



EmpowerEd Teacher Action: Policy Briefing

“Public School Transparency Act”

Background: Under current law, only DCPS and the Public Charter School Board are subject to the Open Meetings Act and the Freedom of Information Act while individual charter schools are not, despite serving nearly half of our city’s students. All public schools, including DCPS and DC Charter Schools, should be subject to the same level of transparency. 39 states have already acted to ensure parity in transparency between the traditional public and public charter sectors, and as the city with one of the largest charter sectors in America, it’s time for DC to join them. Without open board meetings, parents are left in the dark about decisions like school closings, teachers in charter schools are often left out of conversations that directly affect their own livelihood, like what salary scale will the board adopt, how will they staff for the coming school year, how can teachers give input on the curriculum, schedules, and policies they are the key implementers of? All of these decisions take place within Local School Accountability Teams and others key committees within each DCPS school but happen at the Board of Directors level in Public Charter Schools, without student or teacher voices. If all public schools were subject to both FOIA and the Open Meetings Act, parents, teachers, students and community members would have the information they need to take informed action to affect their own education, the education of their students or their own working conditions so that we all can lift our voices to better serve the students we love. **For that reason, we wholeheartedly endorse the Public School Transparency Act introduced by Councilmember Charles Allen.**

Key Components of the Act

1) All charter schools (particularly their Board of Trustees) will be subject to the Open Meetings Act. If we’re serious about community engagement, this is critical. The Open Meetings Act applies to public bodies but current law exempts individual charter school board from Open Meetings leaving out critical voices in key school deliberations.

Frequently Asked Question: What about sensitive personnel matters that the public cannot be present for?

Answer: First, DCPS’ Local School Accountability Teams (LSATs) discuss personnel matters, budgets, etc... with staff members and even student representative present. They are bound by confidentiality. Second, the Open Meetings Act permits exceptions that fall into this category.

Frequently Asked Question: With frequent one-on-one meetings, small group conversations or unexpected meetings- how will charters be able to comply with Open Meetings in these cases?

Answer: Not a problem. The Open Meetings Act only covers official meetings of the public body where a quorum is present. Intra-agency communication is not subject to the Act or informal meetings of a board in which no official decisions can be made.

2) All individual LEA’s should be subject to the Freedom of Information Act (FOIA). Public schools receive public money and they do their business publicly. It’s a simple matter of democracy. Subjecting schools to FOIA is even endorsed by National Association of Charter School Boards and data

shows it hasn't been cumbersome for schools in the least. Moreover, from our research, there are no states that provides support funds to local LEA's to comply with FOIA since it is usually such a small percentage of someone's existing job. In our research calling charter schools across many states, we talked to no school who received more than five FOIA requests in a year. While request are usually few, there are times when it serves a vital purpose in protecting the public interest and public money. State authorizers usually do, however, provide trainings to schools on how to comply with FOIA as a basic matter of public school compliance. It's also worth noting that the more robust info that charters post themselves and regularly update, the fewer FOIA requests there will be and the lower the administrative burden for schools. This is a basic matter of democracy and *public* education.

Frequently Asked Question: Isn't this burdensome to handle at the local school level without a central office to assist?

Answer: No. In fact in states with the same governing structure as DC for charter schools, an independent chartering authority like the Public Charter School Board, individual charter schools are subject to FOIA and report little to no administrative burden. Our direct calls to schools in those cities revealed they receive between 0 and 5 total requests per year per school and no staff person reported it consumed more than 1 % of their job. Reasonable? We think so.

3) All public charter school's Board of Trustees must have two teachers, and at the high school level, one student, in addition to the currently required two parent representatives. In our traditional public schools through the Local School Accountability Team both teachers and students have a seat at the table in budget and key school planning decisions. In DCPS the personnel committee gives teachers a voice in hiring decisions. Schools often feel that this would be difficult with sensitive personnel matters and budget matters discussed by the board, but many charter schools do have a teacher on their board as a matter of policy and they treat them with the same respect and they are bound by the same confidentiality rules as all board members. Additionally every DCPS school has a Local School Accountability Team (LSAT) in which teachers sit and do review the school's budget and help make budget allocations which affect personnel. The law would also provide a recusal clause affecting some sensitive personnel matters. Teachers being on the board could alleviate their concern over access while still ensuring teachers are represented and play a part in budgeting, school policy and planning.

4) Affirmative disclosures: All charter schools will have to provide the same information currently provided affirmatively by DCPS schools in their annual reports including:

- * All employees names and current salaries
- * All contracts awarded by the public charter school
- * Contact information of any parent association leaders
- * All donations made to the school over a cumulative total of \$500

For more information contact scott@weareempowered.org