

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY  
OFFICE OF OPEN GOVERNMENT



August 5, 2019

**VIA ELECTRONIC MAIL**

Mr. Paul Kihn, Deputy Mayor for Education  
Government of the District of Columbia  
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Washington, DC 20004  
[Paul.Kihn@dc.gov](mailto:Paul.Kihn@dc.gov)

RE: Complaint Concerning LSAT Compliance with the OMA,  
Complaint #OOG-2019-0002-M

Dear Deputy Mayor Kihn:

On March 25, 2019, the Office of Open Government (the “OOG”) received Complaint #OOG-2019-0002-M, which alleged Open Meetings Act (the “OMA”) violations by the District of Columbia Public Schools’ Local School Advisory Teams, (the “Complaint”). The OOG provided you with a copy of the Complaint and on April 26, 2019, you provided the OOG with a written response.<sup>1</sup> The following Advisory Opinion is issued by the OOG, pursuant to its statutory authority, to resolve the Complaint.

As you are aware, the Office of Open Government has the statutory charge to ensure that meetings of public bodies adhere to the provisions of the Open Meetings Act.<sup>2</sup> The OMA reiterates the District government’s 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>3</sup> To support this policy, the OMA requires that its provisions “shall be construed broadly to maximize public access to meetings.”<sup>4</sup> The Director of Open Government finds that District of Columbia Public Schools Local School Advisory Teams (“LSAT” or “LSATs”) are public bodies subject to the OMA. Further, the Director of Open Government finds that multiple

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<sup>1</sup> On July 22, 2019, DCPS Office of the General Counsel provided to the OOG copies of the Collective Bargaining Agreement between the Washington Teachers Union and DCPS that is effective October 1, 2016 through September 30, 2019 and the directive establishing LSRTs.

<sup>2</sup> D.C. Official Code § 2-571, *et seq.*

<sup>3</sup> D.C. Official Code § 2-572.

<sup>4</sup> D.C. Official Code § 2-573.

LSATs violated the OMA by failing to provide notice of the LSATs' meetings that were the subject of the Complaint and failing to provide meeting minutes, as required by the OMA. The Advisory Opinion sets forth the rationale for this finding below. It provides background on the complaint and the LSATs; discusses the history of the LSATs; and examines whether DCPS delegated to the LSATs the authority to advise it on government business. The Advisory Opinion concludes with a discussion and analysis of the issues and provides directives for compliance with the OMA.

## **I. BACKGROUND**

### **A. The Complaint and DCPS' Response to the Complaint.**

The OOG received the Complaint on March 25, 2019, which alleges that DCPS and multiple LSATs violated the OMA because neither posted meeting minutes for LSAT meetings held in January 2019 and February 2019.<sup>5</sup> Further, the Complaint also alleges that LSATs failed to publicly release the budget recommendations that came out of the aforementioned meetings that violated the OMA. Finally, the Complaint alleges that LSATs frequently fail to provide public notice of their meetings and fail to publish or otherwise make meeting minutes timely available to the public, or not at all.

In response DCPS contends that it is an agency pursuant to D.C. Official Code § 2-573(3)(A) and is therefore statutorily exempt from the requirements of the OMA.<sup>6</sup> DCPS admits that LSATs serve in an advisory capacity in support of DCPS principals; however, DCPS denies that they take "official actions on behalf of DCPS."<sup>7</sup>

### **B. Discussion of the Local School Restructuring Teams.**

The LSATs are the successors to Local School Restructuring Teams ("LSRTs").<sup>8</sup> These entities were established by a former District of Columbia Superintendent of Public Schools ("D.C. Superintendent") and play a significant advisory role to DCPS principals. The OOG's research did not disclose any statutes, regulations or Mayor's Orders associated with the creation of LSATs or LSRTs. DCPS provided the OOG with a copy of a directive establishing LSRTs issued by the former D.C. Superintendent. On August 26, 1992, the former D.C. Superintendent from 1991-1996, Franklin Smith, established the LSRTs by issuing Directive Number 200.28.<sup>9</sup> Planning Guidelines for implementation of the directive were distributed to DCPS principals on May 29, 1992.<sup>10</sup> Pursuant to procedures contained in those guidelines, LSRTs were formed "to

