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October 23, 2026

VIA E-MAIL ONLY: endresslg42@gmail.com

Bryan Endress
endresslg42@gmail.com

Re: Petition for Public Records Disclosure Order
Oregon Department of Education
DOJ File No.: 581110-GA0210-26

Dear Mr. Endress:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition challenges the timeliness of the Oregon Department of Education's response to your public records request. For the reasons that follow, we respectfully deny your petition.

Your petitions stem from a records request submitted by you to ODE on September 24, 2026. ODE provided a fee estimate on October 2, 2026, and you submitted payment. After receiving your payment, ODE informed you that "[s]ubject matter staff relating to the request are currently out of the office," and ODE provided you with an estimated completion date of October 30.

Your petition argues that this delay is unreasonable and that there is no need for subject matter staff to review the records at issue. ODE explains that you submitted 31 separate public records requests to the agency between September 9 and October 15. ODE states that the records associated with your 31 separate requests are held within the Complaint and Appeals Resolution Unit. Collectively, the requests have created a significant volume of work for ODE staff. Given the volume of requests, ODE assigned a specific person to handle the response to your many requests. ODE states that the assigned individual had a period of leave scheduled in October, and, in the two weeks leading up to that planned leave, you submitted 16 separate requests. ODE states that its October 30 production deadline was set to account for the time needed for the individual to return to the office and locate the records you had requested.

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Upon receipt of a written public records request by an individual identified in an agency's published procedures for submitting requests, the agency is obligated to respond to the request "as soon as practicable and without unreasonable delay." ORS 192.329(1). An agency that is unable to complete its response within fifteen business days of receiving a written request is required to provide the requester with a reasonable estimated completion date. ORS 192.329(5). A requester may petition the Attorney General if they believe an agency has failed to comply with the processing timelines contained in ORS 192.329. ORS 192.407(1). The agency carries the burden of sustaining its actions. ORS 192.411(1).

ODE complied with its obligation to provide you with a written statement of its estimated completion date. ORS 192.329(5)(b). The October 30 date appears reasonable based on the volume of the requests and ODE's staffing issues.[1] Under these circumstances, we cannot conclude that ODE has unreasonably delayed processing your request. We therefore respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only:

[1] ORS 192.329(6) states that the timeframes prescribed by ORS 192.324 and ORS 192.329(5) do not apply if compliance would be impracticable because the staff necessary to complete a response to the public records request are unavailable, compliance would demonstrably impede the agency's ability to perform other necessary services, or the volume of public records requests being simultaneously processed by the public body makes compliance impracticable.