urban Schools).
4. Five million square feet of space in buildings owned by the District of Columbia Public Schools are unoccupied—yet unavailable to charters as a matter of policy,

The emergency I write about is real and documented by the grim picture of the human toll of an education system that is failing too many. A decision to adopt this report would tell parents who live in our city, pay taxes and send their children to public charter schools that the playing field is unfair by design and that policy makers protect influential special interests at the expense of the obvious, greater good.

This need not be the case. In the final analysis, no harm will result from considering these amendments through the normal processes of the DC Office of Planning and the Zoning Commission. Therefore I urge the Zoning Commission to not adopt the text amendments on an emergency basis.

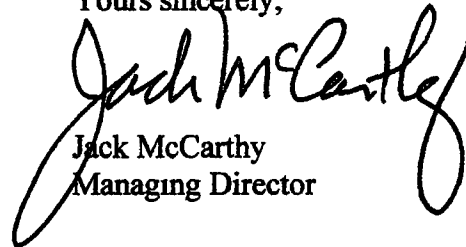
The same special interests that advocate this unnecessary emergency action have already brought an unusual, pre-emptive lawsuit against the District of Columbia that is also intended to deny AppleTree the rights to develop real property for public school uses that other organizations enjoy.

We prefer to be aligned with the District of Columbia government in the interest of providing children with the quality public education they are entitled to. But, if that isn't possible—if the Zoning Commission takes the unusual and unjustified step of

adopting these amendments on a rushed basis under the guise of a false "emergency" then we are prepared to exercise our rights and intend to point out the abuses that this Administration used to shut down a small public charter preschool for reasons that cannot be justified by any objective measure

In light of the foregoing concerns, the Office of Planning's failure to identify any legitimate "emergency" in its report, and the fact that the "emergency" designation appears to be directed solely at AppleTree's proposed school development, AppleTree respectfully requests an opportunity to be heard on this issue at the public meeting on February 13, 2006.

Yours sincerely,



Jack McCarthy
Managing Director

Copies to:

Anthony J. Hood, Vice Chair, DC Zoning Commission
Gregory N. Jeffries, DC Zoning Commission
John G. Parsons, DC Zoning Commission
Michael G. Turnbull, DC Zoning Commission
Honorable Anthony Williams, Mayor
Honorable Sharon Ambrose, Councilmember Ward 6
Patrick Canavan, Director, DCRA
Ellen M. McCarthy, Director, Office of Planning
William Crews, Zoning Administrator
Jerrily Kress, Office of Zoning
Sharon Schellin, Office of Zoning
Thomas Nida, DC Public Charter School Board
Robert Cane, Friends of Choice in Urban Schools
Joseph Bruno, DC Public Charter Schools Association