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<sup>5</sup> In an April 9, 2018, complaint (#OOG-2019-003-M), the complainant alleges that the failure of the Elliot-Hine Middle School LSAT to notice to the public its April 8, 2019, meeting violates the OMA.

<sup>6</sup> May 24, 2019, letter to the OOG in response to the Complaint from Paul Kihn, Deputy Mayor for Education.

<sup>7</sup> *Id.*

<sup>8</sup> DCPS appear to use the LSATs and LSRTs interchangeably. The current Collective Bargaining Agreement between the Washington Teachers Union references LSRTs.

<sup>9</sup> Directive of the Office of the Superintendent, Number 200.28, August 26, 1992. The Directive lists "Local School Restructuring" as its subject.

<sup>10</sup> *Id.*

serve in an advisory capacity to the principal for the purpose of improving student outcomes.”<sup>11</sup> From the outset LSRTs, and their successors LSATs, were to have an important advisory role to DCPS through school principals.

According to DCPS’ Office of Family and Public Engagement (OFPE), School Year 2018-2019 Local School Advisory Team Guidelines (the “Guidelines”), LSATs are a “group of elected and appointed members that shall exist in every DCPS school [sic]. The team consists of parents, teachers, non-instructional school staff, a community member, and in some cases students, to advise the principal on matters that promote high expectations and high achievement for all students.” Reflective of their important advisory role is the mandatory requirement that each DCPS have a functioning LSAT.<sup>12</sup>

Also, while testifying before Congress in 1995 on D.C. School Reform before the Committee on Economic and Educational Opportunities’ Subcommittee on Oversight and Investigations,<sup>13</sup> Superintendent Smith referenced the delegation of authority from the DCPS to LSRTs, when he testified that:

[t]urning over as much decision-making authority as possible to those who will be most affected by the decisions involved – that is, parents, teachers, and school- administrators – is one of the cornerstones of the bold reform initiative . . . that our school system has embarked upon. We have laid the groundwork for such school-based management by establishing local school restructuring teams (“LSRT’s”) to participate in collaborative decision-making in all schools . . .

Superintendent Smith’s testimony reveals the intent of creating these entities was for the LSATs to provide authoritative guidance concerning issues they are called to advise upon.

Further, in a DCPS document entitled “Welcome to Our Schools,” in the section “Shared Decision-Making and Accountability,” DCPS stated that “[l]ocal school restructuring teams have been established in each school to give teachers, parents and other members of the local community a greater say in the decisions affecting their school.”<sup>14</sup> According to the DCPS School Budget Development Timeline, “DCPS is committed to . . . being transparent and equitable in our budgeting process,”<sup>15</sup> and “DCPS develop[s] initial budgets using projected revenue and enrollment support. Principals receive their budget allocations and construct their budgets in collaboration with LSATs and their school community.”<sup>16</sup>

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<sup>11</sup> See *School Year 2018-2019 Local School Advisory Team Guidelines* (DCPS Off. of Family and Pub. Engagement, Washington, D.C.) (2018), at 4. (hereinafter *Guidelines*) The publication may be accessed here: <https://drive.google.com/drive/folders/1s2wPHt17HW7sEhKDr7ZGoYI8OzRE3z0S>.

<sup>12</sup> *Id.*

<sup>13</sup> Before the Subcommittee on Oversight and Investigations of the H. Comm. on Econ. and Educ. Opportunities, 104th Cong. 1-2 (1995) (statement of Franklin L. Smith, Superintendent and Chief State School Officer of the District of Columbia Public Schools).

