

# OPEN MEETINGS ACT TRAINING FOR BOARDS OF TRUSTEES FOR DC PUBLIC CHARTER SCHOOLS

## TRAINING SERIES II

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**Attorney Advisor, OOG**

**June 11, 2025**

# Office of Open Government (OOG)

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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), provides OMA advice and training to DC public bodies. OOG advocates for fair and efficient DC Freedom of Information Act (DC 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

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**Niquelle Allen, Director**

**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.**





# OOG's Functions

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- 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;
- Provides training and guidance on the Implementation of the D.C. Freedom of Information Act of 1976 (DC 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 -

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- 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

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“[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

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**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

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**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?

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- 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:

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





# What Constitutes an Open Meeting?

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- 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 July 6, 2025**).

# Temporary Open Meetings Legislative Measure

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- 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 Bill passed its second reading by the Council on June 3, 2025, and awaits the Mayor's review and signature.

# Means of Gathering Under the OMA

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



# A MEETING IS NOT:

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- 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

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**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

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➤ 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 Bill passed its second reading by the Council on June 3, 2025, and awaits the Mayor’s review and signature.



# Notice of Meetings

## D.C. Official Code § 2-576

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



# OMA REQUIREMENTS: What Notice is Required?

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- 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 on the Public Charter School's website and the District of Columbia Government website (Central Meeting Calendar) at [www.open-dc.gov](http://www.open-dc.gov).
- Notice must include, Time, Date, Location, and Planned Agenda.
- If there is a Closed Session, notice must include OMA Citation justifying the Closure.

# Notice Requirements Continue:

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- ▶ 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 Agenda

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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](mailto:open.govoffice@dc.gov).”

3 DCMR § 10409.2

# Closed/Executive Session

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# CLOSED SESSIONS

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

# Executive Session/Closed Session Justification

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- **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 -

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- **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

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- *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,  
not roll call), and—if Motion Passes—Enter  
Closed/Executive Session

• Video of How to Enter Executive Session -  
<https://youtu.be/VChmtbbDAgE>



# PROTOCOL CLOSED/EXECUTIVE SESSION

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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

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“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

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- 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

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How to Handle Your Meeting Records



# Publication Requirements

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**DRAFT DETAILED MEETING MINUTES MUST BE PUBLICLY AVAILABLE NO LATER THAN THIRTY (30) 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)

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“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

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- 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

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- 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

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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

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# COMPLAINTS AND ENFORCEMENT

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# COMPLAINTS

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- 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

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- 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

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## QUESTION

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The Board of Trustees of a Public Charter School has decided to reschedule a meeting of the Board. Is it sufficient for the Board to post the notice of the rescheduled meeting on its website alone since the first intended meeting was posted in the office of the Public Charter School and on Central Meeting Calendar (CMC)?



# Answer

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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 Public Charter School, on the School’s website, and Central Meeting Calendar. In addition, the annual schedule must be amended to reflect the rescheduled meeting.

## Question

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How many members of a Public Charter School Board are required to form a quorum if the Board has five members?

# Answer

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Three members are required to form a quorum of a five-member Board, in the absence of Enabling Legislation, Mayor's Order, Regulations, or the Board'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 (5) by two ( $5/2 = 2.5$ ), and round the number to the next whole value (3).



## Question

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

## Answer

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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.”

# ACCESS TO HELPFUL RESOURCES

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- OOG's website - [www.open-dc.gov](http://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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OOG, [open.govoffice@dc.gov](mailto:open.govoffice@dc.gov), (202) 481-3411

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Kevin Brown, IT Specialist, [kevin.brown@dc.gov](mailto:kevin.brown@dc.gov)



# Upcoming Training

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**September  
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**Introduction to the Open  
Meetings Act for Boards of  
Trustees for Public  
Charter Schools - Training  
Series I**

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Thank  
you

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