**AppleTree Early
Learning Public
Charter School**

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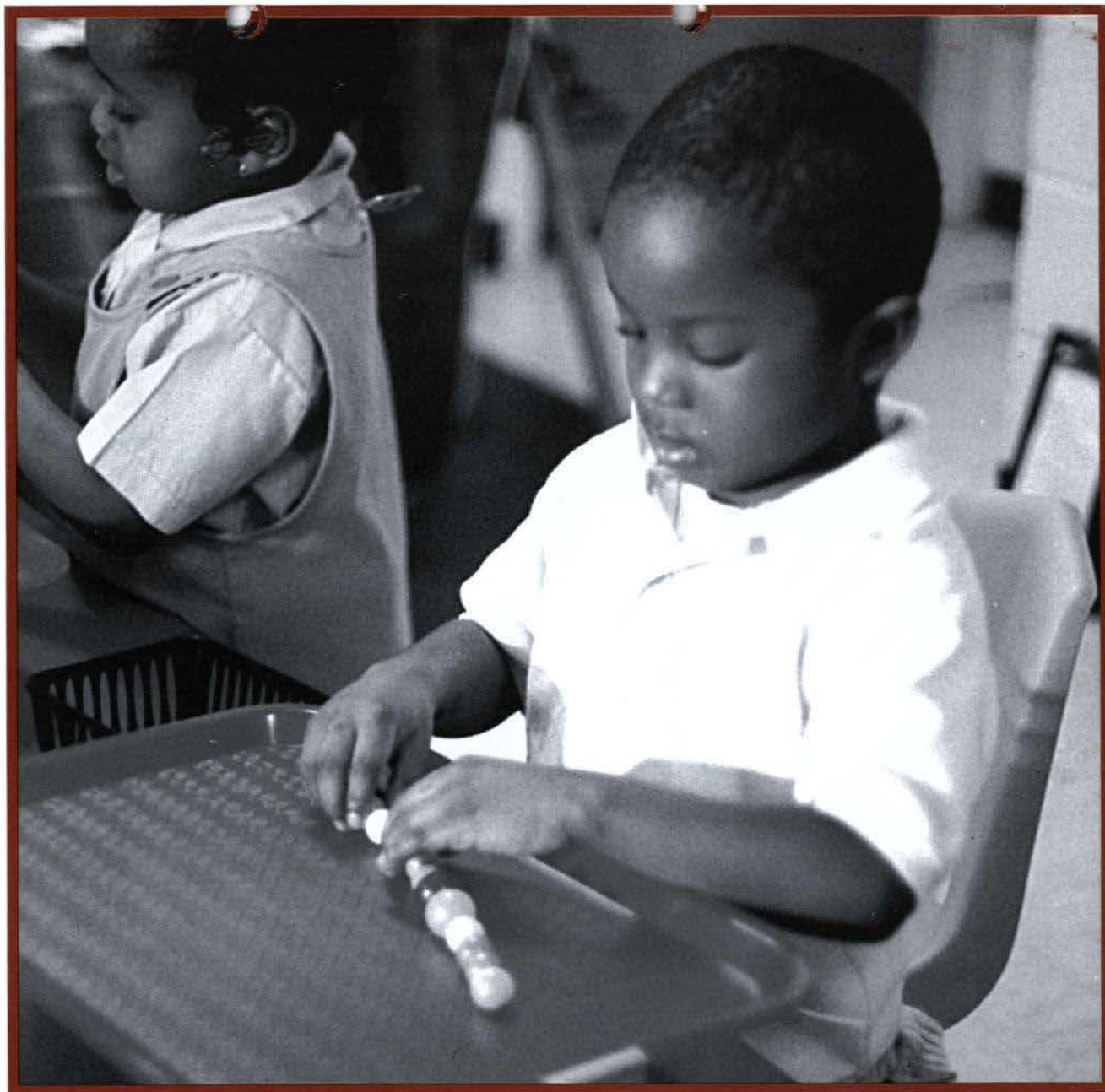


The **mission** of AppleTree Early Learning
PCS is to provide young children with the social,
emotional and cognitive foundations that will enable
them to succeed in school.

AppleTree Early Learning Public Charter School is an

independent public charter school in the District of Columbia. We believe all children are capable of attaining high academic standards. Research tells us that intensive, early interventions in language and literacy provide young children with the beginning reading skills and the comprehension skills they need to succeed in school.





