



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



VIA ELECTRONIC MAIL

December 3, 2025



RE: Whether the Shining Stars Montessori Academy Board Public Charter School violated the Open Meetings Act by not posting a final agenda at least 48 hours before their meeting and whether a public comment period during a meeting is required (OOG-2025-0057)



Thank you for reaching out to the Office of Open Government (“OOG”) regarding the Board meeting of the Shining Stars Montessori Academy Public Charter School Board (“SSMA PCSB”) on September 20, 2025 (“the Board Meeting”).

As Director of Open Government, I am authorized to issue advisory opinions regarding the OMA statute and regulations (D.C. Official Code § 2-571 *et seq.*; 3 District of Columbia Municipal Regulations (DCMR) 10400 *et seq.*), upon request.¹ A public charter school board is subject to the provisions of the OMA by statute.²

I. BACKGROUND

You submitted a complaint to OOG on Saturday, September 20, 2025, which was assigned reference #OOG-2025-0057, in which you allege that “[t]he entire board and administration (CEO, Business Officer, and Principal)... [did] not [post] the updated [a]genda 48 hours before the meeting as required by OMA but taking a vote,” as well as indicating that you wanted clarification “if public comment has to be allowed per DC’s Open Meetings Act or not?”³ In your prayer for relief, you request that the SSMA PCSB “[s]hare the document with the ASPIRE framework with the parents with at least 30 days to review...[t]hen hold another

¹ See D.C. Official Code §§ 1-1162.05c(a)(1), 2-579(g) (section 205c(a)(1) of the Government Ethics Act of 2011, section 409(g) of the OMA).

² D.C. Official Code § 38-1802.05(e). “Open meetings. — All meetings of a Board of Trustees shall be subject to the requirements of subchapter IV of Chapter 5 of Title 2.”

³ OMA Complaint Form, September 20, 2025; assigned #OOG-2025-0057.

meeting with public comment and public access to the full meeting...[and] [a]llow public participation in the meeting the entire time.”⁴

OOG acknowledged your complaint on September 23, 2025.⁵ The recording of the meeting was requested from the SSMA PCSB on September 24, 2025,⁶ and it was received that day.⁷ Notification of the complaint was sent to the SSMA PCSB Executive Director on September 29, 2025.⁸ The notification was acknowledged by the Board’s counsel that day with some responsive information and a request for clarification.⁹ Following this, the Board’s counsel provided a formal response to the complaint on October 27, 2025.¹⁰

I find that SSMA PCSB did not violate the OMA by any of the conduct raised in the complaint; however, OOG requires SSMA PCSB to post required governance language on all agendas, draft or final, and recommends that SSMA PCSB adopt a fair and consistent policy regarding public comment during its meetings.

My analysis begins with the facts, followed by a discussion of the relevant section of the OMA, and ending with conclusions and recommendations.

II. DISCUSSION

A. The delay in being admitted to the virtual Board Meeting was not a violation of the OMA.

You indicated that “I signed on at 9:00 am and was not allowed to enter the meeting for 13 [m]inutes.”¹¹ In response, the SSMA PCSB stated “[t]he School acknowledges there was a brief technical issue that delayed access. However, the meeting recording confirms that Mr. Singh ultimately attended the meeting. At no point did the Board intentionally prevent or restrict his access. The technical issue was resolved promptly, and Mr. Singh remained present until the meeting concluded.”¹² In providing the meeting recording, the Board Counsel indicated that “due to a technical issue, the Chair’s opening statement—where he welcomed Board members and members of the public—was not captured.”¹³ The OMA allows that “[a] meeting may be held by video conference, telephone conference, or other electronic means; provided, that... [r]easonable arrangements are made to accommodate the public's right to attend the meeting or steps are taken that are reasonably calculated to allow the public to view or to hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.”¹⁴ The technical issue appears to have been resolved “as soon...as

⁴ *Id.*

⁵ Email from Director Allen on September 23, 2025, to [REDACTED]

⁶ Email from OOG Attorney Anthony J Scerbo to Shining Stars PCSB on September 24, 2025.

⁷ Email from PCSB counsel Genet Amare, on September 29, 2025, to OOG Attorney Anthony J Scerbo.

⁸ Emails from OOG Chief Counsel Louis Neal, on September 29, 2025, and OOG Attorney Anthony J Scerbo, on October 1, 2025, to Board counsel, per 3 DCMR 10405.2.

