

## OUR VIEW

# State laws create an incentive for high fees

What's broken about Oregon's public records laws remains broken. And every year that goes by with it broken, the public's ability to know what its government is doing is diminished.

Oregon's public records laws are well-intentioned. They also are flawed.

The structure of the law creates a perverse incentive for high fees. Public bodies are not given incentives to make public documents available at low cost. The laws give them the power to charge reasonable fees to recoup their costs. That gives them no incentive to keep those costs as low as possible. And any fee — no matter how small it may seem — can be like a wall blocking the public from information. While there are ways for the public to appeal decisions to release documents, it's nowhere near as simple to get fees reduced.

The problem is easier to understand with examples. This one we heard from Rachel Alexander, the managing editor of the Salem Reporter. She also chairs the Oregon Freedom of Information Committee of the Society of Professional Journalists.

She recently spoke with Oregon's Public Records Advisory Council.

Remember earlier this year when F. King Alexander resigned as Oregon State University president? There were questions about his role in the sexual misconduct investigations at Louisiana State University. A reporter for the Albany Democrat-Herald filed a narrow public records request asking for emails among Alexander and several members of OSU's board of trustees. It was emails for a period of about a week. OSU said it would require an IT expert to search for emails and came back with a \$250 bill.

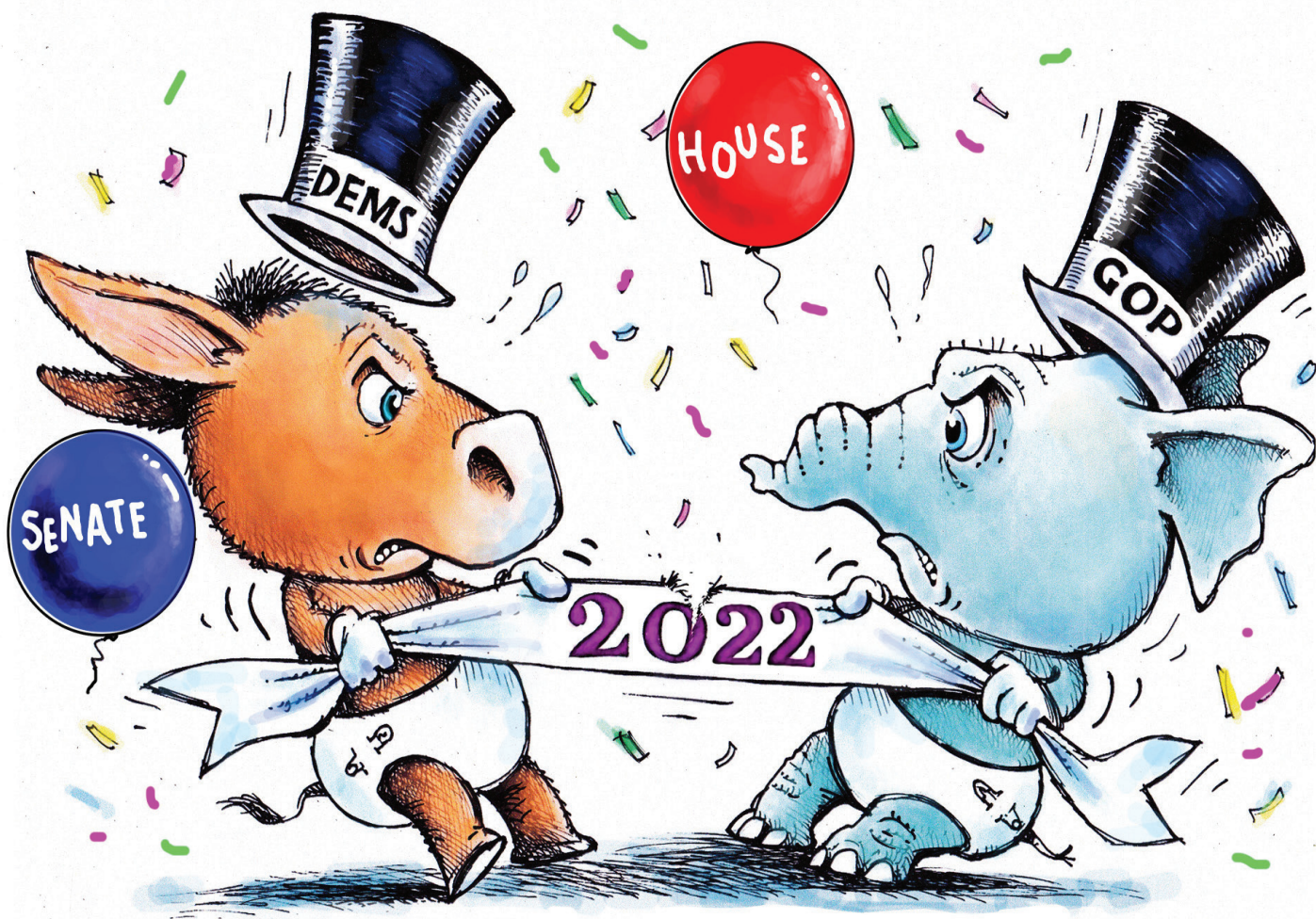
A \$250 fee might seem like nothing. But it's a barrier. As you may have heard, most newspapers are struggling for money these days. Many smaller newspapers have zero budgets for public record requests. The newspaper only was able to get the records after Oregon's Society for Professional Journalists awarded it a grant to do so. The emails showed the work some members of the board of trustees were doing behind the scenes to help Alexander craft messaging.

