Nathan Vasquez, Multnomah County District Attorney

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November 5, 2026

via email only

Gillian Charles
Co-President, Stephenson Elementary PTA
stephensonlionpta@gmail.com

Re: Petition of Gillian Charles, on behalf of the Stephenson Elementary PTA, challenging the timeliness of Portland Public Schools' response to a public records request

Dear Gillian Charles:

On October 5, 2026, Portland Public Schools (PPS) released proposals to "rightsize" its operations through the closure of certain schools and presented them to its board the next day. PPS states that it has more school buildings than its enrollment supports, and it faces a projected $65 million budget shortfall for next school year. It offered three scenarios: Scenario A would close 14 schools, including Stephenson Elementary; Scenario B would close 11 schools and keep Stephenson open; and a third scenario would make no change.[1]

On October 6, 2026, on behalf of the Stephenson Elementary PTA, you submitted a multi-part public records request to PPS concerning the proposal to close Stephenson Elementary. It sought, among other things, the analysis behind the proposal, the underlying enrollment and facility data, savings estimates, and correspondence between the superintendent and board members, and it requested a fee waiver.

On October 29, 2026, having not received the records you requested, you petitioned this office seeking an order under ORS 192.407 compelling production within seven days and various financial sanctions against PPS. You relate that time is of the essence to this request because the superintendent's recommendation is due November 17 and the board is scheduled to vote December 15.

In its response to your petition, PPS has informed me that it has now provided you with the materials you requested. PPS states that it "recognizes the broad public interest in materials related to the Rightsizing process." The intense interest has also resulted in a substantial increase in the number of public records requests submitted to PPS since October 5 and slowed its ability to respond across the board. PPS relates that it has received 108 new records requests since announcing these proposals, many of which seek similar materials to those sought here. PPS

[1] See, among others, Elizabeth Miller, "Up to 14 schools closing in Portland Public Schools 'rightsizing' scenarios," OPB (Oct. 5, 2026) (https://www.opb.org/article/2026/10/05/portland-public-schools-closures-rightsizing/); Portland Public Schools, *District wide scenarios 10.04.26*, p. 1 (Oct. 2026) (available at https://www.opb.org/pdf/District%20wide%20scenarios%2010_1791246176222.pdf).

contends that, given that volume, ORS 192.329(6)(c) applies and that the timeline of its response to your request cannot fairly be described as unreasonable.[2]

PPS is right that the public interest here is high: these records bear on which public schools will remain open and how that decision will be made by the officials responsible. The surge in requests that has followed is also significant and beyond the normal flow of requests that PPS expects to handle in a given month. I need not in this case resolve those competing interests because PPS has now completed its response to your request. Where a public body completes its response between the filing of a petition and our order, this office and the courts have considered that to resolve the matter. *Clapper v. Oregon State Police*, 228 Or App 172, 178 (2009) (where records are produced prior to adjudication, dismissal of a court case is proper); *Petition of Bial*, MCDA PRO 22-10 (2022) (same result for district attorney petitions). This office has applied that rule consistently to timeliness petitions, including those involving PPS. *Petition of Brown*, MCDA PRO 23-172 (2023) (delay petition against PPS denied as moot where PPS finished its production after the petition was filed).

Even assuming ORS 192.329(6)(c) did not excuse the delay in this case, something I do not decide here, the production of records at no cost five business days beyond the statutory period in this context does not warrant the discretionary imposition of financial sanctions under ORS 192.407. *Petition of Iboshi*, MCDA PRO 25-11 (2025) (declining to reach ORS 192.329(6) where the circumstances would not justify sanctions in any event); *Bial*, MCDA PRO 22-10 (no financial sanction for a delay of four business days); *Petition of Sarich*, MCDA PRO 19-40 (2019) (no financial sanction for six business days of delay).

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: _____
Adam Gibbs
General Counsel

Cc: Andrea Schiers, Senior Legal Counsel, Portland Public Schools

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[2] ORS 192.329(6)(c) provides that the ordinary 15-business-day response deadline does not apply "if compliance would be impracticable because […] [o]f the volume of public records requests being simultaneously processed by the public body."