⁹ Email from PCSB counsel Genet Amare on September 29, 2025.

¹⁰ Response letter, “RE: OMA Complaint OOG-2025-0057,” from Board counsel Genet Amare, on October 27, 2025, to OOG Chief Counsel Louis Neal, via email.

¹¹ OMA Complaint Form, September 20, 2025; assigned #OOG-2025-0057.

¹² Response letter, from Board counsel Genet Amare, on October 27, 2025.

¹³ Email from PCSB counsel Genet Amare, on September 23, 2025, to OOG Attorney Anthony J Scerbo.

¹⁴ D.C. Official Code §§ 2-577(a)-(a)(1).

reasonably practicable,” and a review of the recording does not suggest that any public business, other than convening the meeting and establishment of quorum, was missed.

The delay in being admitted to the virtual meeting was a technical issue, which did not limit the complainant’s attempts at participating in the meeting, and was not a violation of the OMA.

B. The Notice for the SSMA PCSB Meeting was posted in accordance with the OMA, including a Draft Agenda; the modification to the Agenda the evening prior to the meeting was not a violation of the OMA

1. *The “planned” agenda posted on the SSMA PCSB website was posted according to the notice requirements of the OMA, and a “draft” agenda may be updated within the OMA’s “48 hours or 2 business days” period, or even at the beginning of a meeting.*

You assert in your complaint that “that the agenda had changed, the changed agenda hadn’t been posted as required 48 hours before the meeting time...[and] I protested the fact that the agenda was not posted 48 hours before as required by the open meetings act.” SSMA PCSB’s counsel stated to you that “[u]nder D.C. Code § 2–576(1), the Board is required to post meeting notices as early as possible, and no less than 48 hours or two business days in advance. This requirement was met. When the Board had to make changes, the notice was updated and reposted. Unfortunately, it appears you may not have seen the revised notice prior to the meeting.”¹⁵ According to your email,¹⁶ and based upon the email exchange between you and SSMA PCSB, “the time stamp of when the website was updated with the new agenda. It was on Friday 9.19.25 at 5:09 pm for a meeting on Saturday 9.20.25 at 9 am clearly violating the rule requiring 48 hours of public notice of the agenda.”¹⁷ The OMA requires that “[n]otice shall be provided when meetings are scheduled and when the schedule is changed...[and] [a] public body shall attempt to provide notice as early as possible, but not less than 48 hours or 2 business days, whichever is greater, before a meeting.”¹⁸ Notice must “include the date, time, location, and planned agenda to be covered at the meeting.”¹⁹

The agenda provided on the Shining Stars Website²⁰ does include the date, time, and “planned” agenda for the meeting. There is a question of whether the “location” requirement is sufficiently met, which will be discussed next; however, the agenda is the first issue. A “draft agenda” per the OMA is just that—a draft. The OMA does not require that a public body follow only the items referenced in a draft agenda. 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

¹⁵ Email response from Board Counsel Genet Amare on September 20, 2025, to Complainant [REDACTED]

¹⁶ Email from Complainant Singh on September 23, 2025, to Director Allen and OOG Chief Counsel Neal.

¹⁷ Email response from Board counsel Amare on September 23, 2025, to Complainant [REDACTED], to an email request for “the time stamp of when the new agenda was uploaded to the website...[and] the recording of today’s meeting,” of September 20, 2025.

¹⁸ D.C. Official Code § 2-576(1).

¹⁹ D.C. Official Code § 2-576(5).

²⁰ <https://4.files.edl.io/00b7/09/19/25/210753-6b6ff799-fbbf-4c9a-83c7-82bb620f94d2.pdf>; See <https://www.shiningstarspcs.org/apps/pages/BOD>.

of those who represent them,”²¹ while the OMA “shall be construed broadly to maximize public access to meetings...[and] [e]xceptions shall be construed narrowly and shall permit closure of meetings only as authorized by this chapter.”²² The notice, procedure and record requirements of the OMA are not for the purposes of constraining action by public bodies, but rather to “maximize public access” and facilitate “full and complete information.” The revised agenda specifically states that “[a]ll other non-ASPIRE activities²³ should be noted as deferred to our next scheduled meeting.” Updating the agenda on the evening prior does not demonstrate a desire to evade these goals but rather fulfill them as well as possible in the face of changing circumstances.