<sup>14</sup> *Welcome to Our Schools*, DCPS (July 1996), <https://wapo.st/2JJOSUU>.

<sup>15</sup> *Budget Engagement*, District of Columbia Public Schools, <http://dcps.dc.gov/budget> (last visited July 15, 2019).

<sup>16</sup> *Id.*

The history of LSATs establishes that the entities' advisory role is far from perfunctory and the LSATs were created to provide authoritative advice to DCPS.

### **C. LSATs Membership Composition and Transparent Meeting Requirements**

The LSAT membership is comprised of members selected by elections. All members are elected, except for the Community Representative, who is chosen by a consensus of the elected members. DCPS principals must submit all contact info to OFPE to certify election of the LSAT by June 30, or within a week of completing elections.<sup>17</sup> Per the Guidelines, LSATs will have the following members representing their constituencies<sup>18</sup>:

- 1 WTU Building Representative or designee<sup>19</sup>
- 4 Teachers;
- 4 Parents/guardians *who have children enrolled in the school*;
- 1 Parent Group Leader (of PTA, PTO, PTSA, HAS, or other such group) or designee *who has children enrolled in the school*;
- 1 Non-Instructional Local School Staff Member,
- 1 Student (recommended in high schools, and optional at other levels); and
- 1 Community Member who is a resident of the local school's boundary, works within the school's boundary, or is a member of one of the school's official partner organizations.

There are also provisions for possible additional members for purposes of: ensuring or reflecting diversity; representing parents from feeder programs; and adding teachers of specific disciplines.<sup>20</sup> The LSAT members represent their constituencies and advise and make recommendations to the local principal according to the interests of those groups.

While DCPS principals are not members of LSATs they are expected to strongly consider LSAT recommendations<sup>21</sup> and will be held accountable to their Instructional Superintendent and the Chancellor for successful execution of this role.<sup>22</sup> Although no specific timeframe or form of notice is mentioned, the Guidelines mandate that LSATs provide "advance notice to their school community of every meeting." The Guidelines state, "[a]ll LSAT meetings are open to the school community unless otherwise stated . . . [o]bservers may attend meetings in a non-voting

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<sup>17</sup> *Id.*, at 9-10.

<sup>18</sup> *Guidelines* (DCPS Off. of Family and Pub. Engagement, Washington, D.C.), at 6.

<sup>19</sup> The acronym WTU means Washington Teachers Union, hereinafter WTU.

<sup>20</sup> *Guidelines*, at 6.

<sup>21</sup> *Id.*, at 6.

<sup>22</sup> *Id.*

capacity and are allowed to participate in meetings at the discretion of the LSAT. The only time a meeting is closed is when confidential information will be discussed.”<sup>23</sup>

According to the Guidelines, “[i]n order for a [LSAT] to conduct official business, the presence of the principal (or their designee), a teacher representative and a parent representative from the LSAT is required.”<sup>24</sup> Thus, there is a form of quorum requirement, though the principal is not an actual LSAT member. Agendas for LSAT meetings “are set in consultation with the LSAT chair, LSAT members and the {sic} Principal”<sup>25</sup> and the principal is to help prioritize “topics . . . strategically.”<sup>26</sup> The DCPS, Office of Family and Public Engagement, “Local School Advisory Team (LSAT) Frequently Asked Questions” document states that LSAT “[m]eeting minutes are not confidential and should be a summary of the meeting; not a verbatim transcript” and that “[c]onfidential matters should not be included in the public minutes” and “[n]otes should indicate closed/confidential session.”<sup>27</sup> The Guidelines state that the “secretary keeps the minutes for each meeting,”<sup>28</sup> and that both the principal and members must “approve[d] the minutes . . . [and] [f]ailure to respond to a request to approve shall be taken as assumed consent.”<sup>29</sup> The minutes must be posted “[w]ithin 20 days . . . on the school’s website or otherwise be made available to the school community . . . and may also be distributed via the school newsletter or other means that the [LSAT] deems fit.”<sup>30</sup> The Guidelines also require the LSATs to “establish rules for open meetings and for dispersing information on meeting discussions.”<sup>31</sup> In short, the Guidelines contemplate and provide for procedures to ensure that LSATs’ meetings are open and transparent.

