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June 16, 2004

Dennis Wilkinson, Chair
Education/Workforce Development Comm.
PO Box 520
LaGrande, OR 97850

Re: *Petition for Public Records Disclosure Order*:
Union/Baker Educational Service District Records

Dear Mr. Wilkinson:

This letter is in response to your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on June 14, 2004, asks the Attorney General to order the Union/Baker Education Service District and its employees to disclose specified records to the Education/Workforce Development Committee of which you are the Chairman. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person denied the right to inspect or to receive a copy of a public record of a *state agency* may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450. A person denied the right to inspect or to receive a copy of a public record of a public body other than a state agency may petition the district attorney of the county in which the public body is located, or where the administrative offices of a multi-county public body are located, to review the record and determine if it may be withheld. ORS 192.460.

By statute, an Education Service District is created to provide "regional educational services to component school districts." ORS 334.003(2). Its mission involves "providing equitable, high quality, cost-effective and locally responsive

educational services at a regional level." ORS 334.005(1). Previously, this office has identified Education Service Districts as "popularly elected local government bod[ies]." 42 Op Atty Gen 243, 255 n 9 (1982). Because an Education Service District is a local government body, as opposed to being a state agency, the Attorney General does not have jurisdiction to review its denial of a public records request.[1]

For this reason, we deny your petition.

Sincerely,

Peter D. Shepherd

Deputy Attorney General
PETER D. SHEPHERD

PDS:AGS14197

[1] We are also in receipt of your June 10th letter stating concerns about the fees charged by the Union/Baker Educational Service District in responding to your requests for records. Because an Education Service District is not a state agency, the Attorney General does not have jurisdiction to consider a petition on its denial of a request for a waiver or reduction of fees incurred in responding to a public records request. Also, the Attorney General does not have authority to determine whether fees charged by a public body represent its actual cost in making records available to a requester. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2004) at 15.