

## **FINAL DETERMINATION**

DATE ISSUED AND MAILED: April 20, 2026

IN RE: *Marcus Hite v. Commodore Perry School District*; OOR Dkt. AP 2026-1103

On March 11, 2026, Marcus Hite (“Requester”), a representative of the Pennsylvania Association of Public Cyber Charter Schools, emailed a request (“Request”) to the Commodore Perry School District (“School District”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*<sup>1</sup> The School District did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on or about March 18, 2026. 65 P.S. § 67.901. On March 20, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”).

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the School District did not comply with the RTKL by timely responding to the Request, nor did the School District participate in the appeal by submitting legal argument or evidence in support of withholding records.<sup>2</sup> Accordingly, the School District did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, the School District is required to provide the requested records to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that the records do not exist. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Mercer County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.<sup>3</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

*/s/ Joshua T. Young*

---

JOSHUA T. YOUNG, ESQ.  
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Marcus Hite; Michelle Goehring, AORO

---

<sup>1</sup> The Request is dated February 26, 2026; however, the Requester’s appeal form states that the Request was, in fact, filed on March 11, 2026.

<sup>2</sup> Access to the OOR’s e-file portal and the Notice of the Appeal was provided to Michelle Goehring, who the School District identifies as its Agency Open Records Officer. During the appeal, the OOR confirmed that access to the information was granted to the correct email address for Ms. Goehring, as set forth on the School District’s website. See <https://cppanthers.org/right-to-know> (last accessed April 20, 2026).

<sup>3</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).