



Nathan Vasquez, Multnomah County District Attorney

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June 15, 2026

via email only

Arielle Tozier de la Poterie
members@cesarchavezpta.org

Andrea Schiers
Senior Legal Counsel
Portland Public Schools
aschiers@pps.net

Re: Petition of Arielle Tozier de la Poterie concerning the timeliness of Portland Public Schools' response to a public records request

Dear Ms. Tozier de la Poterie and Ms. Schiers:

Arielle Tozier de la Poterie, on behalf of the César Chávez Parent Teacher Association, submitted a public records request to Portland Public Schools (PPS) on March 5, 2026 (PPS tracking no. PRR 2526-263), seeking records concerning the PPS' allocation of \$100 million in 2025 bond funding for seismic retrofits. Specifically, Ms. Tozier de la Poterie sought the formulae, calculations, and rankings underlying the prioritization of Beverly Cleary and eight other schools, and any related communications. PPS acknowledged the request on March 6.

PPS then provided a series of estimated completion dates. Its initial estimate, given March 25, was April 16. On May 8, PPS pushed that to May 22, followed on May 31 by a further extension to June 26.¹ Ms. Tozier de la Poterie petitioned this office on June 1, 2026, under ORS 192.407(1) (b), contending that these extended estimates constituted undue delay of PPS' response.

In response to the petition PPS informs me that it has now produced the formulae, calculations, and rankings, the first of the two components into which it divided the request. PPS further reports that the second, related emails, has been narrowed to approximately 97 messages now under review by PPS. PPS states that it is confident it can complete its response by June 17, and asks that its response be found reasonable under the circumstances.

For the reasons below, I conclude that the estimated completion date provided to petitioner was unreasonably long, and I grant the petition.

¹ PPS states that multiple of its emails to petitioner in late March received auto-replies that they were undeliverable. Since PPS was not seeking information from petitioner in order to proceed with its work, the non-receipt of those messages is not relevant to any timeline I must evaluate.

DISCUSSION

The statutory framework and the governing standard of reasonableness are set out at length in *Petition of Haugland*, MCDA PRO 26-40 (2026), a recent timeliness challenge involving this same District under ORS 192.407(1)(b), and I apply that analysis here. PPS provided an estimated completion date within the fifteen-business-day period of ORS 192.329(5)(b), so the question is not whether PPS met that deadline but whether its estimate is reasonable. ORS 192.329(1), (8); 192.407(1)(b).

This conclusion is not a criticism of PPS' records staff. PPS carries a heavy and growing records load, by its account roughly 62 open requests when this one arrived, and approximately 115 more in the period since, and its Public Records Officer has kept the requester apprised through periodic, good-faith status updates. That diligence is evident in the record. The delay reflects a constraint on resources, not any failing on the part of the officer responsible for the response.

As I explained in *Haugland*, an unusual surge in the volume and complexity of requests or the unavailability of assigned staff is the kind of constraint ORS 192.329(6)(c) recognizes and allows leeway for.² A standing shortfall in records capacity, however, is not the statutory "unavailability" of staff who are "on leave or [...] not scheduled to work" contemplated by ORS 192.329(7). Resource constraints of that kind cannot justify the extended delay of a discrete request. *Petition of Monahan*, MCDA PRO 16-23 (2016); *Petition of Haugland*, MCDA PRO 26-40 (2026).

Applying that standard, the serially extended estimate is unreasonably long. It has been approximately 70 business days since receipt of the request. PPS has not argued that this particular request is overly burdensome nor that it would require extraordinary efforts or time to complete. Rather it is the cumulative effect of all pending requests, and an under-resourced department trying its best to handle them, that appears to be the basis of the delay here.

PPS has stated in its response to me that is confident it can finish its work on this matter by Wednesday of this week, June 17. I will afford PPS an additional day for the unexpected, but it is time that this records request be completed.

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² In this instance, PPS does not need to directly avail itself of this safety valve because it *did* provide an estimated completion date within the first 15 business days after the request, which is all that ORS 192.329(5) compels. Regardless, the standard after a timely-issued estimate or the standard if a public body is within ORS 192.329(6)'s safety valve is the same: reasonableness and a lack of undue delay. See, ORS 192.407(1)(b) (evaluating if the estimate is "unreasonably long and will result in undue delay of disclosure") and ORS 192.329(8) (response shall be "as soon as practicable and without unreasonable delay").

ORDER

The petition is granted. Pursuant to ORS 192.407(3)(a), PPS shall complete its response and produce all remaining responsive records, or assert in writing any exemption it claims as to those records, no later than Thursday, June 18. This release is subject to the payment of fees, if any, not to exceed those authorized by ORS 192.324(4).

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 

Adam Gibbs
General Counsel

Notice to Public Agency. Pursuant to ORS 192.411, 192.415, and 192.431(3), your agency may become liable to pay petitioner's attorney fees in any court action arising from this public records petition (regardless of whether petitioner prevails on the merits of disclosure in court) if you do not comply with this order and also fail to issue, within seven days, formal notice of your intent to initiate court action to contest this order, or fail to file such court action within seven additional days thereafter.

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