

COATESVILLE AREA SCHOOL DISTRICT  
Petitioner

V.

BETH ANN ROSICA  
Respondent.

:IN THE COURT OF COMMON PLEAS  
:CHESTER COUNTY, PENNSYLVANIA

:NO. 2023-03045-CS

James Musial, Levin Legal Group, Attorney for Petitioner  
Beth Ann Rosica, *Pro Se* Respondent

**RESPONDENT'S RESPONSE TO PETITION FOR REVIEW OF FINAL  
DETERMINATION OF THE PENNSYLVANIA OFFICE OF OPEN RECORDS**

1. Respondent submitted a Right to Know request on January 20, 2023, to the Coatesville Area School District's Open Records Officer, Pam Kiley. (Included with OOR response dated May 26, 2023, Exhibit 1)
2. The request was denied on February 22, 2023. (Included with OOR response dated May 26, 2023, Exhibit 1)
3. As a result, the Respondent filed an Appeal with the Pennsylvania Office of Open Records on February 22, 2023. (Included with OOR response dated May 26, 2023, Exhibit 1)
4. The Appeal was properly filed online according to the instructions posted by the Pennsylvania Office of Open Records. (Exhibit A)
5. After conducting an appropriate legal review, the Pennsylvania Office of Open Records issued a Final Determination on March 31, 2023, granting in part and denying in part the requested records. (Included with OOR response dated May 26, 2023, Exhibit 10)
6. In the Final Determination dated March 31, 2023, on page 17 under the Conclusion section, the Coatesville Area School District was instructed to conduct the requested searches and to provide the requested documents within 30 days.
7. The Pennsylvania Office of Open Records ruled correctly in its Final Determination based on the legal arguments identified in the Determination.
8. Additionally, the Respondent submitted similar Right to Know Requests to two other local school districts, including Downingtown Area School District and West Chester

Area School District. The Requests were identical with the exception of the names of the Districts and the schools.

9. Respondent submitted the Right to Know Request to West Chester Area School District on January 6, 2023. (Exhibit B)
10. West Chester Area School District, Open Records Officer, Carol DeLuca, granted in part and denied in part on February 10, 2023, and provided responsive documents. (Exhibit C)
11. Respondent submitted the Right to Know Request to Downingtown Area School District on January 20, 2023. (Exhibit D)
12. Downingtown Area School District's attorney, Guy Donatelli, granted in part and denied in part on April 4, 2023, and provided responsive documents. (Exhibit E)
13. Both Downingtown and West Chester granted in part and denied in part the records, consistent with the ruling in the Final Determination by the Pennsylvania Office of Open Records.
14. Respondent's position is that the Pennsylvania Office of Open Records has ruled correctly, and in their Final Determination of March 31, 2023, made the legal arguments necessary to grant the request in part. Additionally, two other local school districts determined that the Respondent was entitled to the requested records under the Right to Know Law enacted by the Legislature in 2008.

THEREFORE, the Respondent, Beth Ann Rosica, respectfully requests that this Honorable Court uphold the Final Determination of the Pennsylvania Open Records Office dated March 31, 2023, and compels the Coatesville Area School District to produce the responsive records.

Respectfully submitted,

/s/ Beth Ann Rosica

Beth Ann Rosica

*Pro Se*

338 West Miner Street

West Chester, PA 19382

484-431-2595

barosica@hotmail.com

May 30, 2023

# **EXHIBIT A**



# OOR

Office of Open Records

## HOW TO FILE AN APPEAL

If you submit a Right-to-Know request to a state or local agency in Pennsylvania and your request is denied, you can file an appeal with the Office of Open Records. There is no fee, and you do not need an attorney.

All appeals must be made in writing and must be submitted to the Office of Open Records **within 15 business days from the mailing date of the Agency's response or the date that the request was deemed denied**. If that timeframe expires before you provide the required information to the OOR, you lose your right to appeal and may need to file a new RTK request with the Agency.

## The Best Way to Submit an Appeal to the OOR

The simplest and best way to prepare an appeal is to **use the online version of the official OOR Appeal Form**.