## **II. DISCUSSION**

This Advisory Opinion considers whether LSATs are “public bodies” within the meaning of the OMA; and, thus their meetings are subject to the OMA. It is established that entities, even when created by an agency that may be exempt from the OMA, may be public bodies that are subject to the OMA, as is the case here with LSATs, which functionally operate as public bodies. Further, since DCPS delegated LSATs the authority to consider, conduct, advise, recommend and vote on matters that constitute public business, these entities meet the OMA’s statutory definition of a public body. The discussion follows.

### **A. DCPS Is Not Subject to the OMA.**

DCPS is correct in stating that it is not subject to the OMA because it is a government agency. D.C. Official Code § 2-573(3)(A) exempts DCPS as an entity from the OMA and DCPS is not a public body. While DCPS is not subject to the OMA, that does not mean that entities

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<sup>23</sup> *School Year 2018-2019 Local School Advisory Team Frequently Asked Questions* (DCPS Off. of Family and Pub. Engagement, Washington, D.C.) (2018), at 3 (hereinafter FAQs). The publication may be accessed here: [https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/LSAT%20FAQs\\_0.pdf](https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/LSAT%20FAQs_0.pdf).

<sup>24</sup> *Id.*, at 12.

<sup>25</sup> *Id.*, at 5.

<sup>26</sup> *Id.*, at 1.

<sup>27</sup> *FAQs*, at 3.

<sup>28</sup> *Guidelines*, at 12.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*, at 11.

created by DCPS or within DCPS are automatically excluded from the OMA merely because they fall under DCPS.

**B. Entities Established By An Agency Directive May Be Subject To The OMA.**

The OMA does not require that a public body be established by statute, regulation or Mayor's Order, but looks to the nature of the meeting, and whether the public body is gathering to consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless of whether held in person, by telephone, electronically, or by other means of communication.<sup>32</sup> In addition, when considering whether an entity is subject to the OMA, the OOG will consider whether the public body is exercising authority delegated to it by the District of Columbia government.

*1. LSATs are public bodies based upon the plain meaning of the statute.*

The OOG gleans the definition of public body from both the OMA and its legislative history. D.C. Official Code § 2-574(3)(A) in relevant part, defines a public body as follows:

(3) Public body means any government council, including the Council of the District of Columbia, board, commission, or similar entity, including a board of directors of an instrumentality, a board which supervises or controls an agency, or an advisory body that takes official action by the vote of its members convened for such purpose. The term "public body" shall not include:

(A) A District agency or instrumentality (other than the board which supervises or controls an agency or the board of directors of an instrumentality).

Here, LSATs are "an advisory body that takes official action by the vote of its members convened for such purpose" because LSATs advise school principals and, subsequently, DCPS, by considering, debating and recommending on school plans, budgets, and staffing issues.

*2. Entities not specifically named in the OMA may be subject to the OMA.*

While plain meaning of the statute provides instruction for whether an entity should be subject to the OMA, the legislative history clarifies the D.C. Council's intent regarding which entities the statute should cover, beyond those specifically mentioned. With respect to D.C. Official Code § 2-574(3)(A), the OMA's legislative history supports the idea of creation of a public body by directive. The list of entities in the legislative history that constitute a public body is not exhaustive; it includes "all boards and commissions defined under D.C. Official Code section 1- [sic] 523.01. . . and any other entity that is created by and exercises authority delegated by the District of Columbia government."<sup>33</sup> Therefore, the method of establishment is not determinative. Rather, it is

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<sup>32</sup> D.C. Official Code § 2-574(1).

