



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



July 25, 2025

VIA ELECTRONIC MAIL

[REDACTED]
[REDACTED]

**RE: Resolution of Complaint Concerning DC Public Charter Schools’
Compliance with the Open Meetings Act
(#OOG-2025-0003)**

Dear [REDACTED]:

On February 12, 2025, the Office of Open Government (“OOG”) received your collective complaint (#OOG-2025-0003) (the “Collective Complaint”) alleging that forty-seven Boards of Trustees for District of Columbia Public Charter Schools (“Boards of Trustees”) are not in compliance with the Open Meeting Act (“OMA”), citing one or more acts of non-compliance by each of the forty-seven Boards of Trustees identified in the Collective Complaint. In addition, you expressed concerns that the information pertaining to the forty-seven Boards of Trustees meetings “is not universally easy to access,” and it “may help if the charter board now makes a request for a board meeting template to be followed for all charters’ websites.”

While the Collective Complaint (overall complaint) has been assigned reference number OOG-2025-0003, your specific complaint against each Public Charter School Board of Trustees has been assigned a (sub-)complaint number for identification, tracking, and response purposes. The range of the (sub-)complaint numbers are from OOG-2025-0004 to OOG-2025-0050. OOG will respond to each of your (sub-)complaints under the respective numbers and will be individually referred to as “Complaint.” As such, this response only addresses your preceding concerns about universal easy access to Public Charter School Boards of Trustees’ meeting information and a board meeting template to be used by all District of Columbia Public Charter Schools (“DCPCS”) on their websites.

As you are aware, the Office of Open Government has the statutory charge to ensure that public bodies adhere to the Open Meetings Act.¹ 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.”² To support this policy, the OMA requires that its provisions be construed broadly to increase public access to public bodies’ meetings.³

¹ D.C. Official Code § 2-571, *et seq.*

² D.C. Official Code § 2-572.

³ D.C. Official Code § 2-573.

Pursuant to 3 DCMR § 10400 *et seq.*,⁴ OOG reviewed and assessed the Collective Complaint and the responses from the District of Columbia Public Charter School Board's ("DCPCSB") attorney. OOG also reviewed the forty-seven DCPCS' websites. Based upon OOG's investigations and research and upon my review of the preceding, I find that: (1) the OMA does not prescribe a template format for a public body to make its meeting information publicly available on its website; and (2) DCPCSB has no obligation under the OMA to monitor Boards of Trustees of Public Charter Schools for ease of access to the public bodies' information and for a universal posting format.

However, DCPCSB has in place the Public Information Policy⁵ (replaces the School Transparency Policy⁶) that promotes accessibility to and uniformity of DCPCS' information, which includes public meetings. The lack of ease of access to public body information on some of DCPCS' websites and the absence of a universal format in posting the information, alleged in the Collective Complaint, does not stem from the absence of appropriate policy by DCPCSB. Furthermore, DCPCSB has relayed to OOG a plan (below) to institute a new guideline concerning universal format for posting DCPCS' information (stemming from the Public Information Policy), which DCPCSB is soon to issue to all DCPCS.⁷

Based on the preceding and as discussed below, I find no OMA violation; so, as detailed below, I must dismiss your Collective Complaint (in part). This should not be construed as a dismissal of your complaint against multiple Public Charter School Boards of Trustees, which will be responded to under each respective (sub-)complaint number referenced above.

My analysis begins with the facts, then a discussion of the relevant sections of the OMA, followed by DCPCSB's Public Information Policy and soon issued (further) guideline concerning universal format for posting. I will conclude with a discussion of my enforcement authority under the OMA.

I. BACKGROUND

A. The Complaint

On February 10, 2025, you sent an email to OOG concerning alleged OMA violations by eleven Boards of Trustees, followed by an email inquiry about whether to submit separate complaints against forty-seven Boards of Trustees in alleged violation of the OMA or a detailed report of the total violations. In response to your question, OOG suggested that you "submit one complaint that collectively captures the 47 (or more) charters with [] a detailed report of the total, elaborating the potential problems with each." On February 12, 2025, you submitted the Collective Complaint (Complaints) via email to the OOG. Your Collective Complaint, in part, states:

⁴ 3 DCMR § 10400 – Filing and Presentation of Complaints.

⁵ <https://dcpcsb.egnyte.com/dl/S2fQ5Ks6Lv>.

⁶ <https://dcpcsb.org/sites/default/files/2019-03-18-School-Transparency-Policy-0.pdf>.

