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OPEN RECORDS AND MEETINGS SUMMARY OPINION
2026-SO-20

DATE ISSUED: September 25, 2026

ISSUED TO: White Shield Public School District

SUMMARY OPINION¹

Lori Fauraus requested an opinion from this office under N.D.C.C. § 44-04-21.1 asking whether the White Shield School District (District) violated N.D.C.C. §§ 44-04-18 and 44-04-20 by failing to respond to an open records request and failing to provide her with notice of school board meetings.

Despite repeated attempts by this office to obtain a response from the District regarding the allegations, no response was received. Accordingly, this opinion is based on the facts received from the requester.² The District took more than two months to initially respond to the open records request, and even then it only provided some of the records with an assurance it would provide the remaining requested records “soon” thereafter. But the District never provided the remaining records. The delay permitted under the open records law is fact dependent, but “will usually be measured in a few hours or days rather than weeks.”³ It is therefore my opinion that the District violated N.D.C.C. § 44-04-18 by not responding to the request within a reasonable time and by failing to provide the requested records. It is also my opinion that the District violated N.D.C.C. § 44-04-20 by not providing Ms. Fauraus with notice of school board meetings after she requested notice.⁴

STEPS TO REMEDY THE VIOLATION

The District should review the resources available on the Attorney General’s website regarding meeting notice requirements and responses to open records requests and must update its practices to be in compliance with the law. The District must immediately release the remaining records and provide all meeting notices and minutes from June 21, 2024, to June 21, 2025, at no cost.

¹ This Summary Opinion is issued pursuant to the authority granted to this office in N.D.C.C. § 44-04-21.1(1).

² See N.D.A.G. 2024-O-09 (opinion based on requester’s submitted facts when entity failed to respond to the allegations).

³ N.D.A.G. 2025-O-06 (citing N.D.A.G. 2011-O-07) (collecting opinions).

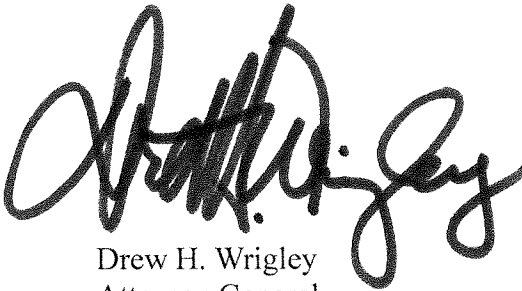
⁴ N.D.C.C. § 44-04-20(5) requires that notice of a meeting be provided to any member of the public who requests it.

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While I have every reason to expect the District will remedy this situation, failure to take the corrective measures described in this opinion within seven days of the date this opinion is issued will result in mandatory costs, disbursements, and reasonable attorney fees if the person requesting the opinion prevails in a civil action under N.D.C.C. § 44-04-21.2.⁵ Failure to take these corrective measures may also result in personal liability for the person or persons responsible for the noncompliance.⁶

A handwritten signature in black ink, appearing to read "Drew H. Wrigley". The signature is stylized with large, flowing loops and a prominent "W" for the first name.

Drew H. Wrigley
Attorney General

cc: Lori Fauraus

⁵ N.D.C.C. § 44-04-21.1(2).

⁶ *Id.*