



**BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
GOVERNMENT OF THE DISTRICT OF COLUMBIA**



November 14, 2022

**VIA ELECTRONIC MAIL**

Quinne Harris-Lindsey  
Interim General Counsel  
District of Columbia Public Schools  
1200 First St. NE, 10<sup>th</sup> Floor  
Washington DC 20002

**RE: Complaint Concerning Calvin Coolidge High School Local School Advisory Team Compliance with OMA (#OOG-2021-0004-M)**

Dear Ms. Harris-Lindsey:

On June 2, 2021, the Board of Ethics and Government Accountability, Office of Open Government (“OOG”) received an anonymous complaint, #OOG-2021-0004-M (“Complaint”), regarding a Local School Advisory Team (“LSAT”)<sup>1</sup>. The Complaint alleged Calvin Coolidge High School’s LSAT (“Coolidge LSAT”) violated the Open Meetings Act (“OMA”) by failing to: (1) provide a link for the public to attend or view its monthly meetings remotely; (2) timely provide public notice of its meetings; and (3) provide upon request electronic meeting recordings for LSAT meetings held during the 2020–2021 school year. Pursuant to 3 DCMR § 10400 *et seq.*, I am issuing this advisory opinion to address this Complaint.

The OMA reiterates the District of Columbia government’s (the “District”) long-standing public policy “that all persons are entitled to full and complete information regarding the affairs of government and the actions of those who represent them.”<sup>2</sup> To further this public policy, the OMA requires the following: (1) advance notice of public meetings; (2) that public bodies make reasonable arrangements to accommodate the public’s right to attend electronic meetings; (3) that all meetings, whether open or closed, are recorded by electronic means; and (4) that meeting recordings are either timely posted for public review or made available upon request.

After reviewing the Complaint, the D.C. Public School’s (“DCPS”) response, Calvin Coolidge High School’s (“Coolidge”) website,<sup>3</sup> and the OOG’s central meeting calendar, I find the Coolidge LSAT in violation of the OMA by failing: (1) to provide timely and accurate notice to the public on the website of its May 2021 meetings (D.C. Official Code § 2-576) and on the

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<sup>1</sup> My August 5, 2019, advisory opinion found that LSATs are public bodies subject to the OMA. You may access the opinion here: <https://www.open-dc.gov/sites/default/files/DCPS%20LSAT%20Advisory%20Opinion.pdf#overlay-context=>.

<sup>2</sup> See D.C. Official Code § 2-572.

<sup>3</sup> The OOG reviewed Calvin Coolidge High School’s website, [Home - LSAT - Calvin Coolidge Senior High School \(coolidgeshs.org\)](http://Home-LSAT-CalvinCoolidgeSeniorHighSchool.coolidgeshs.org), throughout the investigation of this Complaint. The OOG’s last website review was on August 23, 2022.

OOG's Central Meeting Calendar (according to a directive)<sup>4</sup>; (2) to provide a meeting link, telephone number, or reasonable accommodations for the public to remotely attend its May 2021 meetings (D.C. Official Code § 2-577(a)(1));<sup>5</sup> and (3) to record its May 2021 meetings by electronic means (D.C. Official Code §§ 2-577(a)(2)), 2-578(a). Below I provide my rationale for these findings.

## **I. BACKGROUND**

On June 2, 2021, the OOG received an anonymous complaint alleging that the Coolidge LSAT violated the OMA by failing: (1) to provide a location or link for the public to view its monthly meetings; (2) to provide the public with records of its meetings; and (3) to notify the public when it entered into closed sessions during its meetings.<sup>6</sup> The Complaint blames Coolidge's principal for the Coolidge LSAT's violations.

On June 16, 2021, OOG staff sent a copy of the Complaint to DCPS's general counsel for a response. On July 16, 2021, DCPS general counsel timely answered the Complaint. DCPS denies the allegations and contends: (1) that the principal is not responsible for providing the public with access to the LSAT meetings or electronic meeting recordings; and that the LSAT Chair and Secretary are responsible for providing the public notice of Coolidge LSAT meetings and for maintaining meeting records. DCPS's counsel suggested that I dismiss the Complaint and require that Coolidge LSAT undergo OMA training by the OOG to ensure future statutory compliance. On July 20, 2021, I requested copies of the electronic recordings for the Coolidge LSAT's May 2021 meetings.<sup>7</sup> Counsel for DCPS did not respond to my request for a copy of these recordings. OOG concluded its investigation on November 1, 2021.

