

OPEN MEETINGS ACT TRAINING FOR LOCAL SCHOOL ADVISORY TEAMS

TRAINING SERIES II

Presented By: Joan Lelma

Attorney Advisor, OOG

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OFFICE OF OPEN GOVERNMENT (OOG)

The Office of Open Government (OOG) and the Office of Government Ethics (OGE) are within the Board of Ethics and Government Accountability (BEGA). OOG enforces the Open Meetings Act (OMA) and provides OMA advice and training to DC public bodies. OOG advocates for fair and efficient D.C. Freedom of Information Act (D.C. FOIA) processing.

OGE investigates alleged ethics laws violations by District government employees and public officials and provides binding ethics advice.

OOG began operations in April of 2013.

The Office of Open Government is led by Director Niquelle M. Allen, Esq.

STAFF OF OOG

Niquelle Allen, Director

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OOG'S FUNCTIONS



- Interprets the Open Meetings Act and monitors compliance of DC public bodies with the statute. The OMA requires that public bodies provide proper notice of, access to, and detailed records of their meetings; and
 - Provides training and guidance on the Implementation of the D.C. Freedom of Information Act of 1976 (D.C. FOIA), which concerns the transparency and availability of public records.
- * The Office of Open Government advocates for government openness and transparency.

FUNCTIONS OF OOG CONTINUE -

- OOG provides guidance (incl. formal Advisory Opinions) on compliance with the OMA.
- And OOG can also enforce the OMA on basis of complaints from the public or its own investigations, and, as a last resort, may sue public bodies in the Superior Court of DC for injunction, declaration, and/or civil fines.

THE “PREAMBLE”

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- “The public policy of the District is that all persons are entitled to full and complete information regarding the affairs of government and the actions of those who represent them.”

D.C. Official Code
§ 2-572 - Statement of policy.



RULES OF CONSTRUCTION

“[The Open Meetings Act] shall be construed broadly to maximize public access to meetings. Exceptions shall be construed narrowly and shall permit closure of meetings only as authorized by this act.”

D.C. Official Code § 2-573. Rules of construction.

PUBLIC BODIES ARE SUBJECT TO THE OMA

The following entities must adhere to the OMA ►

Local School Advisory Teams (LSATs);

Gov't. Councils (incl. 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;

Advisory Boards that take official action by the vote of its members convened for such purpose

Boards of Trustees for Public Charter Schools

NOT PUBLIC BODIES

DISTRICT AGENCY

MAYOR'S CABINET

ADVISORY NEIGHBORHOOD
COMMISSIONS (ANC)

DISTRICT OF COLUMBIA COURTS

PROFESSIONAL STAFF OF PUBLIC BODIES
(OUTSIDE PRESENCE OF A QUORUM)

WHAT CONSTITUTES A MEETING UNDER THE OMA?

A meeting is a gathering of a quorum of the members of a public body to consider, conduct, or advise on public business (D.C. Official Code § 2-574).

A quorum means a simple majority of the members of the public body are present. That is half of the members plus one. Quorum can be otherwise determined by Enabling Legislation, Mayor's Order, Regulations, or the public body's by-laws.

PUBLIC BUSINESS INCLUDES:

- Gathering information;
- Taking Testimony;
- Discussing;
- Deliberating;
- Recommending;
or
- Voting



WHAT CONSTITUTES AN OPEN MEETING?

A Public Body's meetings **must be open to the public**, unless the **OMA permits closure**.

A meeting is open if the following occurs (D.C. Official Code § 2-575(a)):

- The public is permitted to be physically present;
- The news media is permitted to be physically present;
- The meeting is televised; 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 (**until March 29, 2026**).

TEMPORARY OPEN MEETINGS LEGISLATIVE MEASURE

- B-26-0200 – the Open Meetings Clarification Temporary Amendment Act of 2025 has amended the OMA to include the following as one of the occurrences for when a meeting is open:
- 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.

* 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.

