

Introduction to the Open Meetings Act for Boards of Trustees for DC PCS

Training Series I

**Presented By: Joan Lelma
Attorney Advisor,
OOG**

February 26, 2026

The Office of Open Government (OOG) is within the Board of Ethics and Government Accountability (BEGA).

The Office of Open Government promotes open governance in the District of Columbia (D.C. Official Code § 1-1162.05b).

- This includes enforcing the Open Meetings Act and Regulations.

**The Office of Open Government's
Director is Niquelle Allen, Esq.**

OOG is staffed as follows:

**Louis Neal, Chief Counsel;
Anthony J Scerbo, Attorney Advisor;
Brandon Lewis, Attorney Advisor;
Joan Lelma, Attorney Advisor;
Kimberly Brown, Paralegal Specialist; &
Kevin Brown, IT Specialist.**



The Office of Open Government educates public bodies and the public on Open Meetings Laws.

The Office of Open Government provides training and advice to public bodies on adherence to the Open Meetings Act (D.C. Official Code § 2-579(g) & § 2-580).

The Office of Open Government provides training and guidance on the implementation of D.C. Freedom of Information Act (D.C. FOIA).

THE OFFICE OF OPEN GOVERNMENT (OOG)

THE OFFICE OF OPEN GOVERNMENT (OOG)



The Office of Open Government advocates for openness and transparency of D.C. Government (D.C. Official Code § 2-572).



The Office of Open Government enforces the Open Meetings Act – “... may bring a lawsuit in the Superior Court of [DC] for injunctive or declaratory relief ...” (D.C. Official Code § 2-579).

Openness & Transparency

- The Open Meetings Act requires (with specific exceptions) that most meetings of a public body and its decisions be open to the public, and certain records from the body's meetings are available to the public (D.C. Official Code § 2-578).

- The Open Meetings Act is designed to give the public confidence in the decision-making process of the members of a public body.



What Constitutes Meeting Under The Open Meetings Act?

- There are three elements to ascertain whether the OMA applies to a meeting.
 - Identity of the entity
 - Composition of the public body
 - Purpose for which the properly constituted public body gathers.
- WHAT, WHO, & WHY

Checking the three elements under the OMA.

- Is the entity a public body within the meaning of the OMA? D.C. Official Code § 2-574(3)
- Is there a quorum of the members of the public body? D.C. Official Code § 2-574(1)
- Is the meeting of the properly constituted public body held to consider, conduct, or advise on public business? § 2-574(1)
- If your response is “YES” to all three questions, a meeting has been identified under the OMA.

Identity What? Public Body

The following entities must adhere to the Open Meetings Act:

- **Government Councils (including the Council of the District of Columbia);**

- **Boards;**

- **Commission or similar entity;**

- **Board of Directors of an instrumentality;**

- **Board which supervises or controls an agency;**

- **An Advisory Body taking official action by vote of its members so convened; and**

- **Board of Trustees of a Public Charter School.**

Identity: What? Not Public Body



- A District Agency or Instrumentality (except the board that supervises or controls the agency or the board of directors of an instrumentality)
- The District of Columbia Courts
- The Mayor's Cabinet
- Advisory Neighborhood Commissions (ANCs)
- Professional Staff of public bodies meeting outside a quorum of those bodies
- Criminal Justice Coordinating Council (until March 29, 2026)

Composition: Who? Quorum of Public Body

- In the absence of Enabling Legislation, Mayor's Order, or Regulations, a QUORUM is at least half of the members of the board of a public body plus one member or a simple majority. A public body can also determine what constitutes a quorum in the body's by-laws.**
- In the absence of a quorum, a public body must not conduct public business within the meaning of the OMA to subvert the statute.**

MEMBERS OF BOARD	NUMBER PRESENT	LOWEST TARGET	QUORUM
10	6	6	YES
10	5	6	NO
10	8	6	YES
10	4	6	NO

WHY? Public Business Includes The Following:

- Gathering Information;
- Taking Testimony;
- Deliberating;
- Discussing;
- Recommending; or
- Voting.

Means of Gathering –

MEANS UNDER OMA:

- In Person;
- Via Telephone; or
- Via Video Conference.

NOT MEANS UNDER OMA:

- Chance or Social Gathering (except, when held to circumvent the OMA); or
- Press Conference.

Gathering Under OMA

NOTE, e-mail correspondences between members of a public body do not constitute proper means of gathering for a public meeting under the Open Meetings Act (D.C. Official Code § 2-577(c)). For e.g., if members of a public body decide to conduct public business via email in lieu of meeting in person or virtually. This is not permitted.

Vote By Email – NOT PERMITTED

- A public body is not permitted under the OMA to vote on public business via email.
- What if the public body, such as a Board of Trustee for Public Charter School has an agreement with another entity to take votes on public business via email and its by-laws provide likewise? D.C. Official Code § 2-577(c) – It is not allowed under the OMA.
- *“Email exchanges between members of a public body shall not constitute an electronic meeting.”*



Subcommittee Meetings

A subcommittee meeting of a public body, without a quorum of the public body present, does not constitute a gathering for public business under the Open Meetings Act.



