



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
JOSHUA MATTHEWS,	:	
Requester	:	
	:	
v.	:	Docket No: AP 2026-2702
	:	
BENSALEM TOWNSHIP SCHOOL	:	
DISTRICT,	:	
Respondent	:	

FACTUAL BACKGROUND

On June 5, 2026, Joshua Matthews (“Requester”) submitted a request (“Request”) to Bensalem Township School District (“District”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “An up to date list and or map of established school bus loading zones along the highways and trafficways traversed by school buses in accordance with regulations within Bensalem Township for the 2025-2026 school year.”

On July 6, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the District denied the Request, arguing that “[t]he record you seek is protected from public disclosure under the RTKL exemptions at Section 708(b)(1) (personal safety/security exemption) and Section 708(b)(2) (public safety/preparedness exemption).”¹

¹ The District is referring to 65 P.S. § 67.708(b)(1) and 65 P.S. § 67.708(b)(2).

On July 7, 2026,² the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the District to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On July 28, 2026, the District submitted a position statement reiterating its grounds for denial. The District claims that, in addition to threatening the safety of an individual and the public, the responsive record contains information which is protected from public release under the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, the Individuals with Disabilities Act (“IDEA”), 20 U.S.C. § 1400 *et. seq.*, Article 1, Section 1 of the Pennsylvania Constitution, Pa. Const. Art. 1, § 1, and Section 708(b)(30) of the RTKL, 65 P.S. §67.708(b)(30). In support of its position, the District submitted an attestation made subject to the penalties of unsworn falsification to authorities, 18 Pa.C.S. § 4904, authored by Valerie Ridge (“Ridge Attestation”), the District’s Safety and Security Coordinator.

On July 31, 2026, the Requester also submitted a position statement, wherein he states that his Request does not seek personally identifiable information.³ Specifically, he writes: “The Requester explicitly clarifies that he does not seek, and has never sought, any personally identifiable information (PII), student names, home addresses, specialized disability routes, or specific student counts. The Requester completely agrees that such private information is exempt under Section 708(b)(30) and FERPA.” Accordingly, in this case the OOR need not determine whether these are types of information in which an individual has any reasonable expectation of

² The appeal was submitted to the OOR on July 6, 2026 at 6:45pm. As such, the appeal was received by the OOR on the next business day, or July 7, 2026, in this instance.

³ The Requester’s submission was received after the record closed; however, to develop the record, the submission was considered. *See* 65 P.S. § 67.1102(b)(3) (stating that “the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute”).

privacy, as the Requester agrees such information is not subject to disclosure. *See Butler Area Sch. Dist. v. Pennsylvanians for Union Reform*, 172 A.3d 1173 n. 15 (Pa. Commw. Ct. 2017). Therefore, the only issue on appeal is whether the school bus route information – and not the corresponding student home addresses and other information – is subject to public access under the RTKL.⁴

On August 12, 2026, the OOR asked the parties to consent to a review of the records *in camera*. Having received no objection, on August 17, 2026, the OOR ordered *in camera* review of the records at issue in this appeal.

On August 24, 2026, the District submitted the records *in camera* and uploaded an exemption log.

LEGAL ANALYSIS

The District is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the District is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011).

One method an agency may use in meeting the burden of proof that a record is exempt is testimonial affidavits, which if “found to be relevant and credible may provide sufficient evidence in support of a claimed exemption.” *McGowan v. Pa. Dep’t of Env’tl. Prot.*, 103 A.3d 374, 381

⁴ Because the record at issue has been styled by the District as “the bus route sheet,” the OOR will use this description throughout the remainder of this Final Determination.

(Pa. Commw. Ct. 2014) (quoting *Heavens v. Pa. Dep't of Env'tl. Prot.*, 65 A.3d 1069, 1073 (Pa. Commw. Ct. 2013)). Such “affidavits must be detailed, nonconclusory, and submitted in good faith.” *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013) (*en banc*) (citation omitted). Attestations and affidavits that are “conclusory or merely parrot [an] exemption do not suffice” to satisfy an agency’s burden of proof. *Pa. Dep’t of Educ. v. Bagwell*, 131 A.3d 638, 659 (Pa. Commw. Ct. 2016). “In other words, a generic determination or conclusory statement are not sufficient[.]” *Scolforo*, 65 A.3d at 1103.