⁷ Email from Attorney Sarah Cheatham to Attorney Advisor Joan Lelma (OOG) on February 18, 2025.

So[,] this constitutes another OMA complaint about OMA compliance in DC charters. Below is the list of 47 charter LEAs that I thought had some issues WRT compliance with the OMA for their board meetings. I have put them below. (NB: I probably should have exempted Washington Leadership Academy from scrutiny—it's clunky, but OK.)

The most concerning ones IMO I have marked with asterisks. I rechecked some, not all, of the LEAs on this list today as I transcribed by handwritten notes—I am running out the door right now, but wanted to get this to you today. It may help to perhaps think of this holistically, in terms of people trying to access this information. While some charters may be compliant with the law, for instance, it is not universally easy to access this information on their websites because it is listed as “transparency” or some term that isn't “board”, so unless you know that or can figure it out, it's not necessarily obvious *even if fully compliant with the law.*

Toward that end, the charter board made clear years ago that there are certain pieces of information that charters must report in their annual reports—such as teacher attrition. They even report it per a template that the charter board makes them follow and is literally the exact same thing—in looks and information—across all 68 annual reports.

It thus may help if the charter board now makes a request for a board meeting template to be followed for all charters' websites—clearly listing in one place all board dates, times, locations, links, and minutes. Otherwise, we have this wild west of 68 different practices.

The following is a summary of email correspondence between DCPCSB's attorney Sarah Cheatham and a member of OOG's staff shortly before and after OOG received the Collective Complaint, concerning the implications for the Boards of Trustees and DCPCS of the replacement of the School Transparency Policy⁸ by the Public Information Policy⁹ and application of the OMA.

B. Correspondence between OOG staff and DCPCSB's attorney Sarah Cheatham concerning replacing the School Transparency Policy with the Public Information Policy and how it affects Boards of Trustees/DCPCS considering the OMA

In response to an email inquiry by a member of OOG's staff sent to Attorney Cheatham on February 11, 2025, concerning the changes to be expected with the full implementation of the Public Information Policy, to determine how, if at all, the new policy will touch and concern

⁸ <https://dcpcsb.org/sites/default/files/2019-03-18-School-Transparency-Policy-0.pdf>.

⁹ <https://dcpcsb.egnyte.com/dl/S2fQ5Ks6Lv>.

Boards of Trustees' adherence to the OMA, the following explanation was provided.¹⁰ "... as part of our school oversight, DC PCSB used to post schools' board meeting minutes on the DC PCSB website on a quarterly basis. Once the OMA became applicable to charter schools, we expected schools to post their meeting minutes on their own websites as well to meet OMA requirements. However, over time, we found this created confusion for schools and the public since DC PCSB's process and timeline were not consistent with the OMA. Therefore, we recently amended our policy so that we will no longer post schools' board meeting minutes on the DC PCSB website. Instead, schools are required to post their meeting minutes on their own websites, following OMA deadlines."¹¹

On February 13, 2025, in a follow-up to a member of OOG's staff preceding inquiry concerning the Public Information Policy,¹² Attorney Cheatham harkens back to DCPCSB's response provided to OOG in 2022, concerning Complaint #OOG-2022-0007-M¹³ as follows: "DC PCSB's oversight of public charter school board meetings [are] separate from the OMA and stems instead from areas under our jurisdiction, including our obligations under our enabling statute, the School Reform Act (SRA), and our own relevant policies... The School Transparency Policy was approved by the DC PCSB Board on March 18, 2019, well before the OMA was amended to apply to public charter school boards. The policy was adopted 'to improve accessibility of information for DC public charter school families and other stakeholders by requiring schools to publish certain information either on their own websites or on DC PCSB's website (with a prominent link posted to that information on their own website). Under the policy, among other information, a school must post its annual board meeting calendar and its approved board meeting minutes in this manner. The school must post these documents in accordance with the deadlines in DC PCSB's annual Website Content Calendar, which requires board meeting calendars [to] be posted each fall and approved board meeting minutes be posted quarterly throughout the school year. DC PCSB's School Transparency Policy is entirely distinct from the OMA; it was written before the OMA was applied to public charter school boards, and its requirements are plainly inconsistent with and not aligned to the requirements of the OMA."¹⁴

Attorney Cheatham explains in her February 13, 2025, email to a member of OOG's staff that the School Transparency Policy was distinct from and inconsistent with the OMA on its face. Attorney Cheatham recalls DCPCSB's collaboration with OOG and other partners to provide schools with information and training that clarified the requirements of the OMA. Notwithstanding, Attorney Cheatham states the following. "... We recognized the potential for confusion and since that complaint have revised the School Transparency Policy (now renamed the Public Information Policy) to remove the posting requirements related to schools' board meetings, effective after school year 2024 – 25. The policy¹⁵ also now includes a footnote that

¹⁰ Email from Attorney Advisor Joan Lelma (OOG) to Attorney Sarah Cheatham of DC PCSB on February 11, 2025.