If the solution to this fee issue were simple, of course, it already would be fixed. Many government agencies have a culture of transparency and openness. They try to be forthcoming about records, making them available swiftly and at minimal or no cost.

But even for government agencies with that culture, not every public records request is easy to tackle. Sweeping requests may require poring through hundreds of emails or documents, taking significant staff time. Imagine what that would be like for a small town with few staff.

There are solutions out there. Some states put limits on what can be charged. Some jurisdictions bar charging for time spent researching if a record may be exempt from disclosure. The federal government defines what can be charged for Freedom of Information Act requests. As Alexander put it, relying on shoe-string efforts of journalists to crowdfund public records requests is no solution.

We don't expect the Legislature will take on this issue in the short 2022 session. At least another year will pass with Oregon's broken public records laws. It will be another year where the public's right to know is diminished.



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## Home-schooling will boom long after COVID-19



LANCE  
IZUMI

OTHER VIEWS

Student enrollment in public schools has nosedived as parent disgust with school COVID-19 policies, student learning losses and controversial education policies has gone through the roof. In the wake of this enrollment implosion, home-schooling has boomed across the country.

At the beginning of the school year, the U.S. Department of Education estimated 1.5 million students had left the public schools since the coronavirus pandemic began.

If students are not enrolling in public schools, where are they going? The numbers show many former public school students are now being home-schooled.

The U.S. Census Bureau found the percentage of home-schooling households more than doubled in 2020 from 5% in spring to 11% in the fall.

According to a recent University of Michigan study, from 2020 to 2021, the enrollment at public schools in Michigan fell by nearly 46,000 students, which represented a more than a 3% drop. Among kindergartners, there was

a decrease of more than 11%.

The increase in home-schoolers does not come from just a narrow segment of the American population. A University of Washington Bothell analysis found, "The diversity of home-schoolers in the U.S. mirrors the diversity of all students nationally," including all racial, religious, political, and income groups.

For instance, the Census Bureau found that among African American households the increase in home-schooling was much steeper than in the country as a whole, rising from 3% to 16%, a five-fold jump.

This increase in African American home-schooling is not surprising given recent research by McKinsey & Company that found "Students in majority Black schools ended the (2020-21 school) year with six months of unfinished learning."

Demetria Zinga, one of the country's top African American home-school YouTubers, says, "I believe home-schooling is growing and exploding amongst African Americans and there will be more and more home-schoolers."

Home-school mom Magda Gomez, an immigrant from Mexico, has become an activist for home-schooling in the Hispanic community.

She observes: "We Hispanics as a culture are usually very protective and

loving towards our children. However, I explain that love is not enough to raise our children. We have to educate ourselves in different areas (of education), especially since we are not in our (native) country but are immigrants."