The **OOR Appeal Form** can be used to appeal full denials, partial denials, and deemed denials (i.e., when the agency doesn't respond by the deadline), as well as to appeal any fees being charged by the agency.

To file an appeal under the Right-to-Know Law, a requester **must provide all of the following**:

- A copy of the RTK request.
- A copy of the Agency's response (or a notation that the request was "deemed denied," meaning the Agency didn't respond at all).
- A written statement explaining the grounds on which the requester asserts that the record is a public record.
- A written statement addressing any grounds stated by the agency for denying the request.

Using the **online version of the official OOR Appeal Form** will walk you through the process, step by step.

## Alternative Ways to Submit an Appeal to the OOR

The OOR strongly recommends that appeals be submitted through the **online version of the official OOR Appeal Form**.

If that's not possible, the OOR also accepts appeals via email, fax, postal mail, and in-person submission.

Appeals submitted via email should be attached **as a Microsoft Word (.doc or .docx) or PDF file**.

**Email Attachment Formats:** *Appeals filed via email may include PDF, Microsoft Word (doc, docx, or rtf), Microsoft Excel (xls orxlsx), and image file (jpg, png, gif, or tiff) attachments. If an appeal to be filed via email includes an attachment of any other format, call the Office of Open Records (717-346-9903) before sending it. Any other formats may be rejected by Commonwealth servers.*

**Email Attachment Filesize:** *If an appeal to be filed via e-mail includes an attachment exceeding 4MB, call the Office of Open Records (717-346-9903) before sending it. Attachments exceeding 4MB may be rejected by Commonwealth servers.*

Appeals may also be submitted via fax (717-425-5343) or postal mail:

Office of Open Records  
333 Market Street, 16th Floor  
Harrisburg, PA 17101-2234

In-person submissions are accepted at the Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA, during normal business hours.

The deadline for an appeal submitted electronically (email or fax) is 11:59:59 p.m. on the 15th business day from the mailing date of the Agency's response or the date that the request was deemed denied. For in-person submissions and submissions via postal mail, the deadline is 5:00 p.m. on the 15th business day.

## About Appeals of "Deemed Denied" Requests

When an agency does not respond to you in writing within five business days of your written RTK request, the request is considered to be "deemed denied." If an agency did not respond, please indicate this when you file an appeal.

## What Happens After You File an Appeal

When the Office of Open Records receives an appeal, a docket number is assigned, an Appeals Officer is assigned, and both the requester and the agency are sent a letter containing important information about the appeal process.

A binding Final Determination will be issued pursuant to the timeline required by the RTKL. In most cases, that means within 30 calendar days.

## **EXHIBIT B**



**pennsylvania**  
OFFICE OF OPEN RECORDS

## Standard Right-to-Know Law Request Form

*Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.*

**SUBMITTED TO AGENCY NAME:** West Chester Area School District (Attn: AORO)

Date of Request: 1/6/22 Submitted via: ☒ Email ☐ U.S. Mail ☐ Fax ☐ In Person

**PERSON MAKING REQUEST:**

Name: Beth Ann Rosica Company (if applicable): \_\_\_\_\_

Mailing Address: 338 West Miner Street

City: West Chester State: PA Zip: 19382 Email: barosica@hotmail.com

Telephone: 484-431-2595 Fax: \_\_\_\_\_

How do you prefer to be contacted if the agency has questions? ☐ Telephone ☒ Email ☐ U.S. Mail

**RECORDS REQUESTED:** *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.*

Please see attached

**DO YOU WANT COPIES?** ☐ Yes, printed copies (default if none are checked)  
☒ Yes, electronic copies preferred if available  
☐ No, in-person inspection of records preferred (may request copies later)

Do you want certified copies? ☐ Yes (may be subject to additional costs) ☒ No

*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

**Please notify me if fees associated with this request will be more than** ☐ \$100 (or) ☒ \$50.

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.? ☐ Yes ☐ No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was: ☐ Granted ☐ Partially Granted & Denied ☐ Denied Cost to Requester: \$ \_\_\_\_\_

☐ Appropriate third parties notified and given an opportunity to object to the release of requested records.