MEANS OF GATHERING UNDER THE OMA

- Meeting may be held:
 - in person;
 - by telephone; or
 - via video conference



A MEETING IS NOT:



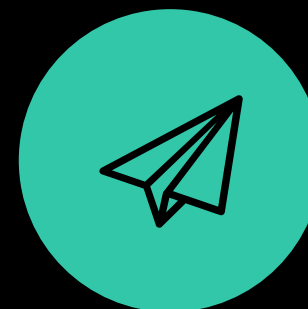
A CHANCE OR SOCIAL
GATHERING WHERE NO
PUBLIC BUSINESS IS
DISCUSSED;



A COMMITTEE OR
SUBCOMMITTEE MEETING OF
LESS THAN QUORUM OF
FULL BODY;



A PRESS CONFERENCE; OR



AN E-MAIL EXCHANGE.

ELECTRONIC MEETINGS

A Public Body Can Meet via Video Conference, Phone Conference, or Other Electronic Means IF:

- Reasonable arrangements are made to accommodate the public's right to attend;
- ALL meetings are recorded;
- ALL votes are **recorded**; and
- ALL provisions of the OMA are adhered to.

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.

TEMPORARY OPEN MEETINGS LEGISLATIVE MEASURE CONTINUES

- The all votes are “recorded” (D.C. Official Code § 2-577(a)(3)) requirement does not mean the statute allows for votes at public body meetings to be stated in the meeting minutes or otherwise recorded as an aggregate. Each member must self-identify and state how he/she votes. However, if all the members present vote alike, that is, all “for” or all “against,” it is not necessary to state each name in the meeting minutes along with the corresponding vote. Since, all public body members present at the meeting would have already identified themselves at the start of the meeting. Therefore, it is sufficient to state that “all members present voted for ...,” or “all members present voted against ...”



NOTICE OF MEETINGS D.C. OFFICIAL CODE § 2-576

A public body must provide advanced public notice before an open or closed session meeting.

OMA REQUIREMENTS: WHAT NOTICE IS REQUIRED?



Notice must be given 48 Hours or 2 Business Days before the 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 LSAT's website AND the District government's website (Central Meeting Calendar at www.open-dc.gov)



LSAT's must also obtain an email address that combines the name of the LSAT's school and the acronym "LSAT" to conduct ALL official LSAT



LSATs must timely post upcoming meetings and an annual schedule of meetings.

DESCRIPTION OF NOTICE

- An Intended Notice Without An Agenda Is An Incomplete Notice.

Notice must include:

- Time
- Date
- Location
- and Proposed Agenda.

If there will be a Closed Session, notice must include the OMA Citation and state the reason justifying the Closure.

CONTENTS OF AGENDA

The following statement **MUST** be included at the end of all Draft and Final 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 open.govoffice@dc.gov."

3 DCMR § 10409.2

CLOSED/EXECUTIVE SESSION



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CLOSED SESSIONS

CLOSED PORTIONS (EXECUTIVE SESSIONS)
of a MEETING MAY OCCUR PURSANT TO D.C. OFFICIAL CODE § 2-575(b)

EXECUTIVE SESSION/CLOSED SESSION JUSTIFICATION



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

EXECUTIVE SESSION/CLOSED SESSION JUSTIFICATION CONTINUES -

- 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

INTENT - CLOSED SESSIONS

- Notice should include “if feasible, a statement of intent to close the meeting or any portion of the meeting, including citations to the reason for closure under § 2-575(b), and a description of the matters to be discussed” (§ 2-576(5)).