The District claims that releasing the bus route sheet “would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual,” 65 P.S. §67.708(b)(1)(ii), and is a record “maintained by an agency in connection with... law enforcement or other public safety activity that, if disclosed, would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity[.]” 65 P.S. §67.708(b)(2).

1. The District did not prove the disclosure of the bus route sheet is likely to threaten the personal security of an individual

Section 708(b)(1)(ii) of the RTKL exempts from public disclosure a record that “would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.” 65 P.S. § 67.708(b)(1)(ii). To establish that Section 708(b)(1)(ii) of the RTKL applies, an agency must show: (1) a “reasonable likelihood” of (2) “substantial and demonstrable risk” to a person’s security. *Del. County v. Schaefer*, 45 A.3d 1149 (Pa. Commw. Ct. 2012). The Commonwealth Court has held that “[b]elief alone without more, even if reasonable, does not meet this heightened standard.” *See Lutz v. City of Phila.*, 6 A.3d 669, 676 (Pa. Commw. Ct. 2010) (holding that “[m]ore than mere conjecture is needed” to establish that this exemption applies); *see also California Borough v. Rothery*, 185 A.3d 456, 468 (Pa. Commw.

Ct. 2018) (holding that to show a reasonable likelihood, “[a]n agency must offer more than speculation or conjecture to establish the security-related exceptions under the [RTKL]”). Further, the Commonwealth Court has “defined substantial and demonstrable [risk] as actual or real and apparent.” *Borough of Pottstown v. Suber-Aponte*, 202 A.3d 173, 180 (Pa. Commw. Ct. 2019) (emphasis in original).

In *Mezzacappa v. Colonial Intermediate Unit*, OOR Dkt. AP 2019-1922, 2020 PA O.O.R.D. LEXIS 2018, the requester sought “Bus video AM route only for the first day of school 2019-2020.” The agency argued that the record was exempt because it revealed the home address of minors, because it would endanger personal safety, because it contained personal identification information, and because it identified special education students travelling between home and school. The agency further argued that the responsive records are exempt under FERPA and the constitutional right to privacy. As here, the requester in *Mezzacappa* disclaimed any interest in the personal information of the students, such as addresses or identities. As a result, the OOR only addressed the purported security risks. The OOR explained:

The right to privacy... is a personal right to privacy and is entirely satisfied if redaction can reasonably obscure the identity of the students; the fact that some number of unknown students take a particular bus route is not secret and requires no redaction. *See, e.g., Mission Pa., LLC, v. McKelvey*, 212 A.3d 119, 132 (Pa. Commw. Ct. 2019) (emphasizing the fact that the constitutional right to privacy is in personal information alone). Furthermore, as the Requester notes, there is no expectation of privacy in the bus route itself, which is driven on public roads and at well-known times during every school day. [*Pa. State Educ. Ass’n v. Commonwealth*, 148 A.3d 142, 150 (Pa. 2016)] (“[T]his Court has routinely required a factual examination of whether (1) the person has exhibited an actual (subjective) expectation of privacy in the items to be searched or disclosed, and (2) whether society is prepared to recognize this expectation as reasonable and protectable.”). Therefore, the right to privacy is satisfied by the redaction of details which shield the identities of the students and does not justify additional redaction to hide the bus route.

Ultimately, the OOR ordered release of the entire bus route video with student images and home addresses redacted. In another matter, *Steuer v. Saucon Valley School District*, OOR Dkt. AP 2011-1680, 2012 PA O.O.R.D. LEXIS 293, the OOR ordered a school district to disclose a list of bus routes, but ordered the redaction of student names and addresses under Section 708(b)(30) of the RTKL.

In support of the District's position, Ridge attests that revealing the location of school bus stops could facilitate child grooming and kidnapping because "the District's bus route sheet for the 2025-26 year identifies each bus or van route according to where the students are picked up or dropped off at each school" and "provides the time for pickup or drop-off of students for each and every geographic location" as well as the place where transfers take place, including homes. *See* Ridge Attestation at ¶¶ 12-13, 15, 17-18. First, the Requester, like in the requester in *Mezzacappa*, has specifically explained that he is not seeking home addresses. As for bus stops that take place in locations other than at student homes, as explained by the OOR in *Mezzacappa* there is no expectation of privacy in the bus route itself, which is driven on public roads and at well-known times during every school day.

