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April 19, 1993

Ed Benson
Joy Benson
6458 Crail Way
Valley Springs, CA 95252

Re: Petition for Public Records Disclosure Order: Records of Teacher Standards and Practices Commission

Dear Mr. and Mrs. Benson:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on April 15, 1993, asks the Attorney General to direct the Teacher Standards and Practices Commission to make available the following:

1. All materials considered in [the Commission's] finding to not have a hearing regarding Cindy Jean Christensen;

2. Including all the material the Tigard School District 23-J considered in its decision to reinstate Christensen after the trial culminated.

For the reasons that follow, we respectfully deny your petition. The Public Records Law confers on citizens the right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. See ORS 192.420. Subsection (8) of ORS 192.502 establishes an exemption for records for which the disclosure is "prohibited or restricted or otherwise made confidential or privileged under Oregon law."

The statutes pertaining to the Teacher Standards and Practices Commission authorize the Commission to conduct a preliminary investigation on all complaints concerning a licensed teacher. ORS 342.176(4) states:

> The documents and materials used in the investigation and the report of the executive secretary are confidential and not subject to public inspection unless the commission makes a final determination that the person charged has violated [professional duties and responsibilities of teachers].

The records you requested fall within the category of investigation documents and materials. The Commission conducted an investigation concerning Ms. Christensen but did not make a final determination that Ms. Christensen had violated Commission standards for licensed teachers. Accordingly, the records you request are confidential, ORS 342.176(4), and exempt from disclosure under ORS 192.502(8). Therefore, we deny your petition.

We note that some of the documents you requested, such as police investigation reports and court documents from the Washington County Circuit Court, could probably be obtained by requesting them directly from these sources.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:AV:JGM:ros/JGG06674
c: David V. Myton, Executive Secretary
Teacher Standards and Practices Commission