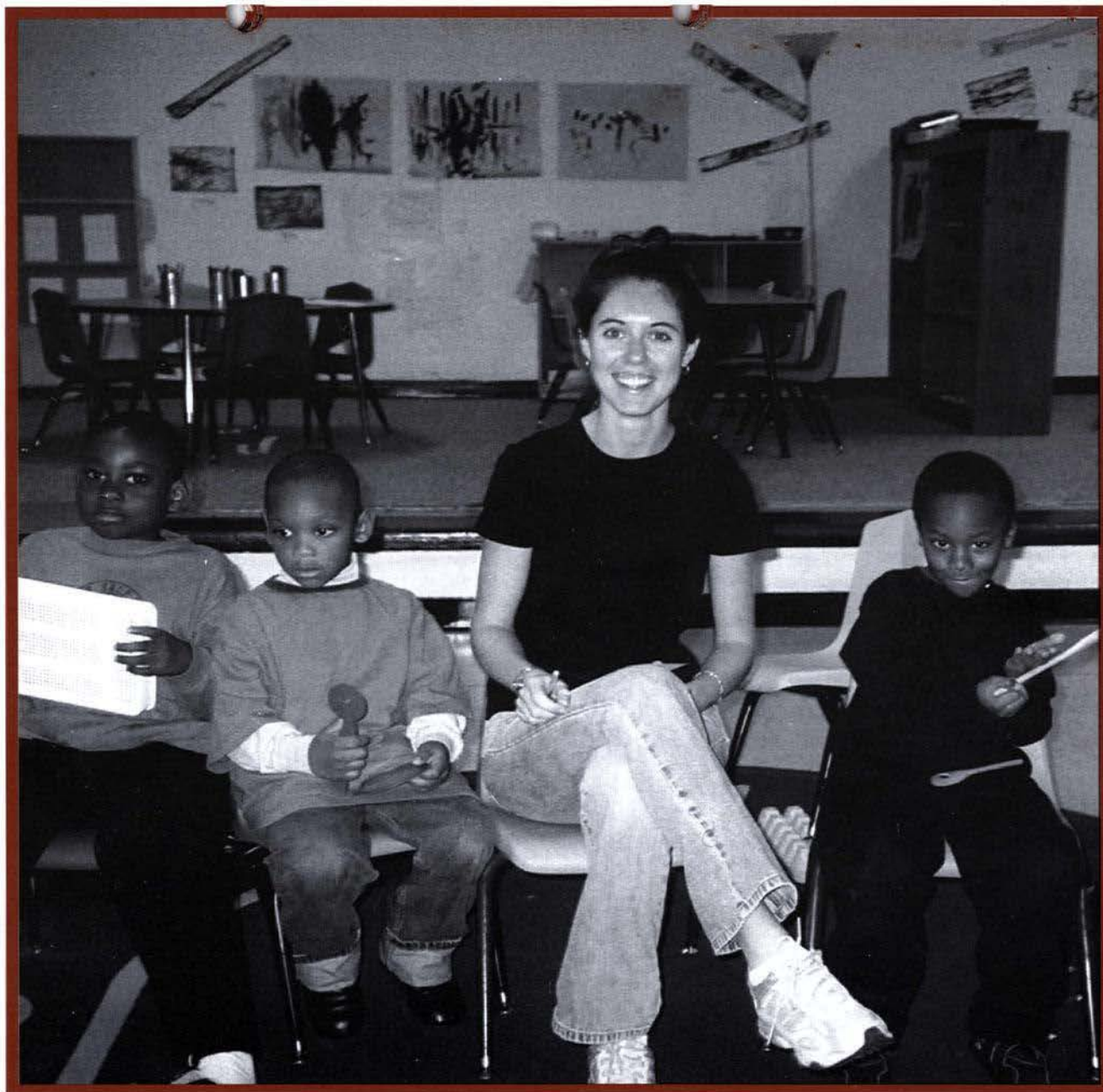
Our **philosophy** of education is based on the understanding that literacy is a learned skill, not a biological awakening. Coherent, skill-based instruction in the years before kindergarten ensures that all children can learn and achieve high academic standards. Children may learn in different ways and some may take longer. We believe that all children can learn and that no child should be left behind.

AppleTree Early Learning PCS goals include:

- 1 Students will be ready for 1st grade with robust language and literacy skills.
- 2 Students will be ready for 1st grade with strong numeracy skills.
- 3 Students will be socially and emotionally ready for 1st grade.
- 4 Students will master a challenging vocal, instrumental or dramatic performance.
- 5 Parents will be partners in their children's early learning.

