



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



June 27, 2025

VIA ELECTRONIC MAIL



**RE: Resolution of Complaint Concerning Mary McLeod Bethune Public
Charter School Board's Compliance with the Open Meetings Act
(#OOG-2025-0002)**

Dear 

On February 6, 2025, the Office of Open Government (“OOG”) received your complaint (#OOG-2025-0002) (“Complaint”) alleging that Mary McLeod Bethune Public Charter School Board (“MMB PCSB”, “PSCB” or the “Board”) posted one meeting minutes since February 2024, but has not posted schedules for meetings since the SY23-24 schedule was published on the Public Charter School’s website. In addition, you have expressed concern about the absence of links to access the PCSB’s meetings.¹

The Office of Open Government has the statutory charge to ensure that public bodies adhere to the Open Meetings Act.² The OMA reiterates the District of Columbia’s long-standing public policy that “all persons are entitled to full and complete information regarding the affairs of [the] government and the actions of those who represent them.”³ To support this policy, the OMA requires that its provisions be construed broadly to increase public access to public bodies’ meetings.⁴

Pursuant to 3 DCMR § 10400 *et seq.*,⁵ I reviewed and assessed your Complaint. OOG’s legal staff also reviewed Mary McLeod Bethune Public Charter School’s (“MMB PCS” or “PSC”) website, District of Columbia Public Charter School’s (“DC PCS”) website, and less than timely response from MMB PCSB. The Director may issue an Advisory Opinion based on the information from the Complaint and any other relevant sources, in the face of the lack of response from the public body (3 DCMR § 10405.2). However, notwithstanding MMB PCSB’s untimely response, I have considered it in issuing this Advisory Opinion.

¹ Email from  to Office of Open Government (OOG) on February 6, 2025.

² D.C. Official Code § 2-571, *et seq.*

³ D.C. Official Code § 2-572.

⁴ D.C. Official Code § 2-573.

⁵ D.C. Municipal Regulations Section 3-10400 – Filing and Presentation of Complaints.

Upon consideration of the aforementioned (detailed background below), and the investigation results, I find that MMB PCSB has violated the OMA. The violations are as follows: failure to post draft and final meeting minutes for specific Board's meetings on its website and/or Central Meeting Calendar ("CMC"); and failure to provide complete meeting notices for specific meetings - the location (valid dial in number and access code or valid weblink and login information). Concerning the meeting schedule, at the time OOG's legal staff conducted its investigation of the allegation of the absence of meeting schedules since the SY 2023-2024 schedule was published, OOG's legal staff found the year SY 2024-2025 posted on the PCS' website. However, certain dates on the schedules do not accord with the dates of the meetings on the agendas. Since there are no meeting minutes or notation of access to recordings for specific meetings on the PCS' website, it is unascertainable from the information made public and MMB PCS' response to the Complaint when/or if the meetings were held. I further note that there are no complete meeting notices for specific meetings and notice of cancellation of the said meetings.

The Advisory Opinion begins with the facts, then a discussion of the OMA's meeting procedures provisions and an examination of the issues. The Opinion concludes with directives for MMB PCSB's compliance with the OMA.

I. BACKGROUND

A. The Complaint

On February 6, 2025, you submitted the Complaint via email to OOG. Your Complaint, in part, states:

On February 1, 2025, I looked at the website of DC's Mary McLeod Bethune [C]harter [S]chool to find out the minutes of, and schedule for, board meetings. What I found was that the latest board minutes were from a year earlier, February 2024, and the latest schedule for board meetings from the prior school year, SY23-24. I also looked for this information on the charter board website—and was unable to find it there...

Sometime after ... the Bethune school website added the minutes from its August 2024 board meeting (see attached screenshot taken today). But there still is NO posted schedule for board meetings for this school year nor minutes for all the board meetings.

This lack of a board meeting schedule as well as posted minutes represents a violation of the Open Meetings Act as well as charter board policy. It should also come as no surprise that despite the communities around the school campuses being concerned and involved, there was NO public comment or even participation shown in all the posted minutes. That is because it is impossible to attend a meeting you do not know is happening.