**NOTE:** *In most cases, a completed RTKL request form is a public record.  
More information about the RTKL is available at <https://www.openrecords.pa.gov>*

Form updated Feb. 3, 2020

**Part A:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates September 1, 2022, to September 30, 2022, that were sent to and/or from any WCASD staff or administrator at Peirce Middle School and/or Starkweather Elementary School and contain any of the following key words/phrases: "People's Light Theater."

**Part B:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates October 1, 2022, to October 31, 2022, that were sent to and/or from any WCASD staff or administrator at Peirce Middle School and/or Starkweather Elementary School and contain any of the following key words/phrases: "People's Light Theater."

**Part C:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates December 1, 2022, to December 22, 2022, that were sent to and/or from any WCASD staff at Peirce Middle School and/or Starkweather Elementary School and contain any of the following key words/phrases: "People's Light Theater", "Alice in Wonderland", "mask", "drag queen."

**Part D:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates December 1, 2022, to December 22, 2022, that were sent to and/or from any WCASD Administrative staff and contain any of the following key words/phrases: "People's Light Theater", "Alice in Wonderland", "mask", "drag queen."

**Part E:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates December 1, 2022, to December 22, 2022, that were sent to and/or from any WCASD Board member and contain any of the following key words/phrases: "People's Light Theater", "Alice in Wonderland", "mask", "drag queen."



## **EXHIBIT C**

# WEST CHESTER AREA SCHOOL DISTRICT

No. 801AG2

## ADMINISTRATIVE GUIDELINE

APPROVED: August 1, 2015

REVISED:

### 801AG2. RESPONSE TO A REQUEST FOR ACCESS TO PUBLIC RECORDS

#### I. Information Requested

A written request from requester, Beth Ann Rosica, for public records was received by the Open Records Officer, on January 6, 2023.

The request was submitted ☐ in person, ☐ by mail, ☐ by facsimile or ☒ by email.

The request is for ☐ inspection, ☒ duplication, or ☐ both.

The medium requested for release is electronic (e.g. paper, electronic, or other), which should ☒ be sent to the requester at barosica@hotmail.com or ☐ will be picked up at the administration office located at 782 Springdale Drive, Exton, PA.

#### II. Request Granted

☒ Requester is hereby granted the request on February 10, 2023.

☐ The requested public records are available for inspection at the administration building during regular business hours.

☐ The requested copies of public records are available for pick up at the administration office during regular business hours.

☒ The requested copies of public records are enclosed herewith in addition to a description of the fees due to be paid. There are no fees. Please see attached.

☐ Copying fees are estimated to exceed \$100.00 and prepayment is required in the amount detailed in the attached sheet.

#### III. Written Notice of Review N/A

☐ The requester is hereby sent this Written Notice of Review on \_\_\_\_\_.

The request is being reviewed for the following reason(s):

☐ The request for access requires redaction of a public record.

☐ The request for access requires the retrieval of a record stored in a remote location.

☐ A timely response to the request for access cannot be accomplished due to staffing limitations.

☐ Legal review is necessary to determine whether the record is a public record subject to access under the Right-to-Know Law.

☐ The requester has not complied with the Board's Right-to-Know policy in the following manner

\_\_\_\_\_  
\_\_\_\_\_

801-AG-2. RESPONSE TO A REQUEST FOR ACCESS TO PUBLIC RECORDS, PAGE 2

- ☐ The requester refuses to pay applicable fees.
- ☐ The extent and nature of the request precludes a response within the required time period.
- ☐ Following the review, a response to the request will be provided by \_\_\_\_\_.
- ☐ An estimate of applicable fees owed when the record becomes available is attached hereto.

IV. Denial

☒ The requester is hereby denied access to Please see attached Granted - Denied Statement

either in whole or in part, because Please see attached Granted - Denied Statement

This denial is being issued by the Open Records Officer, on February 10, 2023.

