



**FINAL DETERMINATION**

DATE ISSUED AND MAILED: June 11, 2026

IN RE: *Joseph Battaglia v. Kennett Consolidated School District*; OOR Dkt. AP 2026-2258

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 untimely.** The Request was submitted to the Kennett Consolidated School District (“District”) on May 4, 2026. The District had five (5) business days to respond to the Request. Because the District did not respond by May 11, 2026, the Request was deemed denied. *See* 65 P.S. § 67.901. Appeals of deemed denied Right-to-Know requests must be filed within 15 business days of the date of the deemed denial, or by June 2, 2026 in this instance.<sup>1</sup> 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on June 9, 2026. The Requester is not prohibited from refileing the Request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the District is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you 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. However, 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>2</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*

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Senior Deputy Chief Counsel  
Joshua T. Young, Esq.

Sent via E-File Portal to: Requester; Agency Open Records Officer, Kennett Consolidated School District

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<sup>1</sup> Monday, May 25, 2026, was a federal holiday; and therefore, was not included in the calculation of the appeal period.

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