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**Children with
Special Needs,
need Parents
with Special
Skills!**

July 31, 2025

Ms. Niquelle Allen
Director of Open Government
Office of Open Government (OOG)
Board of Ethics and Government Accountability (BEGA)

Re: Request for advisory opinion regarding application of Open Meetings Act (OMA) to Community Review Panel (CRP)

Dear Director Allen;

This is a request for an advisory opinion regarding the meetings held by the Community Review Panel (CRP)¹ to advise the Office of the State Superintendent of Education (OSSE) regarding the hiring of Hearing Officers in Special Education Due Process Hearings².

We request an advisory opinion from your office regarding the obligation of the Community Review Panel to comply with the Open Meetings Act, D.C. Code § 2-572, making their meetings open to the public. This law requires D.C. agencies to open their meetings because of the policy that “all persons are entitled to full and complete information regarding the affairs of government and the actions of those who represent them.” We consider the Community Review Panel (CRP) to be a public matter, as these Due Process Hearings concern students with known or suspected disabilities in all DC public schools (both charter and DCPS).

¹ Office of the State Superintendent of Education. *Final Community Review Panel: Special Education Due Process Hearing Selection Guidelines*. Office of Dispute Resolution, OSSE, District of Columbia, 2021. PDF file. https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/Final%20Community%20Review%20Panel_2021_0.pdf

² Office of the State Superintendent of Education. *Office of Dispute Resolution Annual Report*. Office of Dispute Resolution, OSSE, District of Columbia. PDF file. https://osse.dc.gov/sites/default/files/dc/sites/osse/service_content/attachments/Office%20of%20Dispute%20Resolution%20Annual%20Report.pdf

Background of CRP:

The CRP functions as an advisory body to OSSE when choosing Hearing Officers to preside over Special Education Due Process Hearings. These independent Hearing Officers contract with OSSE's Office of Dispute Resolution³ to resolve disputes between parents and their children's schools about the identification, evaluation and programming for students with disabilities. These Hearings are the only venue through which students with known or suspected disabilities and their families can seek redress. A Hearing Officer gives the final decision on whether a child has received a Free and Appropriate Public Education, and can directly order Local Education Agencies to make changes to a child's educational program, complete evaluations, change the student's placement or provide other relief as permitted by IDEA. This process provides a formal mechanism for families to enforce their child's educational rights, resolve disputes and access the support students with disabilities need for their success.

The important role given to the CRP is explicitly stated in D.C. Code § 38–2572.02. (b) (d): “In selecting Hearing Officers for administering special education Due Process Hearings, OSSE shall submit potential candidates for review to a 7-member community review panel...Following its review of candidates for Hearing Officers, the community review panel shall forward its recommendations to the State Superintendent of Education.” Through this process, the CRP's meetings are the only chance that the public has to confer and gain information about the selection process of these important decision makers, the Hearing Officers, who resolve disputes between families and the DCPS or Charter schools that serve their children with disabilities.

Why should the OMA apply to the CRP?

We believe that the Open Meetings Act (OMA) should apply to the Community Review Panel for two main reasons. First is that it fits squarely with the definitions in D.C. Code § 2–574 concerning what is considered to be a “meeting” and a “public body.” Second, the CRP board is convening to advise a governmental agency in its hiring process, which is clearly a purpose covered by the OMA.

According to D.C. Code § 2–574 (1), a meeting is defined “gathering of a quorum of the members of a public body, including hearings and roundtables, whether formal or informal, regular, special, or emergency, at which the members advise on public business, including gathering information, taking testimony, discussing, deliberating, recommending, and voting, regardless whether held in person, by telephone, electronically, or by other means of communication.”

³ Office of Dispute Resolution (ODR). *Office of the State Superintendent of Education (OSSE), District of Columbia*, 30 June 2020, osse.dc.gov/service/office-dispute-resolution-odr

The CRP is engaging in a meeting under this code because they are a quorum of members that are meeting at special times in order to vote and advise on public business in order to recommend specific Hearing Officer candidates to OSSE.

Next, D.C. Code § 2–574 (3) states that a public body is considered to be “any government council, including the Council of the District of Columbia, board, commission, or similar entity, including a board of directors of an instrumentality, a board which supervises or controls an agency, the board of trustees of a public charter school, or an advisory body that takes official action by the vote of its members convened for such purpose.”

There are currently public bodies that operate similarly to CRP that have the same function and are covered by the OMA. For example, the Advisory Group on Community Use of Public Space’s⁴ primary purpose is to “provide... advice and recommendations regarding District policies and procedures related to the community use of public spaces.” Additionally, the Advisory Committee on Office Administrative Hearings⁵ is also an advisory body that advises the Chief Administrative Law Judge in carrying out their duties. Both of these organizations are similar to CRP because they all provide official advice and recommendations on issues related to public interest. However, unlike CRP, these public bodies are required to comply with OMA.

Given the D.C. Code and current examples, CRP is considered to be a public body because it is an advisory body that takes official action by the vote of its members; the action being the review of potential special education Hearing Officers. This public body has seven members made up of attorneys, parents, representatives, and educators.

Conclusion:

Therefore, we request your review of this matter and an opinion to assist the Community Review Panel and OSSE in understanding its legal obligations under the Open Meetings Act.

For more information, please contact Maria Blaeuer, Director of Programs and Outreach, at maria.blaeuer@aje-dc.org.

⁴ Mayor of the District of Columbia. *Advisory Group on Community Use of Public Space: Enabling Statute and Related Documents*. DME, District of Columbia, (2018). PDF file. https://www.open-dc.gov/sites/default/files/EnablingStatute/Advisory_Group_on_Community_Use_of_Public_Space.pdf

⁵ District of Columbia Office of Administrative Hearings. *Advisory Committee Meeting*. Government of the District of Columbia, <https://oah.dc.gov/page/advisory-committee-meeting>.

Sincerely,

A handwritten signature in black ink, appearing to be 'MB', with a long horizontal line extending to the right.

Maria E. Blaeuer, Esq.

Director of Programs and Outreach

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