Thus, I ask that you demand that the school immediately follows the law and

posts not only its board meeting schedule and links to join meetings but also minutes for all its board meetings.⁶

The following is a summary of MMB PCSB representative's email response to the Complaint.

B. Summary of MMB PCSB Founder and Executive Director's May 12, 2025, email response to the Complaint

OOG provided the chairperson of MMB PCSB with a redacted (for personal identifiable information) copy of the Complaint, thereby availing the chairperson of the opportunity to respond to the said Complaint. Linda McKay, the Founder and Executive Director of MMB PCS, responded to the Complaint via email on May 12, 2025, and provided the following explanation concerning the allegations in the Complaint.

"... our website, www.mmbethune.org, was going through a transition and makeover so all of the materials were not transferred to the new mark-up site. However, as soon as DC PCSB sent notice, the material was reposted ...

I am providing communication documentation that supports efforts and accomplished dates of rectifying the complaint situation."⁷

The documents provided by Dr. Linda McKay in support of her claimed remediation of the alleged OMA violations in the Complaint are as follows: an email dated February 6, 2025, from the Board's chairperson to certain individuals with MMB PCS' email address requesting that the calendar be posted, and an email dated March 4, 2025, from an individual to a recipient with MMB PCS' email address and the chairperson copied, concerning the redesign of the PCS' website. The email states in part that "the reprogramming of your redesign is complete."

I now move to discuss the Complaint, commencing with lack of posting of meeting minutes for specific meetings in accordance with the OMA. This is followed by a discussion of whether the absence of meeting links for specific meetings of the PCSB violates the OMA.

II. DISCUSSION

A. The OMA requires that public bodies record all the bodies' meetings (open and closed sessions), and when not feasible, detailed meeting minutes must be taken. Also, the open session records must be made available for the public's inspection and be preserved for at least five years.

The OMA applies to public body meetings where there is a "gathering of a quorum of the members of a public body, including hearings and roundtables, whether formal or informal,

⁶ Email from [REDACTED] to Office of Open Government (OOG) on February 6, 2025.

⁷ Email from Dr. Linda McKay, the Founder and Executive Director of MMB PCS to Attorney Advisor Joan Lelma (OOG) on May 12, 2025.

regular, special, or emergency, at which the members consider, conduct, or advise on public business” (D.C. Official Code § 2-574(1)). The term “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, the board of trustees of a public charter school, or an advisory body that takes official action by the vote of its members convened for such purpose.”⁸ The OMA applies when members of a public body meet as a quorum and conduct any form of public business.

Where an entity is found to be a public body under the OMA⁹ and a meeting within the meaning of the OMA¹⁰ has been conducted, all the requirements of the OMA must be adhered to. Among the requirements are that open and closed session meetings must be recorded, and the former must be available to the public. D.C. Official Code § 2-578(a) states, “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.”

Furthermore, where pursuant to the OMA, copies of records of public meetings are not exempt from public inspection as closed/executive session records, the records must be made available to the public pursuant to the statute.¹¹ D.C. Official Code § 2-575(b) (1-2) states as follows: “A copy of the minutes of a meeting shall be made available for public inspection as soon as practicable, but no later than 3 business days after the meeting, or in the case of a board of trustees for a public charter school, no later than 30 business days after the meeting.¹² A copy of the full record, including any recording or transcript, shall be made available for public inspection as soon as practicable, but no later than 7 business days after the meeting.”¹³

Based on the preceding, Dr. McKay’s response on behalf of MMB PCSB, and OOG staff’s research, the Board has violated the OMA by not posting draft and detailed meeting minutes or (access to) recordings for the following dates on MMB PCS’ website and/or Central Meeting Calendar within the specified time under the statute. OOG staff’s research of MMB PCS’ website on May 7, 2025, revealed that draft and final meeting minutes or recordings were not posted on the PCS’ website for the following meetings that were supposedly held based on certain meeting agendas and the PCSB’s schedules: May 14, 2024; October 15, 2024, November 12, 2024, February 18, 2025; and March 18, 2025.