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<sup>4</sup> See OOG's LSAT directive "Local School Advisory Teams Directive to Publish on the Central Meeting Calendar" here <https://www.open-dc.gov/sites/default/files/LSAT%20Directive%20001142020.pdf>.

<sup>5</sup> The OMA generally requires that the public bodies allow the public to attend all open portions of their meetings. *See* D.C. Official Code § 2-575(a). Still, any meeting may be held by electronic means, subject to the OMA's remote procedures, including that "[r]easonable arrangements" be "made to accommodate the public's right to attend the meeting." *See id.* § 2-577(a). However, in May 2021 (when these Coolidge LSAT meetings occurred), legislation relaxed the contemporaneous-access requirement of the OMA during the public health emergency, requiring public bodies only to take steps that were "reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable." The requirement to physically post the public meeting notice at the public body's office or a place convenient for the public to see are also waived. These concessions still continue due to extension by emergency and temporary legislation. *See generally* D.C. Official Code §§ 2-575(a)(4) & nts., 2-577(a)(1) & nts; 2-576(6).

<sup>6</sup> I cannot determine whether Coolidge LSAT failed to notify the public of its closed sessions because I did not have access to the meeting notices at the time of drafting this advisory opinion. I reserve the right to amend this advisory opinion to reflect potential violations of the OMA's "Open meetings" provisions in D.C. Official Code § 2-575(b).

<sup>7</sup> On July 20, 2021, I requested copies of the May 10, 2021, May 17, 2021, and May 27, 2021, public meetings. I reserve the right to amend this advisory opinion to reflect possible violations of the OMA's "Meeting procedures" (D.C. Official Code § 2-577) and "Record of meetings" (D.C. Official Code § 2-578) sections after DCPS responds to my request for this information.

## II. DISCUSSION

### A. **Coolidge LSAT violated the OMA’s “Notice of meetings” provisions by failing to timely provide the public notice of its meetings that comport with the statute.**

D.C. Official Code § 2-576 contains the OMA’s “Notice of meetings” provisions. D.C. Official Code § 2-576(1) states, in part, “[E]xcept for emergency meetings, a public body shall provide notice as early as possible, but not less than 48 hours or two business days, whichever is greater, before a meeting.” The notice provisions also require posting the meeting notice “[i]n the office of the public body or a location that is readily accessible to the public,” posting on the public body’s website or the District government’s (the central meeting calendar), and publication of upcoming meetings and a yearly calendar of meetings in the District of Columbia Register (“*D.C. Register*”).<sup>8</sup> On January 14, 2020, I issued a directive requiring all LSATs unable to publish meeting notices in the D.C. Register to publish their meeting notices and yearly calendar of meetings on the OOG’s central meeting calendar.<sup>9</sup> However, as detailed below, my investigation revealed the absence of public meeting notices on the central meeting calendar and inaccurate and incomplete notices on the Coolidge LSAT website.<sup>10</sup>

OOG’s review of this public body’s website where the public notice resides revealed multiple OMA violations.<sup>11</sup> The Coolidge LSAT’s public meeting notices do not provide specific meeting dates. There are also no meeting agendas on the LSAT’s website. Meeting notices were not posted on the OOG’s central meeting calendar. The meeting time on the website contradicts the time recorded in the meeting minutes and meeting transcripts. The website states all LSAT meetings will commence at 4:15 pm; however, some of the meetings conducted in May 2021 convened at 8:30 am. None of the meeting agendas that the Coolidge LSAT posted on its website inform the public of what is discussed in the meetings and if the public body entered a closed session. Coolidge LSAT’s failure to provide this required information violates the OMA and this office’s directive that public bodies post their public meeting notices with agendas on their websites and on the District government’s central meeting calendar “at least 48 hours or two business days, whichever is greater, before the meeting.”<sup>12</sup>

Regarding future meetings, the website only states the month and the year but no day and time. Failure to include on its website and the central meeting calendar the meeting date and time within 48-hours or two business days before the meeting would violate the OMA’s “Notice of

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<sup>8</sup> D.C. Official Code § 2-576(1)– (2).

