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January 8, 2026

**VIA E-MAIL ONLY:** jeff@saveoregonschools.org

Jeff Myers
8755 SW 165th Ave
Beaverton, OR 97007

Re: Petition for Public Records Disclosure Order
*Oregon Department of Education & Department of Early Learning Care*
DOJ Files: 581110-GA0189-25 and 588001-GA0190-25

Dear Mr. Myers:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Oregon Department of Education (ODE) and the Department of Early Learning and Care (DELC) to disclose certain information related to grants. Your petition argues that the fees these agencies quoted to you operate as a constructive denial of your request. For the reasons discussed below, we respectfully deny your petition.

Agencies may establish fees reasonably calculated to recover actual costs in making public records available. ORS 192.324(4)–(5). Although the Attorney General generally does not have the authority to review the reasonableness of a fee estimate, the Attorney General may evaluate claims that "the amount of the fee in comparison to the nature of the request suggests that the true purpose of the fee is to constructively deny the request, rather than to recoup the agency's actual costs." *Attorney General's Public Records & Meetings Manual* 18 (2024). This evaluation requires the public body to explain how it calculated its fee.

Your petition explains that the Early Learning Division of ODE awarded over $75 million in Covid-19 related grants to childcare and preschool providers in 2020 and 2021. You are interested in obtaining specific information related to those grants, and, on August 21, 2025, you made a records request to DELC[1] seeking 11 categories of information such as the name of each grantee and the amount paid on each grant.

[1] In 2023, the legislature created DELC to consolidate various childcare and early care education programs into one agency, and the Early Learning Division of ODE became part of DELC.

In response to your request, DELC explained that it does not maintain records on grant payments and advised you to contact ODE for that information. DELC told you it could provide some of the data you sought—such as grantee names, ID numbers, license numbers, site names, award dates, and grant types—but it does not have a centralized grant-management database for the Covid-19 grant data you seek. As a result, DELC would need to locate and pull each individual grant agreement. Because this would require manually reviewing thousands of agreements, DELC provided a fee estimate of $3,887.50 based on 155 hours of clerical work.

On August 25, 2025, you sent a similar records request to ODE. In response, ODE told you that it was not a custodian of records containing grantee names, ID numbers, license numbers, site names, award dates, and type of grant. But ODE said it could provide you with information related to amounts and dates of payment on the grants. ODE provided you with a fee estimate of $160 to provide this data.

Your petition argues that the data you seek from ODE and DELC should be maintained in an existing database. You provide examples of similar data you have received for other types of grants maintained in grant-management databases. You explain that the time required to extract the data you seek from a grant-management system "would be a tiny fraction of the time required to review thousands of grant agreements."

In connection with your petition, we contacted Haedon Brunelle with ODE's public records unit. Mr. Brunelle first noted that ODE had closed your request after 60 days because you did not pay the fee.[2] Mr. Brunelle also explained that the Covid-19 grants to childcare and preschool providers are not tracked in a grant management system like the one you describe. Mr. Brunelle stated, however, that ODE does track Covid-19 grant payment information in a database. And he clarified that ODE will be able to provide some additional information not referenced in its response to you. Should you resubmit your request and pay ODE's $160 fee, ODE could provide you with a report that includes (1) grantee name, (2) grantee ID number, (3) total amount paid, (4) payment dates, and (5) amounts returned/repaid.[3] But ODE's payment database does not contain information that would allow ODE to identify or segregate the data by type of Covid-19 grant. As a result, the report created would be overinclusive and contain records of Covid-19 grantees that are not childcare and preschool providers.

We also contacted Madison Buck, DELC's Public Records and Communication Specialist. Ms. Buck indicated, consistent with her correspondence with you, that DELC does not maintain a database with the grant information you seek. DELC maintains the files associated with each grant and can provide you with information contained in the grant agreements, but this will require a manual review of each file.

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[2] ORS 192.329(4)(b) requires public bodies to close public records requests if "the requester fails to pay the fee within 60 days of the date on which the public body informed the requester of the fee."

[3] Mr. Brunelle indicated that it is possible that additional information such as site names and license numbers associated with some of the grants may be contained within the data. If that data is available, it will be included in the report provided.

Based on our communications with ODE and DELC, we do not believe that the entirety of the information you seek resides in a database. Some of the data will need to be pulled from grant files. Therefore, the estimates provided by DELC and ODE appear reasonably calculated to recoup the actual costs associated with providing all categories of records sought by you. For this reason, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Haedon Brunelle (Oregon Department of Education)
Madison Buck (Department of Early Learning and Care)