If requester chooses to appeal this denial of access the requester may appeal to the Office of Open Records within fifteen (15) business days of the mailing date of this response denying the request or fifteen (15) days of a deemed denial. Should the requester choose to appeal the decision to the Office of Open Records, the appeal should be sent to Office of Open Records, 333 Market Street, 16<sup>th</sup> Floor, Harrisburg, PA 17101-2234. For more information, please see the Pennsylvania Right-to-Know Law, 65 P.S. §§67.1101, *et seq*

V. Open Records Officer Information

Name Carol DeLuca

Title Right to Know Officer

Business Address 782 Springdale Drive  
Exton, PA 19341

Business Telephone Number: 484-266-1014

Open Records Officer Signature

Carol DeLuca

West Chester Area School District, West Chester, Pa

**Part A:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates September 1, 2022, to September 30, 2022, that were sent to and/or from any WCASD staff or administrator at Peirce Middle School and/or Starkweather Elementary School and contain any of the following key words/phrases: "People's Light Theater."

**Granted.**

**Part B:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates October 1, 2022, to October 31, 2022, that were sent to and/or from any WCASD staff or administrator at Peirce Middle School and/or Starkweather Elementary School and contain any of the following key words/phrases: "People's Light Theater."

**Granted in part, denied in part.** The responsive records contain redactions for the reasons set forth on the document. A redaction is considered a denial under the Right-to-Know Law.

**Part C:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates December 1, 2022, to December 22, 2022, that were sent to and/or from any WCASD staff at Peirce Middle School and/or Starkweather Elementary School and contain any of the following key words/phrases: "People's Light Theater", "Alice in Wonderland", "mask", "drag queen."

**Granted in part, denied in part.** The responsive records contain redactions for the reasons set forth on the document. A redaction is considered a denial under the Right-to-Know Law. See also Part D.

**Part D:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates December 1, 2022, to December 22, 2022, that were sent to and/or from any WCASD Administrative staff and contain any of the following key words/phrases: "People's Light Theater", "Alice in Wonderland", "mask", "drag queen."

**Granted in part, denied in part.** The responsive records contain redactions for the reasons set forth on the document. A redaction is considered a denial under the Right-to-Know Law. See also Part C and E.

**Part E:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates December 1, 2022, to December 22, 2022, that were sent to and/or from any WCASD Board member and contain any of the following key words/phrases: "People's Light Theater", "Alice in Wonderland", "mask", "drag queen."

**Granted in part, denied in part.** The responsive records contain redactions for the reasons set forth on the document. A redaction is considered a denial under the Right-to-Know Law.

## **EXHIBIT D**



**pennsylvania**  
OFFICE OF OPEN RECORDS

## Standard Right-to-Know Law Request Form

*Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.*

**SUBMITTED TO AGENCY NAME:** Downingtown Area School District (Attn: AORO)

Date of Request: 1/20/23 Submitted via: ☒ Email ☐ U.S. Mail ☐ Fax ☐ In Person

**PERSON MAKING REQUEST:**

Name: Beth Ann Rosica Company (if applicable): \_\_\_\_\_

Mailing Address: 338 West Miner Street

City: West Chester State: PA Zip: 19382 Email: barosica@hotmail.com

Telephone: 484-431-2595 Fax: \_\_\_\_\_

How do you prefer to be contacted if the agency has questions? ☐ Telephone ☒ Email ☐ U.S. Mail

**RECORDS REQUESTED:** *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.*

Please see attached

**DO YOU WANT COPIES?** ☐ Yes, printed copies (default if none are checked)  
☒ Yes, electronic copies preferred if available  
☐ No, in-person inspection of records preferred (may request copies later)

Do you want certified copies? ☐ Yes (may be subject to additional costs) ☒ No

*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

**Please notify me if fees associated with this request will be more than** ☐ \$100 (or) ☒ \$50.

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**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.? ☐ Yes ☐ No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was: ☐ Granted ☐ Partially Granted & Denied ☐ Denied Cost to Requester: \$ \_\_\_\_\_

☐ Appropriate third parties notified and given an opportunity to object to the release of requested records.

*NOTE: In most cases, a completed RTKL request form is a public record.  
More information about the RTKL is available at <https://www.openrecords.pa.gov>*

Form updated Feb. 3, 2020

**Part A:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates September 1, 2022, to September 30, 2022, that were sent to and/or from any DASD staff or administrator at Lionville Middle School and contain any of the following key words/phrases: "People's Light Theater."

