

---

**OPINION OF THE PUBLIC ACCESS COUNSELOR**

---

TAMEKA M. WILSON,  
*Complainant,*

v.

AMERICAN QUALITY SCHOOL & FORT WAYNE UR-  
BAN LEAGUE CENTER FOR EDUCATION,  
*Respondent.*

---

Formal Complaint No.  
17-FC-190

---

Luke H. Britt  
Public Access Counselor

---

BRITT, opinion of the Counselor:

This advisory opinion is in response to a formal complaint alleging the American Quality Schools and Fort Wayne Urban League Center for Education (“School”) violated the Open Door Law<sup>1</sup> (“ODL”). The School has not responded despite an invitation to do so on August 10. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion

---

<sup>1</sup> Ind. Code §§ 5-14-3-1.5-1 to -8.

to the formal complaint received by the Office of the Public Access Counselor on August 10, 2017.

### **BACKGROUND**

Tameka M. Wilson (“Complainant”) claims the American Quality Schools and Fort Wayne Urban League Center for Education School Board violated the Open Door Law by taking action regarding her employment status with the School without public discussion.

Wilson was employed as principal for Thurgood Marshall Leadership Academy, which is managed by American Quality School. Its charter is held by the Fort Wayne Urban League.

On June 5, 2017, Wilson was informed by the management organization of the charter school that her contract would not be renewed. Wilson argues that such action required a vote of the School board at a public meeting, which she claims never happened. Subsequent to her firing, Wilson claims a replacement principal was also hired without a public vote. The Complainant argues that these two actions constitute a violation of the Open Door Law.

### **ANALYSIS**

It is the intent of the Open Door Law that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, so the people may be fully informed. The ODL’s provisions are to be liberally construed with the view of carrying out its policy. *See* Ind. Code § 5-14-1.5-1. Therefore—unless an exception applies—all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting

members of the public to observe and record them. *See* Ind. Code § 5-14-1.5-3(a).

Charter schools are considered public agencies for the purposes of the Open Door Law. *See* Ind. Code § 20-24-4-1(a)(15). Therefore, any final action taken must be done at a meeting open to the public. *See* Ind. Code § 5-14-1.5-6.1(c).

The question becomes whether the act of hiring and firing principals is an action which necessitates a vote by the School board; or, in the alternative, if the management organization has the authority under the School's charter to unilaterally make those decisions.

This Office was not provided with the School's charter or by-laws. Without the benefit of a response from the School it makes it doubly difficult to make a conclusive determination.

The firing was effectuated by the management organization, American Quality Schools. Depending on the structure of the School's hierarchy, principals could ostensibly be hired and fired without the board's approval. In this case, it was done by the Chief Administrative Officer. On the other hand, if the School's charter mandates board approval, a vote would be needed to make those personnel decisions.

In the case of the latter, that vote would have to be taken in a properly noticed public meeting and since that was not done, the School would be not be in compliance with the Open Door Law. If the former is true, however, the management organization would not need a vote and can hire and

fire at its discretion outside a public meeting because a vote of a governing body is not necessary.

A handwritten signature in black ink, appearing to be 'LHB', written in a cursive style.

Luke H. Britt  
Public Access Counselor