The two attached documents to Dr. McKay’s email response to the Complaint described in the background above do not identify the publication of any specific meeting minutes on the PCS’ website.¹⁴ Notwithstanding Dr. McKay’s response that “... I am providing communication

⁸ D.C. Official Code § 2-574(3).

⁹ D.C. Official Code § 2-574(3).

¹⁰ D.C. Official Code § 2-574(1)(A).

¹¹ D.C. Official Code § 2-578(b), § 2-575(b).

¹² D.C. Official Code § 2-578(b)(1).

¹³ D.C. Official Code § 2-578(b)(2).

¹⁴ Email from Dr. Linda McKay, the Founder and Executive Director of MMB PCS to Attorney Advisor Joan Lelma (OOG) on May 12, 2025, attached email from Linda McKay to an individual, dated February 6, 2025, and attached email from an individual to another person and Linda McKay copied, dated March 4, 2025.

documentation that supports efforts and accomplished dates of rectifying the complaint situation ...,”¹⁵ the attachments do not demonstrate that all the meeting minutes from May 14, 2024, to March 18, 2025, have been posted. The attached email (dated February 6, 2025) to Dr. McKay’s response to the Complaint only provides the following information, which is instruction to an individual with MMB’s email address. “P[l]ease post our board calendar.”¹⁶ The second attached email dated March 4, 2025, concerns MMB PCS’ website design that does not include any information on the posting of meeting minutes.¹⁷

Concerning the meeting schedule, on May 7, 2025, OOG’s legal staff conducted investigation of the allegation of the absence of meeting schedules since the SY 2023-2024 schedule was published, and the year SY 2024-2025 is found to be posted on the PCS’ website. However, some of the dates on the schedules do not match the dates of the meetings on the agendas, and since there are no meeting minutes or notation of access to recordings for specific meetings, it is unascertainable from the information made public when/or if the meetings were held. Furthermore, certain meeting notices are incomplete (discussed below) and there is no cancellation notice of the meetings identified on specific agendas; bearing in mind, the said agendas do not match certain meetings on the two schedules. As such, in the absence of evidence of cancellation, OOG does not assume the outcome of the meetings.

The following are examples of the inconsistencies. The meeting agendas for May 14, 2024, November 12, 2024, and February 18, 2025, match the dates on the schedules, but the agendas dated October 15, 2024, and March 18, 2025, are not on the schedules. Furthermore, the following meeting dates on the schedules do not have any corresponding agendas: August 17, 2024, and May 13, 2025. This touches and concerns meeting notice which extends to operable links and login information (location) and is addressed below.

B. The OMA requires that the meeting notice of a public body includes the date, time, location, and a planned agenda to be covered at the meeting.

All meetings properly constituted to conduct public business as defined under the OMA,¹⁸ unless specifically and legally exempted,¹⁹ are presumed to be open to the public, and the public must receive advanced notice of the date, time, location and draft agenda.²⁰ Also, pursuant to D.C. Official Code § 2-576(1), the public must be given notice of the change of schedule of a meeting, as soon as possible, or at least forty-eight (48) hours or two (2) business days, whichever is greater, except for emergency meetings. If one of the requirements of the notice is absent (date, time, location, and draft agenda) pursuant to D.C. Official Code § 2-576(5), a proper meeting notice has not been provided.

¹⁵ Email from Dr. Linda McKay, the Founder and Executive Director of MMB PCS to Attorney Advisor Joan Lelma (OOG) on May 12, 2025.

¹⁶ Attached email (to May 12, 2025, email to OOG) from Dr. Linda McKay to an individual, dated February 6, 2025.

¹⁷ Attached email (to May 12, 2025, email to OOG) from an individual to another person and Dr. Linda McKay copied, dated March 4, 2025.

¹⁸ D.C. Official Code § 2-574(1).

¹⁹ D.C. Official Code § 2-575(b).