There is no violation of the OMA in revising a draft agenda, posting the revision of the agenda within the “48 hours or 2 business days” notice period, or not treating a draft agenda as a final agenda.

2. *The OMA has a “reasonable” accommodation requirement for the “public to view or hear” a meeting while it is taking place and OOG encourages all public bodies to meet this requirement to the maximum extent possible in line with District policy.*

The OMA requires that “[r]easonable arrangements are made to accommodate the public's right to attend the meeting or steps are taken that are reasonably calculated to allow the public to view or to hear the meeting while the meeting is taking place”²⁴ and “[a]ll provisions of this subchapter shall apply to electronic meetings.”²⁵ The draft (“planned”) agenda²⁶ posted on the Shining Stars website²⁷ states that “meetings will be held virtually for SY 2025-2026...[and] that “[t]he link may also be found at <https://www.shiningstarspcs.org/apps/pages/BOD>.” While there was no meeting link on either the agenda or the website, the “Board of Directors” page²⁸ does state, under “SSMA Board Meetings”

Shining Stars Montessori Academy PCS (SSMA) convenes its Board of Directors meetings bi-monthly, and they are open to the public. The meetings will be held either virtually or in-person. In-person meetings will always be held in the Barack H. Obama Auditorium at 1240 Randolph St., NE, Washington, D.C. The virtual meetings will be held via Google Meet and the meetings will be open to the public. If you wish to attend the Board meeting and/or if you need translation services for a board meeting, please email Mrs. Cherita Moore-Gause at cmooregause@shiningstarspcs.org (or 202-723-1467) on or before the Monday prior to the meeting.²⁹

²¹ D.C. Official Code § 2-571.

²² D.C. Official Code § 2-572.

²³ The agenda lists under “New Business” both “The Case for Adopting the DC ASPIRE Framework During Charter Renewal” and “Vote: To Approve ASPIRE Framework”—activities which are the basis of complainant’s objections.

²⁴ D.C. Official Code §§ 2-577(a)(1).

²⁵ D.C. Official Code §§ 2-577(2).

²⁶ See footnote #19.

²⁷ *Id.*

²⁸ *Id.*

²⁹ See <https://www.shiningstarspcs.org/apps/pages/BOD>.

While a requirement to send an email (or register online) is not *per se* a violation of the OMA, the requirement to do either by a date certain in advance of the meeting is not in keeping with the language or spirit of District policy. The OMA allows that “[a] meeting may be held by video conference, telephone conference, or other electronic means”³⁰ when “[r]easonable arrangements are made to accommodate the public's right to attend the meeting or steps are taken that are reasonably calculated to allow the public to view or to hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.”³¹ Requiring pre-registration or relying on an email to a public body support staff may not represent ideal “reasonable arrangements.”³² The ready availability of registration or joining functions in online meeting services means that requiring advance email registration should allow “the public to view or to hear the meeting while the meeting is taking place.”³³

While the complaint does not allege that the complainant was unable to participate in the meeting due to the request for pre-registration, nevertheless, the language on the Board of Directors page may be an indication that the SSMA PCSB meetings propose to require pre-registration. OOG advises that a registration option that allows registration and joining in, or close to, real-time, is more in keeping with “[t]he public policy of the District...that all persons are entitled to full and complete information regarding the affairs of government and the actions of those who represent them”³⁴ and that “[the OMA] shall be construed broadly to maximize public access to meetings.”³⁵

C. The decision to not offer a public comment period during the Board Meeting was not a violation of the OMA, and OOG does not have the authority to require a PCSB to offer a public comment period or require full public participation during the entirety of an open meeting.

1. *The OMA is silent on public comment in open meetings.*

The complaint specifically states that “[w]hen I was finally let in, I was advised they will not take public comments...I protested the fact that no public comment was allowed...I would also like to understand if public comment has to be allowed per DC's Open Meetings Act or not?”³⁶ As OOG has advised prior, “the OMA does not require any public body to allow the participation of any attendees or observers.”³⁷ The agenda posted for the meeting is silent on the issue of public comment. As a standalone issue, there is no requirement based upon the OMA for a public comment period during this meeting.

³⁰ D.C. Official Code §§ 2-577(a).

³¹ D.C. Official Code §§ 2-577(a)(1).