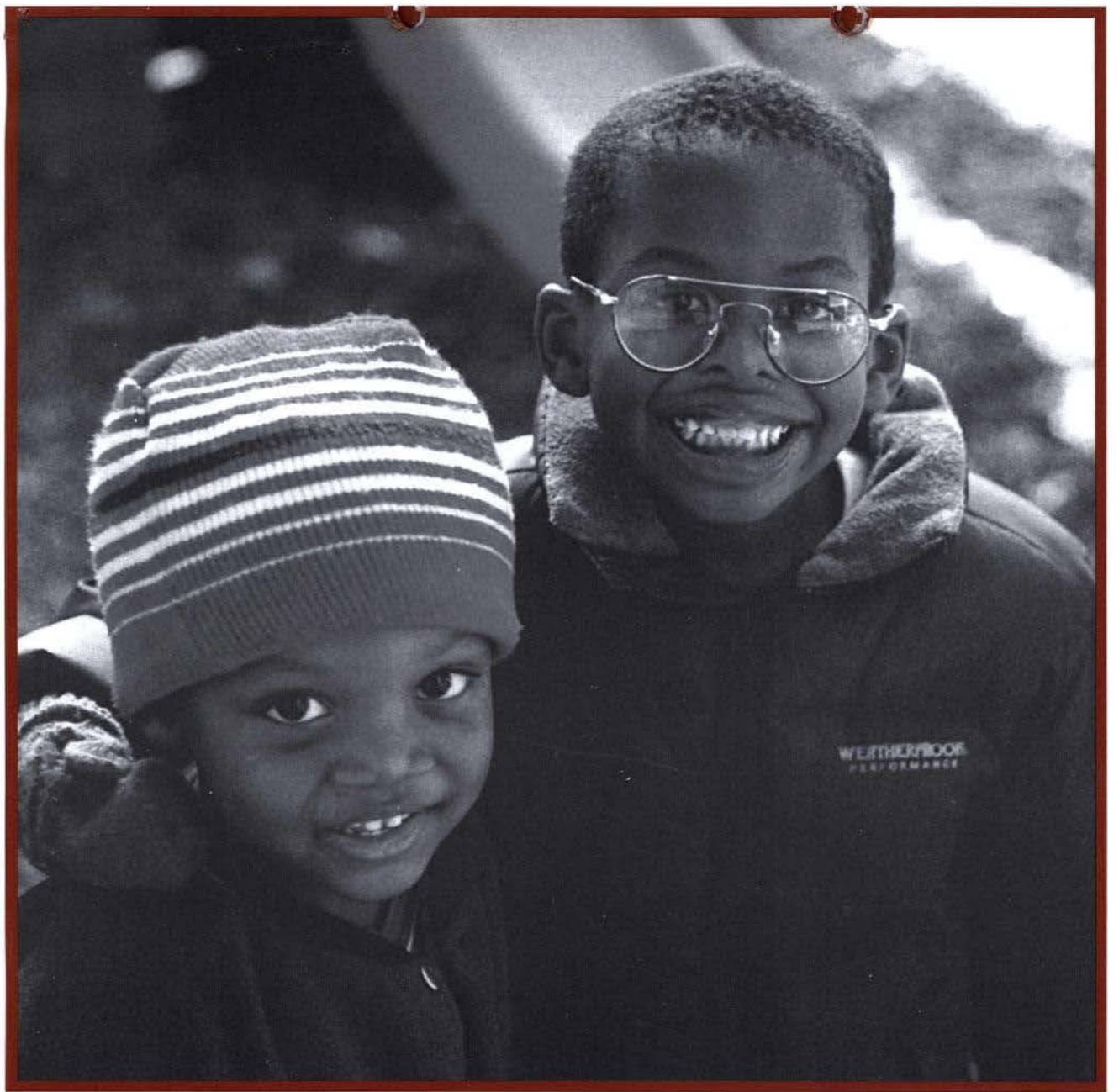
AppleTree Early Learning Public Charter School is an evidence-based program with strong progress measurement and accountability plans.