PROTOCOL CLOSED/EXECUTIVE SESSION

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OPEN

- Establish Quorum & Open Public Meeting
Conduct Business for Open Meeting

MOVE

- Move to Enter Exec. Session with a Motion that includes the OMA Citation to Justify Closure

TAKE

- Record Vote (by virtue of new legislative measure; each individual voting still self-identify), and—if Motion Passes—Enter Closed/Executive Session
- Video of How to Enter Executive Session - <https://youtu.be/VChmtbbDAgE>

PROTOCOL CLOSED/EXECUTIVE SESSION CONTINUES

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DISCUSS

- Only Discuss Matter(s) Referenced on the Agenda

RECORD

- Record the Executive Session (separately from Open session)

RE-OPEN

- Re-Open Public Session and, Where Appropriate, Report Publicly any Official Action taken in Closure, and Adjourn

EMERGENCY MEETINGS

“When an emergency meeting is convened, the presiding officer shall open the meeting with a statement explaining the subject of the meeting, the nature of the emergency, and how public notice was provided” (D.C. Official Code § 2-576(4)).



RECORDING REQUIREMENTS

D.C. Official Code § 2–578

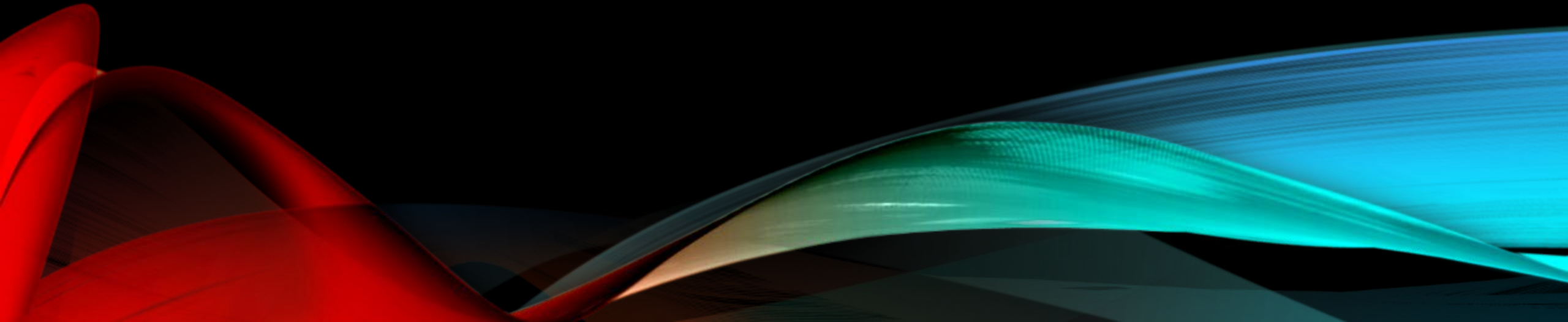
**ALL Meetings Shall Be
Recorded!**

- Open AND Closed Sessions
- ONLY Where a Recording is Not Feasible, Detailed Meeting Minutes Shall Be Taken