MEETINGS – NOTICE

All meetings properly constituted to conduct public business as defined under the Open Meetings Act, unless specifically and legally exempt, are presumed to be open to the public, and the public must receive advanced notice of the date, time, location, and draft agenda (D.C. Official Code § 2-576).

NOTICE OF MEETING CONTINUES



As much notice as possible, but notice must be given 48 Hours or 2 Business Days before each meeting, whichever is greater;



Notice must be physically posted in the school, office, or a place readily accessible to the public;



Notice must be posted, along with proposed agenda, on the school's website AND the District Government's website (Central Meeting Calendar at www.open-dc.gov); and



The Boards of Trustees of DC PCS must timely post upcoming meetings and an annual schedule of meetings.



Note, Boards of Trustees of Public Charter Schools are not required to publish meeting notices in D.C. Register.

CONTENTS OF THE NOTICE



**NOTICE MUST
INCLUDE:**



TIME;



DATE;



LOCATION; AND



**PROPOSED
AGENDA.**



**IF THERE WILL BE A
CLOSED SESSION,
NOTICE MUST
INCLUDE OMA
CITATION TO THE
REASON
(EXCEPTION), AND
DESCRIPTION OF
THE MATTERS TO BE
DISCUSSED.**

CONTENTS OF THE NOTICE - AGENDA

The following statement **MUST** be included at the end of all Draft and Final Meeting Agendas:

“This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.”

VALID REASONS FOR A CLOSED MEETING (D.C. Official Code § 2-575(b))



■ Court Order/Statute



■ Specific Negotiations –
Contract, including
employment contract



■ Attorney/Client
Privilege, or to Approve
Settlement Agreements



■ Trade Secrets



■ Preparation,
administration, or grading
of scholastic, licensing, or
qualifying examinations



■ To discuss matters such
as appointment,
employment, and
discipline of government
appointees, employees, or
officials, or of Public
Charter School personnel,
if the body is the Board of
Trustees of a Public
Charter School



■ To discuss matters
involving personal
identifiable information
(such as official school
records with date of births
and grades) of students

VALID REASONS FOR A CLOSED MEETING - CONTINUE

- Concerning Boards of Trustees of a Public Charter School, to meet with an eligible chartering authority to be evaluated – mere presence of the authority is insufficient
- Training members of a public body or staff
- Specific Collective Bargaining Negotiations
- Deliberation concerning an adjudication action
- Public Safety – To protect the public from potential terrorist activity or substantial danger to public health and safety
- Investigations of alleged criminal or civil misconduct or violations of laws or regulations – If disclosure would harm the investigation



How To Enter Closed/Executive Session



Open the Public Meeting and Establish a Quorum



Move to Enter Executive Session/Second the Motion - (Motion Must incl. Reference to OMA Citation, to Justify Closed/Executive Session)



Take Vote/(s) – and if Motion Passes - Enter Closed/Executive Session



The votes taken at electronic meetings must be recorded (D.C. Official Code § 2-577(a)(3)).



Temporary Open Meetings Legislative Measure

- B-26-0200 – the Open Meetings Clarification Temporary Amendment Act of 2025 has amended Section 407(a) of the OMA to replace the voting by roll call requirement with the following:
 - All votes are “recorded” (D.C. Official Code § 2–577(a)(3).
- * The Open Meetings Clarification Temporary Amendment Act of 2025 was enacted on June 26, 2025, without the Mayor’s Signature. It became effective on August 16, 2025, and will expire on March 29, 2026.

PROTOCOL FOR CLOSED/EXECUTIVE SESSION

**Only Discuss the Matter(s)
Referenced in the Draft
Agenda**

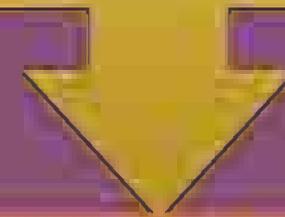
**Record what is Discussed in
Executive Session**

**Re-Open the Public Meeting,
and when Appropriate Report
Publicly any Official Action
taken in Closure and Adjourn**

OPEN MEETINGS



Any public body's meetings must be open to the public UNLESS the OMA permits otherwise.



A Meeting is Open if:

Public is Permitted to be Physically Present

News Media is Permitted to be Physically Present

Meeting is Televised

Temporary Open Meetings Legislative Measure

- **OR**, “the public body takes steps 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” (D.C. Official Code § 2–575(a)(4)).
- B-26-0200 – the Open Meetings Clarification Temporary Amendment Act of 2025 has amended the OMA to include the above as one of the occurrences for when a meeting is deemed open to the public.
- * The Open Meetings Clarification Temporary Amendment Act of 2025 was enacted on June 26, 2025, without the Mayor’s Signature. It became effective on August 16, 2025, and will expire on March 29, 2026.