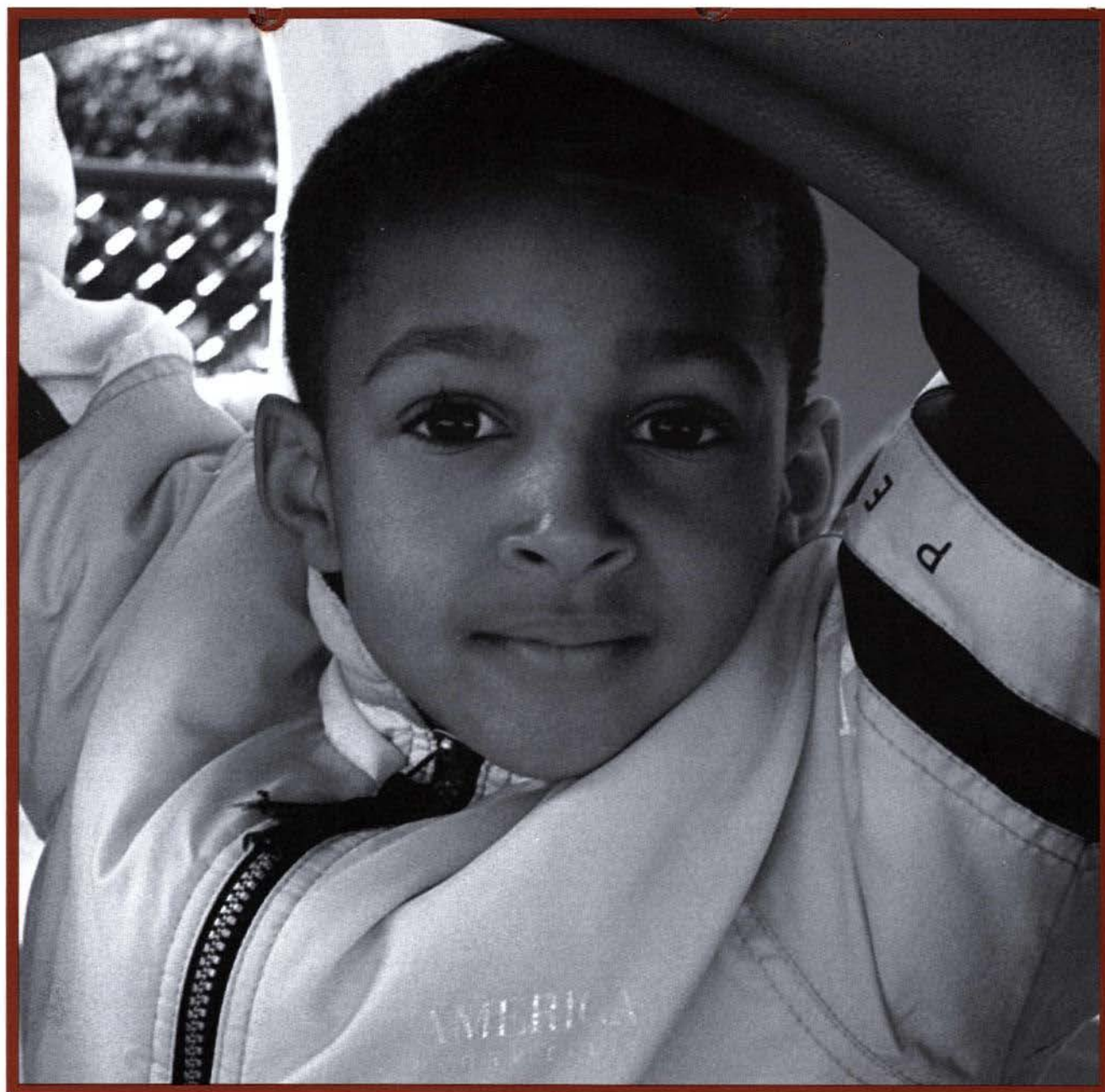




The school uses "Opening the World of Learning of Learning: A Comprehensive Early Literacy Program (OWL)" that highlights and embeds literacy learning in a comprehensive preschool program. The OWL **curriculum** addresses basic literacy skills, as well as comprehension of both story and information texts. Development of oral language is also basic to the program, given the centrality of oral language to success in literacy.

AELPCS **teachers** are a committed group of highly qualified individuals with four-year college degrees. AELPCS invests heavily in the rigorous professional development of our teachers, all of whom receive ongoing coaching and feedback from highly qualified and well regarded early childhood education professionals.