Moreover, as it applies to this specific appeal, the District has failed the *Schaefer* test on both accounts because there is no evidence of a reasonable likelihood of demonstrable risk to any person's security. *Schaefer*, 45 A.3d at 1156. The District's evidence is conjecture. Given the Requester's clarification that he is not seeking the names or home addresses or any students, specialized disability routes, or specific student counts, the District has not established that the release of a redacted bus route sheet is likely to threaten the personal security of an individual. Further, the OOR's *in camera* review of the records did not reveal any information that is likely to threaten the personal security of an individual.

2. The District did not prove the disclosure of the bus route sheet is likely to threaten public safety

Section 708(b)(2) of the RTKL exempts from disclosure “[a] record maintained by an agency in connection with ... law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threaten public safety.” 65 P.S. § 67.708(b)(2). In order to withhold records under Section 708(b)(2) of the RTKL, the District must show: (1) the record at issue relates to law enforcement or public safety activity; and (2) disclosure of the record would be reasonably likely to threaten public safety or a public protection activity. *Carey v. Pa. Dep’t of Corr.*, 61 A.3d 367, 374-75 (Pa. Commw. Ct. 2013). The term “reasonably likely” has been interpreted as the likelihood that disclosure would cause the alleged harm “requiring more than speculation.” *Carey*, 61 A.3d at 375. Again, in order to show a reasonable likelihood of jeopardy under Section 708(b)(2) of the RTKL, “[a]n agency must offer more than speculation or conjecture.” *California Borough v. Rothey*, 185 A.3d 456, 468 (Pa. Commw. Ct. 2018).

Initially, there is no evidence that the bus stop route relates to law enforcement or a public safety activity. Even, assuming *arguendo*, that the record does relate to law enforcement or a public safety activity, the evidence in support of this conception is similarly conjecture, relying on general statements such as, “[s]ome children are unattended by design of their custodial parents or guardian, while some children are unattended because their parents are running late,” “[t]hat child may be alone and vulnerable to stalking, kidnapping, robbery, or child abuse,” and “[i]n my training and experience, criminals, noncustodial parents, or other bad actors may lurk around bus stops to watch, stalk, or interact with a child for the purpose of grooming that child to engage in future sexual or criminal conduct.” Ridge Attestation, ¶ 24.

Given the lack of evidence that a bus route is a law enforcement or other public safety activity, as well as the Requester’s clarification that he is not seeking the names or home addresses

or any students, specialized disability routes, or specific student counts, the District has not established that the release of a redacted bus route sheet is likely to threaten public safety. Further, the OOR's *in camera* review of the records did not reveal any information that is likely to threaten public safety.

3. The District may redact student information

The District argues that the names, home addresses, birthdates, and the schools attended by students are not subject to public access. However, as noted above, the Requester stated that he is not seeking any personally identifiable information. The Requester “does not seek, and has never sought, any personally identifiable information (PII), student names, home addresses... or specific student counts.” Therefore, the Requester has waived any claim to this information, and it may be redacted. For the same reason, to the extent a student's family member is named in the responsive records, that information may be redacted as well.⁵ Based on the OOR's *in camera* review, this information can be separated from the information which is subject to public access and therefore must be redacted by the District. 65 P.S. § 67.706.

Additionally, while the District argues in its position statement that “there is [no] public benefit or interest in disclosing what religion a student or their family may practice, or whether a student attends a private or charter school,” because all individual student information is to be redacted from the responsive records there is no basis for redacting the names of private charter schools from the responsive records because they cannot be tied to any individual student.

The Requester has also clarified that he does not seek “specialized disability routes.” Therefore, the District shall redact special education designations as well as bus routes for Bucks Learning Academy and any other special education institutions.

⁵ The District mentioned “Students/Family Members” in its *in camera* exemption log.

CONCLUSION

For the foregoing reasons, the appeal is **granted** subject to redactions, and the District is required to provide the bus route sheet to the Requester within thirty days with all necessary redactions as described above.⁶ This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Bucks 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.⁷ 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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 15, 2026

/s/ Josh Macel

APPEALS OFFICER
JOSH MACEL

Sent *via* Portal to: Joshua Matthews; Dr. Victoria Velazquez (AORO); Joanna Dombrowski, Esq.

⁶ Inevitably, the location of several stops that take place at student homes will need to be redacted.

⁷ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).