RECORDING REQUIREMENTS

- D.C. Official Code § 2-578
- ALL Meetings Shall Be Recorded!
- Open AND Closed Sessions
- ONLY Where a Recording is Not Feasible, Detailed Meeting Minutes Shall Be Taken

PUBLICATION REQUIREMENTS

DRAFT DETAILED MEETING MINUTES MUST BE PUBLICLY AVAILABLE NO LATER THAN THIRTY (30) BUSINESS DAYS AFTER MEETING; A NOTATION MUST BE INCLUDED AT THE TOP OF THE DOCUMENT THAT DETAILED MEETING MINUTES WILL BE POSTED TO THE WEBSITE ON THE NEXT MEETING DATE.

AUDIO RECORDINGS, VIDEO RECORDINGS, AND TRANSCRIPTS (COPY OF THE FULL RECORD) MUST BE AVAILABLE NO LATER THAN SEVEN (7) BUSINESS DAYS AFTER THE MEETING.

* Ensure there are no copyright restrictions in posting minutes publicly.

RECORD MAINTENANCE

- 3 DCMR § 10409.8 requires that a public body complies with District record preservation law and the District of Columbia General Records Schedules (DCGRS) concerning the disposition of its electronic meeting recordings and written meeting minutes.

D.C. OFFICIAL CODE § 2-578(a) requires preservation of all meeting records for a minimum of 5 years.

ELECTRONIC MEETINGS

- **When A Meeting Is Held Electronically (Video Conference, Teleconference, or Other Electronic Means), The Same Requirements Apply As With In-Person Meetings –**
- **Reasonable arrangements must be made to accommodate the public’s right to attend;**
- **Meetings must be recorded; and**
- **All other provisions of the OMA must be adhered to.**



PUBLIC COMMENT



- Only if the public body's enabling legislation mandates a period for public comment.
- However, a public body may allow public comment absent a statutory requirement to do so.
- A public body has the right to regulate the time allotted and duration of public comments if they choose to allow them, unless the requirement is expressed in enabling legislation or by-laws.

HOW TO CANCEL A MEETING



- A Meeting Cancellation is a Change in Schedule.
- In most instances, the public must be provided with as much notice as possible, but **Not Less Than 48 Hours or 2 Business Days**, whichever is greater, before the scheduled time of the cancelled meeting.
- To establish a record, the meeting notice to the public, **must state “Cancelled.”**

EMERGENCY MEETING

- **A Public Body May Hold An Emergency Meeting, But The Presiding Officer MUST:**

- **Provide its members and the public with notice at the same time (D.C. Official Code § 2-576(4));**

- **Open the meeting with a statement explaining the subject of the meeting;**

- **Explain the nature of the emergency; and**

- **Explain how public notice was provided.**



COMPLAINTS

An aggrieved party, including anonymous parties, may complain to the Office of Open Government for relief if a meeting was conducted in violation of the OMA (DCMR 3-10400).

- A complaint may refer to more than one open meeting;
- Submit in writing, in person, online, by mail, or via email; and
- OOG may request additional info; dismiss the complaint; conciliate the complaint; or issue a binding Advisory Opinion (3 DCMR 10401.1).



ENFORCEMENT

■ **"The Office of Open Government may bring a lawsuit in the Superior Court of the District of Columbia for injunctive or declaratory relief for any violation of [the OMA] before or after the meeting in question takes place ..."** (D.C. Official Code § 2-576(a)).

■ **If the Court finds that a meeting contravened the OMA, the Court may order an appropriate remedy, such as, requiring additional forms of notice, postponing a meeting, or declaring action taken at a meeting to be VOID** (D.C. Official Code § 2-579(d)).

■ **If the Court finds that the public body engages in a pattern or practice of violating the OMA, the Court may impose a civil fine of not more than \$500 per violation** (D.C. Official Code § 2-579(e)).

Upcoming Trainings



OMA Trainings for Boards of Trustees for DC PCS –

<https://www.open-dc.gov/news/2026-oma-trainings-boards-trustees-dc-public-charter-schools>

April 8, 2026 – 1:30 PM

June 10, 2026 – 1:30 PM

September 9, 2026 – 1:30 PM

October – Ethics Week, Includes General OMA Trainings

December 9, 2026 - 1:30 PM



www.open-dc.gov - OFFICE OF OPEN
GOVERNMENT - (202) 481 3411

Director, Niquelle Allen

Chief Counsel Louis Neal

Attorney Advisors, Anthony J Scerbo; Brandon Lewis; and Joan Lelma

Paralegal Specialist, Kimberly Brown; and IT Specialist Kevin Brown

You may contact us with questions or concerns relating to the OMA.

Thank you!

- Office of Open Government (OOG)
 - (202) 481-3411
 - opengovoffice@dc.gov
 - www.open-dc.gov