³² *Id.*

³³ *Id.*

³⁴ D.C. Official Code §§ 2-571.

³⁵ D.C. Official Code §§ 2-572.

³⁶ OMA Complaint Form, September 20, 2025; assigned #OOG-2025-0057.

³⁷ “RE: Healthcare Workforce Task Force, Compliance with Open Meetings Act (#OOG-2022-0005-M), 6 (September 2, 2022);” [HWTF OMA Advisory Opinion FINAL 9 2 2022 redacted 0.pdf](#).

2. *While OOG maintains that public bodies should engage in consistent and fair practices regarding public comment, the OMA does not compel this.*

While public comment does not have to be offered based upon the OMA, public bodies should adopt public comment practices that are reliable and applied equally to all based on previous advice from OOG. In the same opinion cited above, OOG advised that “[a]t most, this is an internal parliamentary procedure question; e.g., if the bylaws, or a standing order—or even just an entrenched custom—of a public body provides for a comment-period, then that segment of the meeting should be administered consistently and fairly.”³⁸ The formal response from SSMA PCSB stated that “[p]ermitting public comment is at the discretion of the Board and may depend on the agenda or available time,” and then citing to recent OOG training.³⁹ The response then states that “[h]istorically, the Board has provided opportunities for public comment, even though it is not required by the OMA...[and] [t]herefore, the Board did not violate the Open Meetings Act by not allowing Mr. Singh to comment during the September 20, 2025, meeting.”⁴⁰ A review of the SSMA PCSB bylaws does not reveal any requirement directly related to public comment.⁴¹

While the SSMA PCSB correctly interprets the lack of a requirement for public comment in the OMA, OOG nevertheless reiterates that public comment in OMA subject meetings should be both consistent and fair. The exercise of “discretion... depend[ent] on the agenda or available time” can easily include a fixed period for comment with a limit to the duration of each individual’s comment, which would create consistency and fairness. Failure to apply consistent and fair application of the policy, while not a violation of the OMA, may not embody the DC Public Charter School Board’s commitment to “[a]ctively engage families, schools, and communities to inform our decision-making.”⁴²

3. *The Public Charter School Board (PCSB) has a public comment procedure for interested parties regarding significant changes regarding public charter schools and policies related to them.*

The DC PCSB under “Public Comment” states that “[p]ublic hearings are held for DC PCSB's policies and required for proposals to open a new school and when a school requests to amend its charter agreement, including a: [c]hange in the mission, goals, academic expectations, and governance structure.”⁴³ The SSMA PCSB voted on the “ASPIRE Framework During Charter Renewal”⁴⁴ at the September 20, 2025, meeting. The DC PCSB states that it has a process

³⁸ *Id.*

³⁹ Response letter, “RE: OMA Complaint OOG-2025-0057,” 9. (October 27, 2025).

⁴⁰ *Id.*

⁴¹ Shining Stars PCSB bylaws, “ARTICLE VII PROCEDURE[:] The rules contained in the most recent edition of Robert’s Rules of Order shall provide the rules of procedure for the Organization where they are not inconsistent with the provisions of the Articles of Incorporation, these Bylaws or Board proceedings,” 3 ; CHARTER SCHOOL AGREEMENT BETWEEN DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD AND SHINING STARS MONTESSORI ACADEMY PUBLIC CHARTER SCHOOL, 179-182. [HWTF OMA Advisory Opinion FINAL 9 2 2022 redacted 0.pdf](#).

⁴² See <https://dcpsb.org/about-us/who-we-are?type=181>.

⁴³ <https://dcpsb.org/public-comment>.

⁴⁴ See footnote #22.

allowing that “[s]chools may adopt ASPIRE, as amended over time, as their charter goals for the grade levels or programs they serve”⁴⁵ and “[s]uch a process typically involves engagement with school leaders and charter advocates, and it requires a notice period for public comment, a public hearing, and official adoption by the DC PCSB Board in a public vote.”⁴⁶ The DC PCSB provides for the public to submit both written and audio public comment, as well as the ability to register to testify at its public hearings.⁴⁷

Due to the lack of a public comment provision in the OMA, OOG is unable to advise on the DC PCSB public comment process beyond pointing to this information. If at any time there is a question about a past or prospective DC PCSB proceeding regarding the OMA, OOG stands ready to advise. Otherwise, OOG recommends reaching out to the DC PCSB General Counsel’s office.⁴⁸