<sup>9</sup> See OOG’s LSAT directive “Local School Advisory Teams Directive to Publish on the Central Meeting Calendar” here, [LSAT Directive 01142020.pdf \(open-dc.gov\)](#)

<sup>10</sup> No past public meeting notices were available for review on the public body’s website. The basis of the analysis is the limited information this office could glean from the Coolidge LSAT website. You can access the website here [https://www.coolidgeshs.org/apps/pages/?type=d&uREC\\_ID=491880&pREC\\_ID=943227](https://www.coolidgeshs.org/apps/pages/?type=d&uREC_ID=491880&pREC_ID=943227)

<sup>11</sup> The Director of Open Government reviewed the website on November 14, 2022, and confirmed that it remained in the same state as it did at the conclusion of OOG’s investigation. There is no indication that the website has been recently updated.

<sup>12</sup> D.C. Official Code § 2-576(1).

meetings” provisions.<sup>13</sup> Without such relevant information, the public could not attend the meeting. The LSAT website does not clarify how many LSAT meetings are conducted monthly. In reviewing the previous meeting minutes, it appears the public body conducted three meetings in May 2021, no meetings in April 2021, and only one meeting in March 2021. The website states all meetings are virtual via Microsoft Teams<sup>14</sup>; however, there is no meeting link or dial-in number, or other means to access these meetings.

DCPS did not address the notice issues and the lack of meeting agendas in its response. DCPS responded that the Calvin Coolidge High School principal is not responsible for providing the public with the meeting notice or the LSAT’s meeting link. OOG agrees with DCPS on this fact—the principal is not a member of the LSAT—however, this fact is immaterial to the notice issue. According to DCPS’s 2021–2022 LSAT Guidelines, “the principal or their designee shall . . . [u]se school communication channels to support LSAT activities and elections.”<sup>15</sup> While the principal may not be responsible for disseminating the information regarding the LSAT meetings, this does not absolve the public body from the several statutory violations. The issue is whether Coolidge LSAT’s meeting notices are OMA compliant. The public meetings notices were not. To Comply with the OMA, the Coolidge LSAT must timely post future public meeting notices on its and OOG’s websites. The notices must reflect the date, time, location, or meeting access link and draft meeting agenda.

**B. Coolidge’s LSAT violated the OMA’s “Record of meetings” provisions by failing to record its meetings by electronic means and by not providing copies of these meeting recordings when requested.**

The OMA requires all open or closed meetings to be recorded electronically unless recording electronically is not feasible. The Complainant alleges Coolidge LSAT violated the recordation requirements of the OMA by failing to post its meeting recordings. The Complaint alleged the principal of Calvin Coolidge High School stated the meeting recordings were “unnecessary.” The Complainant does not identify which specific meetings were not recorded.<sup>16</sup> If recording the meeting is not feasible, the OMA allows the public body to memorialize the meeting by taking detailed meeting minutes or transcribing the meeting.<sup>17</sup> Under the OMA, minutes must be available for public inspection within three business days.<sup>18</sup> In December 2013,

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<sup>13</sup> D.C. Official Code 2-576 requires among other things that “[E]ach meeting notice shall include the date, time, location, and planned agenda to be covered at the meeting.”

<sup>14</sup> It should be noted that having the public body meetings on Microsoft Teams may present an inherent accessibility issue with the public. It does not appear from the entity’s website that there is a dial-in number or more publicly accessible streaming platform (e.g., Zoom, YouTube, or Facebook) where the public can view the LSAT’s meetings. The public may not have Microsoft Teams or know how to navigate this platform.