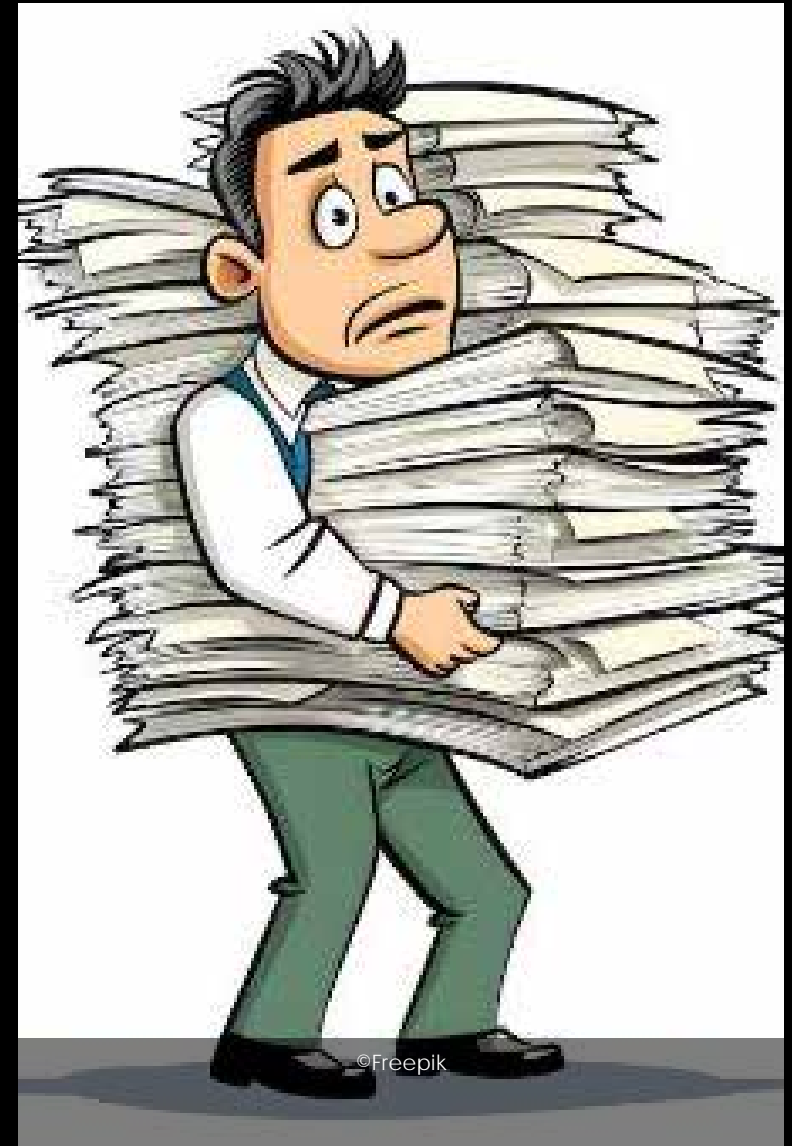
PUBLICATION REQUIREMENTS D.C. OFFICIAL CODE § 2-578

How to Handle Your Meeting Records



PUBLICATION REQUIREMENTS

- DRAFT DETAILED MEETING MINUTES MUST BE PUBLICLY AVAILABLE NO LATER THAN THREE (3) BUSINESS DAYS AFTER THE 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.



CONTENTS OF MEETING MINUTES (DCMR § 10409.6)

- “Detailed meeting minutes shall contain . . . :
 - (a) The date, time, and place of the meeting or session;
 - (b) The names of members of the Public Body recorded as either present or absent; and
 - (c) Any motions, and amendments thereto, a record of all votes taken, and general description of all matters considered...”

RECORD PRESERVATION

3 DCMR § 10409.8 requires compliance with District record preservation law and the District of Columbia General Records Schedules (DGRS) concerning the disposition of its electronic meeting recordings and written meeting minutes.

D.C. Official Code § 2-578(a) requires preservation of all meeting recordings for a minimum of 5 years.

CANCELLATIONS

A meeting cancellation is a change in schedule.

In most instances, cancellation requires as much notice to the public as possible, **But Not Less Than 48 Hours or 2 Business Days**, whichever is greater, before the meeting occurs.

To establish a record, the meeting notice to the public, must state "Cancelled."

PUBLIC COMMENT

No public comment period is required by the OMA or its regulations.

Your enabling legislation may require you to provide a time for public comment.

Your bylaws may also allow public comment, or you may have a standing order permitting public comment.

PARLIAMENTARY PROCEDURE



The Office of Open Government provides access to the Robert's Rules of Order training portal.

The link to the trainings presented by Susan Leahy, MA. CSP, Founder of Robert's Rules Made Simple is as follows:

[https://forms.gle/dbMmroGvfM8YiuJ38.](https://forms.gle/dbMmroGvfM8YiuJ38)

There is a Google form to be filled out to gain access to the trainings.

You can also access the portal by using the following QR Code →

PARLIAMENTARY PROCEDURE CONTINUES – QR CODE



COMPLAINTS AND ENFORCEMENT

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COMPLAINTS

- An aggrieved party, including anonymous parties, may complain to OOG for relief.
- May be prospective or may refer to past meetings.
- Except for allegations of imminent prospective violations, a public body gets 30 days to respond (with possible extension of up to 5 business days).
- The Director may seek to resolve dispute through conciliation; dismiss the complaint; release an Advisory Opinion; or take any other steps permitted by the OMA and its regulations.