²⁰ D.C. Official Code § 2-576(5).

The District of Columbia's Open Meetings Regulation instructions on how to conduct electronic meetings demonstrates that the means of access to electronic meetings is included in "location" in the OMA.²¹ 3 DCMR 10409.7 states, "[a] Public Body conducting a meeting by electronic means shall ensure the meeting complies with the Open Meetings Act and take the following actions: (a) Provide a dial-in number for the public to participate in the meeting if the meeting is held by teleconference; (b) Provide login information if the meeting is held by web-conference." Furthermore, OOG has provided clarification through one of its issued Guidance on electronic public body meetings. When taken with the OMA and the Regulation shows that for virtual or hybrid meetings, "location" includes valid login information and website link, if the meeting is held by web-conference, and if the meeting is held by teleconference, valid dial-in number and access code to the meeting.²²

You state in your Complaint that "... it is impossible to attend a meeting you do not know is happening,"²³ and has asked that OOG demand that the PCS follow the law by posting links to join the Board's meetings.²⁴ Similarly to the allegation in the Complaint concerning certain absent meeting minutes, MMB PCSB has not addressed the absence of links to join the Board's meetings. Furthermore, OOG staff's research of the PCS' website reveals that full meeting notices have not been provided for the meeting dates on the schedules and the agendas. The dates on the schedules are as follows: February 13, 2024; May 14, 2024; August 17, 2024; November 12, 2024; February 18, 2025; and May 13, 2025. The dates of the meetings on the agendas are as follows: May 14, 2024; October 15, 2024; February 18, 2025; and March 18, 2025. A complete meeting notice must include the location at which the meeting will be held.

I take notice that SY 2023 to SY 2024 schedule has the following statement "[a]ll meetings will be held at Mary McLeod Bethune Day Academy Public Charter School." Also, SY 2024 and SY 2025 schedule has the following information beside each meeting date: Brookland Campus; 16th Street Campus; Brookland Campus; and Takoma Campus. The following statement is on the schedule. "If meetings are conducted in a 'virtual' manner, by telephone conference, videoconference or other electronic means, the board shall circulate access information to the public, record the meeting by electronic means, and take votes by roll call."

Notwithstanding the preceding information, MMB PCSB is not absolved from posting meeting notices in accordance with the OMA that includes the location of the Board's meetings. If the meetings are held at a physical location, it must be stated and the address clearly written on the meeting notices. Where the meetings are virtual or hybrid, valid login information and website links must be provided for web-conference meetings. If the meetings are held by teleconference, valid dial-in number and access code to the meetings must be on the meeting notices. The OMA requires that a public body posts an annual schedule of its meetings if

²¹ 3 DCMR 10409.7, D.C. Official Code § 2-576(5).

²² OOG's *Guidance for Conducting Electronic Meetings After the COVID-19 Public Health Emergency* (Amended October 17, 2023).

²³ Email from [REDACTED] to Office of Open Government (OOG) on February 6, 2025.

²⁴ Ibid.

feasible.²⁵ However, this is in addition to meeting notices for all meetings held by a public body and not a substitute for the said meeting notices (D.C. Official Code § 2-576(1)).

The agenda dated October 15, 2024, has Brookland Campus, which would seem to suggest the location of the meeting. OOG's recommends that when the Board holds in-person meetings, the physical location (address) at which the meeting will be conducted is clearly written as such, that is, following the word "location." The agendas for May 14, 2024, February 18, 2025, and March 18, 2025, have "via Zoom." However, the agendas do not have login information and website link or dial-in number and access code. OOG's staff did not locate the required login or access information elsewhere on the PCSB's website.