"It is my dream," she says, "to see more Hispanic families doing home-school." Her dream is coming true with home-schooling doubling among Hispanic households, from 6% to 12%.

In addition to the racial diversity of home-schoolers, in 2021 the school-choice organization EdChoice found: "Many parents of children with autism, ADHD, and other neuro-developmental disorders report that public schools cannot effectively address their child's specialized learning needs."

Pediatric nurse and home-school mom Jackie Nunes unenrolled her special-needs daughter from public school saying, "There just wasn't enough of the things that matter — time, attention, patience, persistence, passion, support."

The coronavirus pandemic has exposed all the flaws in the one-size-fits-all public schools, which is why the home-school boom is shaking up American education.

Lance Izumi is senior director of the Center for Education at the Pacific Research Institute.

## YOUR VIEWS

### Keep 'purple' Umatilla County in Oregon

As a teenager growing up in Moscow, Idaho, I heard talk supporting the idea that eastern Washington, northern Idaho and western Montana should all band together to form a new state called "Washidamont." You can see where that idea went.

Now I hear talk that several Oregon counties should become part of Idaho with the reasoning that the rural counties don't agree with the politics, policies and laws passed by the Oregon congress.

Let's take a look at some of the ramifications of joining Idaho.

Umatilla County has more than 47,000 registered voters. They would all have to reregister in Idaho, and that state does not have mail-in voting except for absentee voters. Umatilla County would have to reset its election systems, and many voters in rural areas would face hardships to vote.

Driver's licenses would have to be issued by the state of Idaho. Passports would have to be updated and addresses changed. All of this costs money. Jobs with required certifications such as registered nurses, teachers, lawyers, real estate agents would all have to be recertified, and again that costs those employees money. Schools would have to be accredited according to Idaho law. It goes on and on.

Oregon state employees who live and work in Umatilla County would no longer be employed here — will Idaho replace

these workers? What about those jobs and the economic effect on the communities? What about the land that Oregon owns as state parks and Eastern Oregon University? And if we became a part of Idaho, how would that affect the current county employees?

Our lives are bound by laws regardless of where we live; are you sure Idaho's laws are better? Without a massive review how could anyone really decide? There could be any number of unforeseen consequences that frustrate us — no state has a perfect set of laws.

Many Umatilla County voters feel disenfranchised from the Oregon Legislature, but I can tell you growing up in Idaho that the voters of rural communities felt the same there. I don't see that the Boise-based Legislature is going to be any more aware of Umatilla County and its voters. The issue is promoted as "red vs. blue," but it is more an issue of population density; where there are more people, they are given more attention. That is what needs to change: giving equal attention to all citizens.

We are not just red or blue. In fact, we are purple — a mix of people, cultures, political ideologies and values. If you want change in Umatilla County, then speak up with constructive ideas and tell the public exactly what you want changed. Just saying that "I'm unhappy" doesn't really give much information; what are you trying to accomplish?

Let's hear some positive ideas on how to promote Umatilla County and rural communities. Let's hear positive ideas that include all our people on how to solve

our problems. And let's keep Umatilla County a part of Oregon!

Margaret Normington-Jones  
Pendleton

### Resolving pandemic is a work in progress

Thanks for all of the comments about the COVID-19 pandemic. The more information we receive about a problem, the higher the likelihood of finding an effective solution. Of course, each bit of data must be evaluated for credibility to be useful. Resolving this pandemic is obviously a work in progress.

Rejecting treatment modalities for not being 100% effective is a bit like looking for health insurance and deciding coverage up to \$5,000,000 would be necessary to cover any potential disaster. Therefore, if the only available policy is for just \$200,000, it would not be worth the time, effort or expense to have.

In addition to finding the shortcomings of certain treatments, we should each formulate what could be helpful in solving this problem and try to implement those ideas. In addition to the unbelievable death toll and disruption of lives, our medical system is being overwhelmed, making it difficult or impossible not only to treat those with COVID-19 but to provide help for other serious illnesses and injuries.

May all of mankind soon have relief from this pandemic.

Dr. Richard Haddock  
La Grande

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editor@eastoregonian.com,  
or via mail to Andrew Cutler,  
211 S.E. Byers Ave., Pendleton, OR 97801