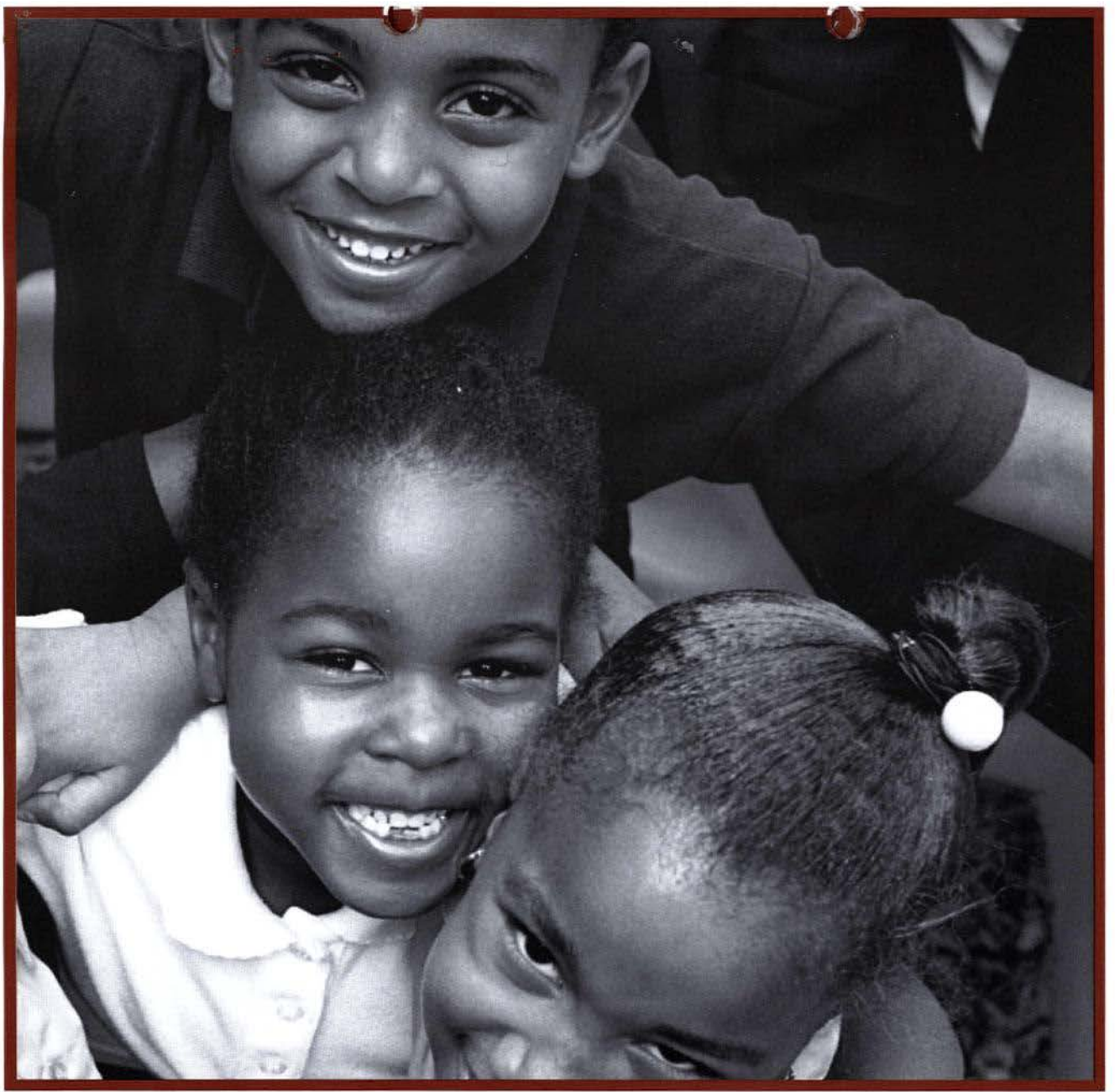




We believe that **parents** are the first teachers of children, and partners of the school. Children whose parents are involved in their education are far more likely to succeed. Parent involvement takes many forms: It starts early with daily reading to infants and toddlers, then grows to assisting with the child's homework, helping the child's teachers, and participating in a school's Parent-Teacher organization. Only a parent can provide the daily expressions of interest and encouragement a child needs to succeed.

AppleTree Early Learning Public Charter School offers a full-day program for young children. The **school day** hours are from 8:00 a.m. until 3:15 p.m.

After School Program: Parents may elect to enroll their child in the After School program available from 3:15 p.m. – 6:00 p.m. More information about the After School program is available upon request.





Conveniently **located** in Southwest Washington, AppleTree Early Learning PCS shares a facility with Riverside Baptist Church (no affiliation). The school is a short walk from the L'Enfant Plaza (Orange, Blue, Green, Yellow) and Southwest/Waterfront (Green) metro stations. In addition, numerous Metro bus routes (V7, V8, & V9) stop less than a block from our facility and the school is conveniently located just a short drive from South Capitol Street and 2 major highways (295 & 395.)

AppleTree Early Learning Public Charter School

680 I Street, SW

Lower Level

Washington DC 20024

Tel: 202.646.0500

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