Based on the preceding, MMB PCSB has violated the OMA by not providing full meeting notices for specific meetings. Also, I advise that if the inconsistencies between certain meeting dates on the schedules and certain dates on the agendas are because of changes to the dates on the schedules after they have been posted, the PCSB must update the schedule as the changes occur to conform with the OMA.²⁶

III. CONCLUSION AND COMPLIANCE DIRECTIVE

A. Conclusion

I find that MMB PCSB has violated the OMA by not posting draft and final meetings minutes or notation of access to recordings of specific Board's meetings on its website and/or Central Meeting Calendar ("CMC") and complete meeting notices for specific meetings - the location (valid dial in number and access code or valid weblink and login information). I advise that where the meeting dates on the schedules and agendas differ, the PCSB determines the reason and provides cancellation notices of meetings, if warranted, and updates the annual schedule as required by the OMA.²⁷

B. Compliance Directive – Training Required

I am empowered to seek injunctive or declaratory relief when certain OMA violations have occurred.²⁸ However, in this instance, I am issuing the following directive to MMB PCSB. The Board must immediately ensure its current meeting guidelines conform to the Open meetings (D.C. Official Code § 2-575) and Notice of meeting provisions (D.C. Official Code § 2-576). In addition, MMB PCSB must adhere to D.C. Official Code § 2-578, by recording open and closed sessions of all the Board's meetings and making a copy of its open sessions meeting minutes publicly available within thirty business days of the meetings, and a copy of the record (any recording with a full transcript) no later than seven business days.

²⁵ D.C. Official Code § 2-576(1).

²⁶ D.C. Official Code § 2-576(1).

²⁷ Ibid.

²⁸ See D.C. Official Code § 2-579.

In like manner to all District's public bodies subject to the OMA, MMB PCSB must fulfill the OMA's training requirements. I find that Mary McLeod Bethune Public Charter School Board is due for, and must retake, OMA training offered by OOG. The Office of Open Government has an ongoing OMA training series for Boards of Trustees for DC Public Charter Schools. The training schedule has been published, and the training invites are sent to the chairpersons and vice chairpersons approximately two weeks before each scheduled training, with a reminder closer to the respective training sessions. The most recent training session was on June 11, 2025, which the PCSB did not attend. Since MMB PCSB members have not attended any of the trainings in this year's series and remain in violation of the Open Meetings Act, the PCSB must contact Attorney Advisor Joan Lelma at joan.lelma@dc.gov to schedule a training session for its members. The Board's members must complete OMA training within sixty (60) days of receipt of this Advisory Opinion.

Sincerely,



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

Attachments (2)



Linda McKay [REDACTED]@mmbethune.org>

Fwd: OMA Complaint - #OOG-2025-0002

Linda McKay [REDACTED]@mmbethune.org>

Thu, Feb 6, 2025 at 4:05 PM

To: [REDACTED]@mmbethune.org>, [REDACTED]@mmbethune.org>

PLease post our board calendar.

Thank you,

Linda McKay, EdD
Founder and Executive Director
Mary McLeod Bethune Day Academy PCS
an IB World School
www.mmbethune.org
[REDACTED]

"We have a powerful potential in our youth, and we must have the courage to change old ideas and practices so that we may direct their power toward good ends." ~ Mary McLeod Bethune

*"The function of education is to teach one to think intensively and to think critically. **Intelligence plus character** – that is the goal of true education." – Martin Luther King, Jr.*

Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.

Harry S. Truman, 33rd President of the United States

[Quoted text hidden]



Linda McKay [REDACTED]@mmbethune.org>

Re: Mary McLeod Bethune Day Academy - Website Redesign

Tue, Mar 4, 2025 at 2:24 PM

To: [REDACTED]@mmbethune.org>
Cc: "cc: Linda McKay" [REDACTED]@mmbethune.org>, [REDACTED]@mmbethune.org

Hi Dr. Mayberry,

I wanted to let you know that the programming of your redesign is complete, and send you the preview link to review before we push it live.

Please review the link below and let me know what date you would like to take it live. Please note that changes you make to the backend will be reflected on both the live site and new redesigned site. New photo shuffle(s) were created and labeled accordingly. You also have access to all the quick links on the new site via the links feature.

Preview Link: [REDACTED].com

Please let me know if you have any questions.

**edlio**

[Quoted text hidden]