¹¹ Email from Attorney Sarah Cheatham to Attorney Advisor Joan Lelma (OOG) on February 11, 2025.

¹² Email from Attorney Advisor Joan Lelma (OOG) to Attorney Sarah Cheatham of DC PCSB on February 11, 2025.

¹³ https://www.open-dc.gov/sites/default/files/OOG-2022-0007-M%20AO%20EagleAcadBdOfDirs_DCPCSB.pdf.

¹⁴ Email from Attorney Sarah Cheatham to Attorney Advisor Joan Lelma (OOG) on February 13, 2025.

¹⁵ <https://dcpcsb.egnyte.com/dl/S2fQ5Ks6Lv>.

specifies, among other things, ‘Schools should not conflate compliance with this Public Information Policy with compliance with the Open Meetings Act.’”¹⁶

The following is a summary of DCPCSB Attorney’s email response to the Collective Complaint and meeting discussion with a member of OOG’s staff concerning implementation of the Public Information Policy including a “centralized hub”¹⁷ for meeting information on each DCPCS’ website.

C. Summary of Sarah Cheatham DCPCSB’s Attorney February 18, 2025, email response to the Collective Complaint and a virtual meeting with Joan Lelma Attorney Advisor (OOG), on March 13, 2025

To issue this response, OOG provided Attorney Cheatham with a redacted (for personal identifiable information) copy of the Collective Complaint, thereby availing DCPCSB of the opportunity to respond to the said Collective Complaint. Attorney Cheatham responded via email on March 18, 2025, and provided the following explanation concerning the concern/suggestion in the Collective Complaint for board meeting template to be used by all DCPCS. Attorney Cheatham explains that the preceding suggestion aligns with some of the changes already implemented by DCPCSB and states the following. “... DC PCSB is requiring schools to maintain a “centralized hub” on their websites for open meeting and board information. The idea is to make it easy for the public to locate and access the information in one place. While DC PCSB won’t monitor the contents of that hub for compliance with the Open Meetings Act, we will check periodically to determine that each school has such a hub and that it is populated with required content.”¹⁸ Attorney Cheatham references the page (2) of the Public Information Policy concerning a centralized hub on each DCPCS’ website for meeting/board information¹⁹ that will be fully implemented on/about July 1, 2025.

On March 13, 2025, Attorney Lelma attended a virtual meeting with Attorney Cheatham at which they further discussed the implementation of the Public Information Policy and the most suitable format for posting the meeting information (template) to be presented by DCPCSB to the Boards of Trustees. This effort is to ensure a universal form for posting the latter’s information and ease of access by the public. OOG has provided Attorney Cheatham with a suggested universal format for the Boards of Trustees to post their information, noting that all the requirements of and the procedures under the OMA are not reflected in the format and must be adhered to.

I now move to discuss the Collective Complaint, commencing with universal easy access to information on Boards of Trustees of DC Public Charter School’s websites in relation to the

¹⁶ Email from Attorney Sarah Cheatham to Attorney Advisor Joan Lelma (OOG) on February 13, 2025.

¹⁷ Email from Attorney Sarah Cheatham to Attorney Advisor Joan Lelma (OOG) on February 18, 2025.

¹⁸ Email from Attorney Sarah Cheatham to Attorney Advisor Joan Lelma (OOG) on February 18, 2025.

¹⁹ <https://dcpceb.egnyte.com/dl/S2fQ5Ks6Lv>. 3. Centralized hub for open meeting and board information (listed below) a. Current board roster b. Contact information for Chair and Vice Chair of the board (a general email address, e.g., Board@LEA.org, is acceptable) c. Board meeting calendar d. Board meeting notices and agendas e. Board meeting minutes f. Board meeting records, including any recordings, transcripts, and materials.

OMA. This is followed by a discussion of whether DCPCSB has an obligation under the OMA to monitor Boards of Trustees of DC Public Charter Schools for ease of access to the public bodies' information and to ensure universal posting format among the Boards of Trustees on DCPCS' websites.