<sup>33</sup> Report of the Committee on Government Operations and the Environment on Bill 18-716, the Open Meetings Act of 2010, at 4-5 (Council of the District of Columbia Dec. 2, 2010)).

whether there is delegation of authority from the District of Columbia government to the entity to conduct what the OMA describes as public business. As further discussed below, LSATs fit the mold for a public body.

In this matter, the LSATs are public bodies subject to the OMA because they meet to exercise their delegated authority. And even though they are not specifically mentioned as a public body subject to the OMA, the legislative history instructs that non-named entities may be subject to the OMA.<sup>34</sup>

### 3. *LSATs Operate as a Public Body.*

Since there was no change in the delegated authority or function of the LSRTs when they were renamed LSAT, the LSATs, as successors to LSRTs, are public bodies subject to the OMA. D.C. Official Code § 2-574(3) defines the term “public body” relative to the OMA. It establishes that a public body can be: (1) an advisory body; (2) that takes official action; (3) by the vote of its members; (4) when convened for such purpose. The LSATs meet all four prongs of the definition of a public body as defined by the aforementioned statute.

DCPS created the LSATs to advise school principals on improving student outcomes and school operations. The elected members of the LSATs vote on the recommendations that they make to the principals and, though principals may act independently of the recommendations, when recommendations are not followed, it must be explained in writing. Specifically, if a personnel recommendation from an LSAT is not followed, and the WTU demands it, a signature from the Chancellor is required to circumvent the recommendation(s). Finally, LSATs are convened specifically to represent their constituencies in public education in the District, which is clearly public business.

Also, DCPS has stipulated that LSATs serve in an advisory capacity. This establishes the first relevant elemental requirement of § 2-574(3). The Guidelines further expound that LSATs advise public school principals on the following: budget decisions; organization of the school; curriculum options; allocation of school resources; monitoring overall student progress; and priorities and considerations for staffing patterns and the selection of personnel.<sup>35</sup> These areas are public business because they go to the core of DCPS operations. Significantly, LSATs advise on personnel issues, which are clearly government business. Essentially, when DCPS determines a reduction in force, abolishment of a position, or furlough is necessary, the LSAT must “make a recommendation as to the area(s) of certification to be affected,” and are tasked with exploring “alternative ways to address the required budget reductions prior to making a recommendation.”<sup>36</sup> If the final decision departs from the LSATs’ recommendation, DCPS is required to justify the departure from the LSATs’ advice in writing.<sup>37</sup> Further, that justification would require the approval of the Chancellor to be implemented, if the WTU President requests.<sup>38</sup> Where a written declaration or certification of a principal’s decision to disregard the collective recommendation

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<sup>34</sup> D.C. Official Code § 2-574(3) also describes these non-named entities as a “similar entities.”

<sup>35</sup> See *id.* The term “personnel” is partially established in the *Guidelines*, where LSAT responsibilities relative to the Collective Bargaining Agreement between DCPS and the WTU are described. Though the *Guidelines* state that LSATs are said to not handle personnel issues, recommendations on personnel or staffing are not only spelled out in the Agreement, they are made part of an explicit exemption procedure in a District contractual relationship.

<sup>36</sup> *Guidelines* at 5.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

of an elected advisory body is required, it may merely be exercise of executive authority. However, when the endorsement of the agency head is required to disregard the collective advice of an elected advisory body, public business is clearly implicated. The LSATs authority respecting personnel issues demonstrates that it takes official action based upon its delegated authority. The importance and scope of LSATs are far reaching. The advice and recommendations of the LSATs mirror the function of a public body as set forth in D.C. Official Code § 2-574(3).<sup>39</sup>

Furthermore, the manner in which LSATs were created and conducts business further evidences they act as a public body. First, DCPS principals are certainly advised by LSATs. Second, DCPS principals have to justify their rationale for ignoring the recommendations of a LSAT, despite there being no clear basis upon which they have to justify their choice. Third, DCPS principals may share responsibility with LSATs for developing school plans, creating budgets and altering staffing. From these facts it is apparent that LSATs are advisory bodies taking official action, and that “differences of opinion are no less helpful to the principal than a single opinion.”<sup>40</sup> This provides further evidence that LSATs should be considered a public body because they are functionally equivalent to public bodies defined in the OMA.