<sup>15</sup> Access the 2021-2022 Local School Advisory Team Guidelines here: [LSAT Toolkit - Google Drive](#)

<sup>16</sup> See D.C. Official Code § 2-578(a) (“All meetings of public bodies, whether open or closed, shall be recorded by electronic means, and the recording shall be preserved for a minimum of 5 years; provided, that if a recording is not feasible, detailed minutes of the meeting shall be taken and preserved for a minimum of 5 years.”). Pursuant to D.C. Official Code § 2-577(a)(2), this requirement applies equally to meetings held by electronic means.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* § 2-578(b)(1) (exempting charter-school boards, which have up to thirty business days).

OOG issued an advisory opinion that requires all public bodies to post “draft meeting minutes” within three business days after the meeting, and post final meeting minutes by the public body’s next meeting date.<sup>19</sup>

The OMA requires a public body to make the meeting transcript or recording publicly available no later than seven business days after the meeting. After reviewing the public body’s website, I found no meeting recordings available to review, which is not required but recommended. Most importantly, when my office requested the electronic recordings from DCPS, none of the recordings were made available. On July 20, 2021, my office requested the electronic recordings for the May 10, 2021, May 17, 2021, and May 27, 2021 meetings. Counsel for DCPS did not respond to the request. In DCPS’s written response, counsel did not address whether Coolidge LSAT had meeting recordings or if recording the meetings electronically was not feasible. Coolidge LSAT did publish meeting minutes and meeting transcripts on its website; however, the LSAT is still in violation because the electronic meeting records were not made available when requested. Our office cannot determine if electronically recording the meetings was not feasible, as required by the statute.<sup>20</sup> DCPS’s failure to comply with our office’s request to view the meeting recordings violates the OMA’s public inspection requirement in D.C. Official Code § 2-578(b)(2). I will note that the Coolidge LSAT did provide meeting minutes on Below are my directives for future compliance with the OMA.

### **III. CONCLUSION AND COMPLIANCE DIRECTIVES**

#### **A. Conclusion**

Based on the preceding analysis and OOG’s staff investigation, I find the Coolidge LSAT violated the OMA because the public body failed to post its meeting notices and a means for the public to attend the meeting timely, the electronic recordings of the May 2021 meeting were not made available for public inspection, and the Coolidge LSAT failed to post a complete record of its meetings within seven days after the conclusion of the meeting. Without being able to view or hear, remotely or otherwise, the LSAT’s meetings or meeting records, the public cannot gain a complete understanding of the information and topics discussed during the meetings.

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<sup>19</sup> See OOG’s advisory opinion, “Posting of Meeting Minutes, Transcripts, Electronic Recordings” here <https://www.open-dc.gov/documents/oma-advisory-opinion-posting-meeting-minutes-transcripts-electronic>

<sup>20</sup> The OOG has considered the technological limitations of each public body in complying with the OMA’s electronic recording requirement. The office understands that there may be some technological challenges when recording a meeting; however, the OOG finds it improbable that a public body cannot electronically record its meetings because of the many technological advancements. Most public bodies hold their meetings virtually, and the OOG encourages all public bodies to record their meetings using its preferred video-conferencing platform (i.e., WebEx, Zoom, Skype, Microsoft Teams, etc.). Also, several other devices can be used to record a meeting (i.e., cell phones, digital recorders, laptops, etc.). The OOG notes that a member of an LSAT is a DCPS employee. These employees may have WebEx access, allowing the LSATs to conduct and record their meetings simultaneously. The OOG recommends this option if necessary. Lastly, the OOG is happy to be a resource to any LSAT that needs access to recording devices or tools to help promote open government and government transparency.

**B. Compliance Directives**

The Coolidge LSAT must take the following actions to ensure future compliance with the OMA: (1) timely post public meetings notices that include the date, time location, draft meeting agenda, and, if remote, the means to attend the remote meeting on its website and the OOG's central meeting calendar; and (2) record all meetings by electronic means and post the electronic recordings of the previous meetings to its website if possible. It must make the recordings available upon request if it cannot post the electronic meeting recordings to its website.

Before conducting its next meeting, all Coolidge LSAT members must undergo OMA training with the OOG on dates determined by this office.

Sincerely,



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Niquelle M. Allen, Esq.  
Director of Open Government  
Board of Ethics and Government Accountability

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