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December 6, 2004

Ron and Rene Layton
P.O. Box 44
Joseph, OR 97846

Re: *Petition for Public Records Disclosure Order*:
Oregon Department of Education Records

Dear Mr. and Mrs. Layton:

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 November 29, 2004, asks the Attorney General to order the Oregon Department of Education (DOE) to produce for your review a copy the determination letter that DOE sent to the Joseph School District (or a particular school within that district) and a copy of the "school's reply," if one was received by DOE. Your petition explains that these records relate to a complaint that you filed with DOE. For the reasons that follow, we respectfully deny your request.

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 192.410. The Public Records Law provides that a person denied the right to inspect or receive a copy of a public record by a state agency or official may petition the Attorney General to order the release of the public record.[1] ORS 192.450(1).

[1] The Attorney General's authority under the Public Records Law does not extend to investigating or otherwise reviewing ODE's handling of your complaint regarding alleged violations of standards by the Joseph School District.

We spoke with Randy Harnisch, Executive Officer of the Oregon State Board of Education, about your petition. Mr. Harnisch told us that ODE is sending the requested records to you on this date. Because ODE is disclosing the records to you, we deny your petition as moot.

Kevin Neely, Executive Assistant to the Attorney General, will respond in a separate letter to your request that the Department of Justice begin an investigation of the Joseph School District.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS14740
c: Randy Harnisch, ODE
Kevin Neely, DOJ