The OMA does not require that a public body be established by statute, regulation or Mayor’s Order to be subject to its provisions. Rather, the OMA looks to the nature of the meeting, and whether the public body is gathering to “consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless of whether held in person, by telephone, electronically, or by other means of communication.”<sup>41</sup> In addition, the OOG considers whether the public body is exercising authority delegated by the District of Columbia government. As detailed above, while meeting, LSATs consider, conduct, advise, vote and make recommendations to principals on local school issues that include budgets and personnel staffing matters. The LSATs undertake these activities for the benefit of DCPS and pursuant to an express delegation of authority from the DCPS. Additionally, DCPS admits that LSATs serve as advisors to DCPS principals.

### **C. The OOG Has Held That Entities Created By OMA Exempt Agencies May Be Public Bodies Subject To The OMA.**

The issue of whether an entity, which is not established pursuant to statute, regulation or Mayor’s Order, is a public body subject to the OMA, has been addressed by the OOG. Similar to LSATs, the OOG found that the Cross-Sector Collaboration Task Force (the “Task Force”), which was established by the Deputy Mayor of Education, was subject to the OMA. In the matter of the Cross-Sector Collaboration Task Force, the entity was established to make recommendations to the Mayor on school effectiveness and efficiency. Members of the Task Force included the Deputy Mayor of Education as chair, and approximately twenty-five members from Local Education Agencies, district agencies and public-school parents. The Task

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<sup>39</sup> D.C. Official Code § 2-574(3) provides that where “a board, commission, or similar entity . . . takes official action by the vote of its members convened for such purpose,” that entity is a public body.

<sup>40</sup> *Id.*, at 11.

<sup>41</sup> D.C. Official Code § 2-574(1).



Force was to remain in place for two-years. In finding that the Cross-Sector Collaboration Task Force was a public body subject to the OMA the Director of Open Government stated:

By the DME's admission, the sole purpose of the Task Force is to develop a report for the Mayor with recommendations on how to improve certain aspects of public education including recommending policy to the Mayor to decrease student mobility, and the centralization and automation of the Universal Healthcare Certificate and the residency verification process. The Task Force is to be chaired by the DME, and made up of representatives of District agencies, including District of Columbia Public Schools which oversees 100 campuses and nearly 50-thousand public school students. The recommendations of the task force whether accepted or rejected by mayor Bowser, will most certainly be intended to impact District operations and inform policy. Given the DME's description of the purview of the Task Force, and its potential far-reaching impact on education policy, the only plausible determination is that it is an entity similar to a board or commission, and is a public body as contemplated under the Open Meetings Act.<sup>42</sup>

LSATs also have a similar composition to the Task Force; both include government and public members, although principals are not actual LSAT members. The policy recommendations and advice that LSATs provide to local principals, as with the Cross-Sector Collaboration Task Force, has far reaching policy implications that affect the same 115 DCPS campuses and more than 48 thousand students,<sup>43</sup> as did the Task Force's recommendations. As the Mayor was free to accept or reject Task Force recommendations, so are local principals concerning advice provided to them by LSATs. But the acceptance or rejection of advice given to the government official is not dispositive here. Relevant to a determination in both instances is the delegation of authority by the District of Columbia government to these entities to consider, conduct, advise and make recommendations on public business. The OMA does not mandate acceptance of the advice given by a government official as a factor to determine an entity's status as a public body.