II. DISCUSSION

A. The OMA does not prescribe a template (format) for a public body to make the body's meeting information publicly available on its website

Your concern in the Collective Complaint is that the information pertaining to the forty-seven Boards of Trustees meetings "is not universally easy to access," and it "may help if the charter board now makes a request for a board meeting template to be followed for all charters' websites."²⁰ All meetings properly constituted to conduct public business as defined under the OMA,²¹ unless specifically and legally exempted,²² are presumed to be open to the public, and the public must receive advanced notice of the date, time, location and draft agenda. If any portion of the meeting will be closed, the notice must include, if feasible, a statement of intent to close the specific portion of the meeting, citing the reason/(s) for closure under D.C. Official Code § 2-575(b), and a description of the matters that will be discussed.²³ 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.

While the OMA applies to a public body's meetings, there are specific matters concerning a public body's meetings that are not addressed by the OMA. One such matter is a prescribed format (template) for a public body to make publicly available the body's meeting information on its website or for a group of similar public bodies to conform to a specific website posting format for the bodies' meeting information. The OMA is silent concerning the preceding. However, D.C. Municipal Regulation²⁴ have prescribed formats for specific information to be included on the public body's meeting notice and agenda. These are discussed below, but do not amount to a template for posting meeting information on a public body's website.

A public body is required pursuant to 3 DCMR § 10409.2 to include the following statement at the bottom of the public body's draft and final agenda. "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."²⁵ Also, the DCMR requires a notation to be placed at the top of draft detailed minutes that the full meeting minutes will be posted on the next public body's meeting date.²⁶

²⁰ Email from [REDACTED] to Office of Open Government (OOG) on February 12, 2025.

²¹ D.C. Official Code § 2-574(1).

²² D.C. Official Code § 2-575(b).

²³ D.C. Official Code § 2-576(5).

²⁴ 3 DCMR § 10409.

²⁵ Ibid., 10409.2.

²⁶ 3 DCMR § 10409.4-5.

Notwithstanding, the absence of a template or prescribed format under the OMA for a public body to post its meeting information for ease of access and conformity to a universal format for similar bodies, the OMA is clear in its rule of construction that the statute must be construed broadly to maximize the public's access to public body meetings and exceptions must be construed narrowly.²⁷ Furthermore, the preceding background information describes OOG's coordination with DCPCSB for the latter to issue guidelines to DCPCS for the Boards of Trustees to make their meeting information more readily accessible to the public and presented in a uniform manner on the DCPCS' websites. This must not be construed as a reading of the OMA and/or its Regulations by OOG to exercise enforcement powers.

Next, I will discuss DCPCSB's obligations under the OMA and whether such obligations include monitoring the Boards of Trustees of DCPCS' websites for specific meeting information.

B. DCPCSB has no obligation under the OMA to monitor Boards of Trustees for ease of access to the public bodies' information and to ensure universal posting format of its meeting information on the Boards of Trustees of DCPCS' websites.

All the public body obligations described under sub-section "A" of this advisory opinion apply to Boards of Trustees for DCPCS. This includes public notice requirements²⁸ and meeting procedures.²⁹ D.C. Official Code § 2-576(2) mandates that a public body must provide advance public notice of its meetings, and the notice must be provided as follows: "In the office of the public body or a location that is readily accessible to the public; and [o]n the website of the public body or the District government." All public bodies except Boards of Trustees for DCPCS are required to publish their meeting notices in the D.C. Register as soon as practicable.³⁰

Neither the OMA nor the enabling legislation for DCPCSB requires this public body to monitor the website of another public body to ensure ease of access to the public body's meeting information and to require the latter to institute a publication format in conformity with similar public bodies' meeting website publishing format. A review of DCPCS' superseded School Transparency Policy and its current Public Information Policy did not demonstrate that DCPCSB has an obligation to enforce the OMA. Section 3 of the Public Information Policy expounds in the corresponding footnotes as follows: "Schools should not conflate compliance with this *Public Information Policy* with compliance with the Open Meetings Act. The DC Office of Open Government enforces the Open Meetings Act and ensures compliance with the law."³¹ Even though there is a policy in place regarding public meetings, the policy itself points to OOG as the entity responsible for enforcing the OMA.

Moreover, even if the Public Information Policy created such an obligation, it would have been of no effect in this situation because neither the OMA nor its implementing regulation prescribe a template (format) for a public body to make the body's meeting information publicly

²⁷ D.C. Official Code § 2-573.

²⁸ D.C. Official Code § 2-576.