ENFORCEMENT

- The OOG may bring a lawsuit in the Superior Court of the District of Columbia for injunctive and/or declaratory relief for any violations of the OMA BEFORE or AFTER the meeting takes place (D.C. Official Code § 2-579).
- The court may order an appropriate remedy, such as requiring additional forms of notice, postponing a meeting, or a fine of up to \$500 per violation.



TEST YOUR KNOWLEDGE



QUESTION

A Local School Advisory Team has decided to reschedule its meeting.

Is it sufficient for the LSAT to post the notice of the rescheduled meeting on its website alone since the first intended (cancelled) meeting was posted in the School's office of the LSAT, on its website, and on Central Meeting Calendar (CMC)?

ANSWER

No, notice of the rescheduled meeting must be provided in the same manner notice was given for the cancelled or initial meeting.

D.C. Official Code § 2-576(1) – “Notice shall be provided when meetings are scheduled and when the schedule is changed.”

Notice of the rescheduled meeting must be provided in a location readily accessible to the public, such as the office of the School of the LSAT, on the School’s website, and Central Meeting Calendar. In addition, the annual schedule must be amended to reflect the rescheduled meeting.

QUESTION

A Local School Advisory Team rescheduled its meeting.

Should the LSAT delete the previous meeting notices or write/type cancelled across all the notices?

ANSWER

The LSAT must write, or type cancelled across all the meeting notices. The LSAT must not delete the meeting notices.

QUESTION

How many members of a Local School Advisory Team are required to form a quorum if the LSAT has fifteen members?

ANSWER

Eight members are required to form a quorum of a fifteen-member LSAT, in the absence of Enabling Legislation, Mayor's Order, Regulations, or the LSAT's by-laws to the contrary.

Whenever, the number of members of a public body is an odd number, quorum can be determined by dividing the number of members (15) by two ($15/2 = 7.5$), and round the number to the next whole value (8).

QUESTION

Does the OMA permit a public body to conduct public business via email?

ANSWER

No, the OMA specifically prohibits a public body from conducting public business by email.

D.C. Official Code § 2-577(c) states as follows:
"[e]-mail exchanges between members of a public body shall not constitute an electronic meeting."

QUESTION

The members of an LSAT entered closed/executive session after a motion was made, the motion was seconded, and all the members voted. The LSAT did not describe the matter/(s) to be discussed and did not cite the applicable subsection of the OMA (with the reason) for entering closed/executive session.

Has the LSAT violated the OMA?

ANSWER

Yes, the LSAT has violated the OMA. It is insufficient for the members of the LSAT to vote to enter closed/executive session without describing the matter/(s) to be discussed and stating the reason/(s) for entering closed/executive session by citing the applicable subsection of the OMA.

QUESTION

There are twelve members of an LSAT that commenced its meeting with eight members. Thirty minutes into the meeting Ms. Purple left the meeting. Mr. Red left fifteen minutes after Ms. Purple and the meeting continued with six members.

Has the LSAT violated the OMA by continuing the meeting after Ms. Purple and Mr. Red left the meeting?

ANSWER

The LSAT did not violate the OMA after Ms. Purple left the meeting because the LSAT maintained quorum. Twelve members – $(12/2) + 1 = 7$ (**quorum**).

However, the LSAT violated the OMA after Mr. Red left and the LSAT continued the meeting with six members because it was below quorum of seven members.

D.C. Official Code § 2-574(1)(A)

ACCESS TO HELPFUL RESOURCES



OOG's website - www.open-dc.gov



OMA Compliance Checklist

<https://www.open-dc.gov/documents/oma-compliance-checklist>



D.C. Official Code -

<https://code.dccouncil.gov/us/dc/council/code/titles/2/chapters/5/subchapters/IV>



D.C. Municipal Regulations -

<https://dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=3-104>

Contact Information

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UPCOMING TRAINING

For 2026

**The Training Schedule will be
published in January**

*Thank
you*



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