Further, by contrast from the present case, the Task Force was entirely appointed, intended to hold meetings closed to the public, and sought to limit the means of public engagement regarding their activities. The OOG held that because the recommendations of the Task Force, whether accepted or rejected, would have a potentially far-reaching impact on public education, and because its purpose and composition was held similar to a board or commission as specified by the OMA, the Task Force was a public body as contemplated by the OMA. Comparably, LSATs, are "similar entities" to boards and commissions that consider, conduct,

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<sup>42</sup> See DME opinion here at 4: <https://www.open-dc.gov/documents/oog-0002-oma-complaint-resolving-whether-cross-sector-collaboration-task-force-public-body>.

<sup>43</sup> See <https://dcps.dc.gov/page/our-schools>.

advise and make recommendations to DCPS principals on local school issues including budgets and personnel matters that have far-reaching implications. This is a clear exercise of authority delegated from the DCPS to LSATs to conduct official public business. So, like the Task Force, the LSATs are also public bodies subject to the OMA.

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

#### **A. Conclusion**

Based on the foregoing, LSATs are public bodies as defined by the OMA and must strictly adhere to the entire OMA. Since DCPS has delegated authority to LSATs to consider, conduct and advise local principals on matters that clearly constitute public business, I find that LSATs meet the OMA's statutory definition of "public body." LSATs must strictly adhere to the OMA in the conduct of their meetings. Regarding the status of DCPS, it is undisputed that DCPS is an agency and the OMA expressly exempts agencies from the definition of "public body" (D.C. Official Code § 2-574(3)(A)). Therefore, it is the binding opinion of the OOG that LSATs are public bodies as contemplated by the OMA.

Further, the OMA's "Statement of policy" (D.C. Official Code § 2-572) and "Rules of construction" (D.C. Official Code § 2-573) support the conclusion in this matter. These provisions respectively state, "that all persons are entitled to full and complete information regarding the affairs of government and those who represent them," and that the OMA "shall be broadly construed to maximize public access to meetings." A broad application of the OMA requires the conclusion that DCPS' adoption of policies and practices recommended by the LSATs that impact education, is a delegation of authority from DCPS to LSATs consider, conduct, and advise on public business.

#### **B. Compliance Directives**

1. LSATs must immediately ensure their current meeting guidelines conform to the following OMA provisions: "Open meetings" (D.C. Official Code § 2-575); "Notice of meetings" (D.C. Official Code § 2-576); and "Record of meetings" (D.C. Official Code § 2-578).

2. LSATs must: (1) publish a yearly<sup>44</sup> schedule of its meetings and provide as much advance notice to the public as possible, but not less than forty-eight hours or two business days, whichever is greater, before the meeting (D.C. Official Code § 2-576(1)); (2) physically post and electronically post meeting notices (D.C. Official Code § 2-576(2)); (3) publish notice of meetings in the District of Columbia Register (D.C. Official Code § 2-576(3)); (4) record all meetings whether open or closed by electronic means (D.C. Official Code § 2-578(a)); and (5) make a copy of meeting minutes publicly available within three business days of the meeting, and any recording with a full transcript within seven business days (D.C. Official Code § 2-578(a)(1-2)).<sup>45</sup>

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<sup>44</sup> LSATs are currently encouraged by the Guidelines "to schedule all meetings for the school year at the beginning of the year." *Guidelines*, at 11.

<sup>45</sup> For a detailed analysis of the OMA recording and publishing requirements, see OOG Advisory Opinion on Posting of Meeting Minutes, Transcripts, Electronic Recordings here, <https://bit.ly/30FniPC>.

3. All LSAT members must undergo OMA training with the OOG on dates to be determined by this office.

Sincerely,



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NIQUELLE M. ALLEN, ESQ.  
Director of Open Government  
Board of Ethics and Government Accountability

cc: Complainant

Eboni J. Govan, Esq.  
Attorney Advisor  
DCPS Office of the General Counsel