²⁹ D.C. Official Code § 2-577.

³⁰ D.C. Official Code § 2-576(3).

³¹ <https://dcpcsb.egnyte.com/dl/S2fQ5Ks6Lv>.

available on its website. Items (3)(a) Current board roster and (3)(b) Contact information for Chair and Vice Chair of the Board of the Public Information Policy are required by the Public Information Policy³² but are not required by the OMA. However, this does not amount to the Policy creating an obligation on the part of DCPCSB to ensure Boards of Trustees of DC Public Charter School's websites publish their meeting information in a prescribed template format.

Notwithstanding, OOG has provided DCPCSB with a suggested format upon the latter's request. As explained above, the OMA does not provide for the inclusion of Boards of Trustees current roster and the contact information of Boards of Trustees' chairpersons and vice-chairpersons in any meeting information. However, OOG has suggested upon a request by DCPCSB for input that the same be included in the guideline the latter plans to issue to the Boards of Trustees/DCPCS. The guidelines and DCPCSB's Public Information Policy are discussed further in the following.

C. DCPCSB's Public Information Policy and soon to be issued (further) guideline concerning universal format for posting

The District of Columbia Public Charter School Board has demonstrated by virtue of the Public Information Policy that steps have been taken to improve access to the Boards of Trustees of DC Public Charter Schools' information, which includes meetings. This is evidenced in the Policy's stated purpose, as follows: "... To ensure the public has accurate information, public charter schools must publicly post the documents listed in this policy to a single page on the school's website no more than two mouse clicks from the homepage. Schools are responsible for posting, and maintaining, the most current documents on their websites."³³ In addition, DCPCS are required by virtue of the Policy to post specific documents "publicly on their websites within 14 school days of submitting the [documents] to DCPCSB to comply with the local education agency (LEA) Submission Calendar or within 14 days of updating materials to comply with local or federal laws and/or meet Office of State Superintendent of Education (OSSE) or DCPCSB requirements."³⁴ Among the documents are the following: current board roster; contact information for Chair and Vice Chair of the board; board meeting calendar; board meeting notices and agendas; board meeting minutes; and board meeting records, including any recordings and transcripts.³⁵

As a corollary to the preceding, the Public Information Policy requires that each DCPCS has a centralized hub for open meetings and Board of Trustees information.³⁶ DCPCSB has taken further steps as described in this discussion to increase public access to Boards of Trustees of DC Public Charter Schools' meeting information by prompting them to adopt a uniform format for publishing the said information. They have also developed a guideline concerning the same to coincide with the full implementation of the Public Information Policy this month. Such action by DCPCSB is not one mandated by the OMA, and therefore, notwithstanding measures taken by DCPCSB prior to the Collective Complaint to increase public access to the Boards of

³² Ibid.

³³ <https://dcpcsb.egnyte.com/dl/S2fQ5Ks6Lv>.

³⁴ Ibid.

³⁵ Ibid., section 3.

³⁶ Ibid.

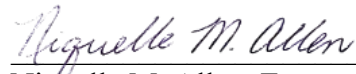
Trustees' meeting information in a uniform format, and request for the Office of Open Government's input, they have not violated the OMA. Furthermore, DCPCSB's policy-based resolve to notify OOG of any non-compliance with the OMA identified by DCPCSB through periodic review related to this or other policies or oversight practices, is one beyond the requirements of the OMA.³⁷ DCPCSB should not be penalized for this effort to assist OOG.

III. CONCLUSION

Your complaint about universal, easy access to Public Charter School Boards of Trustees' meeting information and a board meeting template to be used by DCPCS on their websites does not raise an issue that amounts to a violation of law. Based on the foregoing analysis, I find that DCPCSB has not violated the OMA, and this concludes my opinion on the matter. My findings are limited specifically to the facts and circumstances of this (Collective) Complaint. Because your complaint does not establish a violation of the OMA, I am dismissing it for the reasons stated herein, and under the OOG's regulations.³⁸ Attached is a copy of your Complaint.³⁹

Please contact OOG Attorney Advisor Joan Lelma with any questions and concerns regarding this matter.

Sincerely,



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

³⁷ <https://dcpceb.egnyte.com/dl/S2fQ5Ks6Lv> – Footnote to section 3.

³⁸ 3 D.C.M.R. § 10403.1 (“The Director [of Open Government] may dismiss a complaint on one or more of the following grounds: . . . (b) The action complained of does not violate the [OMA]).

³⁹ See 3 DCMR § 10403.2.