



FINAL DETERMINATION

DATE ISSUED AND MAILED: May 27, 2026

IN RE: *Trevor Heron v. Phoenixville Area School District*, OOR Dkt. AP 2026-1989

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The Request was received by the Phoenixville Area School District (“District”) on May 11, 2026. On May 14, 2026, the District timely invoked an extension of time to respond to the Request. 65 P.S. § 67.902(b). Pursuant to the extension, the District has until June 17, 2026, to issue its final response. The appeal was submitted to the OOR on May 19, 2026; therefore, the Requester did not allow sufficient time before filing the appeal.¹ However, the Requester is not prohibited from filing an appeal from any denial or deemed denial pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, District is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Chester 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.² All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Kathleen A. Higgins

KATHLEEN A. HIGGINS
DEPUTY CHIEF COUNSEL

Sent via portal to: Trevor Heron; Dr. Jeremy Melber, AORO; Alicia S. Luke, Esq.

¹ On May 23, 2026, the Requester submitted a position statement acknowledging that the District invoked an extension of time to respond. Additionally, on May 27, 2026, the District submitted correspondence, through counsel, arguing that the appeal is premature.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