**Part B:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates October 1, 2022, to October 31, 2022, that were sent to and/or from any DASD staff or administrator at Lionville Middle School and contain any of the following key words/phrases: "People's Light Theater."

**Part C:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates December 1, 2022, to December 22, 2022, that were sent to and/or from any DASD staff at Lionville Middle School and contain any of the following key words/phrases: "People's Light Theater", "Alice in Wonderland", "mask", "drag queen."

**Part D:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates December 1, 2022, to December 22, 2022, that were sent to and/or from any DASD Administrative staff and contain any of the following key words/phrases: "People's Light Theater", "Alice in Wonderland", "mask", "drag queen."

**Part E:**

Please provide a copy of all emails, including attachments, text messages, as well as any electronic communications transmitted through any kind of chat or messaging software such as Slack, Microsoft teams, etc. from the dates December 1, 2022, to December 22, 2022, that were sent to and/or from any DASD Board member and contain any of the following key words/phrases: "People's Light Theater", "Alice in Wonderland", "mask", "drag queen."



# **EXHIBIT E**

**barosica@hotmail.com**

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**From:** Guy Donatelli <gdonatelli@lambmcerlane.com>  
**Sent:** Tuesday, April 4, 2023 12:15 PM  
**To:** barosica@hotmail.com  
**Cc:** Warihay, Virginia  
**Subject:** Your Right to Know Response sections A, B, C and E  
**Attachments:** Request C redacted.pdf; Request E redacted.pdf; Requests A-B redacted.pdf

Good afternoon Ms. Rosica – I have concluded my review of the documents located by the School District which are responsive to your Right to Know Request. I have redacted out student's names, and in some instances, information which would disclose the identity of a particular student. I have also removed personal e-mail addresses. Both of these redactions are allowed as exceptions under the Right to Know Law.

I would also like to make you aware that your request, which requests documents containing the word "mask", captures ALL of the confidential IEP and GEIP reports for students as those forms contain the following legend

*Indicate any intervening factors which may mask gifted abilities (such as English as a second language, learning disability, physical impairment, emotional disability, gender or race bias, or socio/cultural deprivation):*

So I have not provided redacted versions of those documents.

The responsive documents are attached hereto. There will be some duplicates, I am sure.

Please reach out to me if you have any questions.

Guy Donatelli 610-306-0706

This e-mail contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the Individual(s) named above. If you are not the intended recipient of this e-mail, or the employee or agent responsible for delivering this to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at 610.430.8000 or notify us by e-mail at [info@lambmcerlane.com](mailto:info@lambmcerlane.com).

COATESVILLE AREA SCHOOL DISTRICT  
Petitioner

V.

BETH ANN ROSICA  
Respondent.

:IN THE COURT OF COMMON PLEAS

:CHESTER COUNTY, PENNSYLVANIA

:NO. 2023-03045-CS

James Musial, Levin Legal Group, Attorney for Petitioner  
Beth Ann Rosica, *Pro Se* Petitioner

**CERTIFICATE OF SERVICE**

I, the undersigned respondent, hereby certify that I served the Response to Petition for Review of Final Determination of the Pennsylvania Office of Open Records via email upon the following parties on the date indicated.

<b>Name</b>	<b>Means of Service</b>	<b>Date</b>
James Musial	Email ( <a href="mailto:jmusial@levinlegalgroup.com">jmusial@levinlegalgroup.com</a> )	May 30, 2023
Michael I. Levin	Email ( <a href="mailto:mlevin@levinlegalgroup.com">mlevin@levinlegalgroup.com</a> )	May 30, 2023
Levin Legal Group		
Erika Similo	Email ( <a href="mailto:fahenry@pa.gov">fahenry@pa.gov</a> )	May 30, 2023
Appeals Officer		
Commonwealth of Pennsylvania		
Office of Open Records		

Respectfully submitted,

/s/ Beth Ann Rosica

Beth Ann Rosica *Pro Se*  
338 West Miner Street  
West Chester, PA 19382  
484-431-2595  
[barosica@hotmail.com](mailto:barosica@hotmail.com)  
May 30, 2023