D. The decision to share the ASPIRE framework documents are a matter of the Charter School Agreement and PCSB bylaws.

Finally, the Complaint requests that OOG compel the SSMA PCSB to “[s]hare the document with the ASPIRE framework with the parents with at least 30 days to review.” OOG’s interpretation of the “full record” requirements of the Act is germane to this request. OOG has advised that “[p]ursuant to D.C. Official Code § 2-578 and as opined by the OOG, the following are detailed records and constitute the full record: (1) detailed meeting minutes; (2) electronic recordings; (3) transcripts; (4) the full record; **and (5) documents distributed to and considered by a public body during the open session of a meeting.**”⁴⁹ Based upon a review of the meeting recording provided by SSMA PCSB, there is no indication that the ASPIRE framework documents were “distributed to...[or] “considered” by the Board. Otherwise, the OMA does not require that documents provided to, or acquired by, public body members in advance of a meeting be provided to the public. Thus, OOG will not honor the request to compel this public body to the share the ASPIRE documents.

E. The OMA regulations require specific governance language in all meeting agendas.

Although it is not addressed in the Complaint, review of the meeting documents showed that the meeting Agenda is deficient. 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

⁴⁵ Charter Goals Policy, 2 (ADOPTION/EFFECTIVE DATE: July 17, 2023; MOST RECENTLY UPDATED: June 10, 2024); <https://dcpcsb.egnyte.com/dl/e2qBv1yzHr>.

⁴⁶ *Id.*, 3.

⁴⁷ https://dcpcsb.org/public-comment?sort_bef_combine=field_vote_date_value_DESC&year=2025&page=1.

⁴⁸ <https://dcpcsb.org/about-us/who-we-are?type=181>.

⁴⁹ RE: Complaint Concerning Maury Elementary School LSAT Compliance with the OMA Complaint #OOG-2019-0004-M, 5 (August 29, 2019); https://www.open-dc.gov/sites/default/files/Maury%20LSAT%20Advisory%20Opinion_August%2029%202019%20%28004%29.pdf. (emphasis added)

opengovoffice@dc.gov.”⁵⁰ SSMA PCSB must add this language to all future draft and final agendas.

III. CONCLUSION AND RECOMMENDATIONS

In the Complaint you ask OOG to clarify “if public comment has to be allowed per” the OMA, and request that the SSMA PCSB “[s]hare the document with the ASPIRE framework with the parents with at least 30 days to review...[t]hen hold another meeting with public comment and public access to the full meeting...[and] [a]llow public participation in the meeting the entire time.”⁵¹

In response to the Complaint and based upon the foregoing, I conclude the following:

- 1) The public body’s delay in admitting the Complainant to the virtual meeting was a technical issue and not an OMA violation.
- 2) The public body’s revision of the draft agenda, posting of the revised agenda within the “48 hours or 2 business days” prior to the meeting, and decision to treat the draft agenda as a final agenda, are not OMA violations.
- 3) The OMA does not require a public comment period during the meeting at issue or under the OMA generally.
- 4) If a public body subject to the OMA entertains public comment in OMA subject meetings, their policy concerning receipt of public comments should be both consistent and fair.
- 5) DC PCSB provides for the public to submit both written and audio public comment, as well as the ability to register to testify at its public hearings regarding matters before DC PCSB.
- 6) There is no OMA requirement that documents provided to, or acquired by, public body members in advance of a meeting be provided to the public.
- 7) OOG recommends that SSMA PCSB implement registration options that allow registration and joining of its meetings in, or close to, real-time.
- 8) SSMA PCSB must add the required governance language to all future draft and final meeting agendas according to the DC Municipal Regulations.

Please contact OOG Attorney Advisor Anthony J Scerbo with any questions or concerns regarding this matter.

Attached is a copy of your Complaint.

⁵⁰ 3 DCMR 10409.2.

⁵¹ OMA Complaint Form, September 20, 2025; assigned #OOG-2025-0057.

Sincerely,

A handwritten signature in cursive script that reads "Niquelle Allen". The signature is written in dark ink and is positioned above a horizontal line.

Niquelle M. Allen
Director of Open Government

cc: Shining Stars Montessori Academy PCSB c/o Genet Amare, Attorney, Amare and Associates PLLC (redacted)