



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
MORGAN GLANTON AND THE SCHOOL	:	
DISTRICT OF PHILADELPHIA,	:	
Requester	:	
	:	
v.	:	Docket No: AP 2026-3844
	:	(Consolidated with OOR Dkts. AP
KIPP NORTH PHILADELPHIA	:	2026-3845 through AP 2026-3848
CHARTER SCHOOL,	:	and AP 2026-3851)
Respondent	:	

FACTUAL BACKGROUND

On July 1, 2026, Morgan Glanton and The School District of Philadelphia (collectively, the “Requester”) emailed five separate requests (collectively, the “Requests”)¹ to KIPP North Philadelphia Charter School (“Charter School”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking, in relevant part:

[Request 3]

Legal Representation Records:

1. All legal bills or invoices submitted to ... [the] Charter School from Patricia Hennessy and any other person at Barton Gilman LLP for work performed by Patricia Hennessy and/or any other person at Barton Gilman LLP, from January 1, 2024 to present.

...

¹ For clarity’s sake, the Requests will also be referred to individually by the number assigned to the relevant Request within the statement attached to the Requester’s appeal documents.

5. All legal bills or invoice submitted to ... [the] Charter School from David Heim and/or any other person at Bochetto & Lentz P.C. for work performed by David Heim and/or any other person at Bochetto & Lentz P.C., from January 1, 2024 to present.
6. Any retainer agreements or engagement letters between ... [the] Charter School and Bochetto & Lentz P.C. that authorize or encompass work performed by that firm from January 1, 2024 to present.
- ...
9. Any agreement between ... [the] Charter School and any other entity reflecting any agreement to pay legal invoices for legal services provided to ... [the] Charter School.

[Request 5]

Any lists of speakers who signed up to speak at any [Charter School] Board of Trustees public meeting held on or after January 1, 2025.

[Request 6]

Any written comments or comment cards submitted for consideration at any [Charter School] Board of Trustees public meeting held on or after January 1, 2025.

[Request 7]

Any written requests to give comment at all [Charter School] Board of Trustee public meetings held on or after January 1, 2025.

[Request 8]

Public notices, agendas and meeting minutes for all ... Charter School public meetings held from January 1, 2024 to the present.

[Request 9]

All contracts or agreements, including memorandum of understanding, leases or licenses between ... [the] Charter School and KIPP Administrative Services Corp. in effect anytime from January 2018 to present.

[Request 11]

All ... Charter School contracts and submitted invoices paid for with Title 1 Program money for the 2024-2025 and 2025-2026 school years.

The Charter School invoked thirty-day extensions of time to respond to each of the Requests on July 8, 2026. *See* 65 P.S. § 67.902(b). The Charter School sought and was granted an additional two weeks to respond to the Requests by the Requester, resulting in a response deadline of August 21, 2026. The Charter School did not issue final responses to Requests 5 and 8 within the extension period and the Requests were, therefore, deemed denied.² *See* 65 P.S. § 67.902(b).

On August 21, 2026, the Charter School partially denied Request 3, arguing that Item 9 is insufficiently specific, 65 P.S. § 67.703, providing legal invoices responsive to Items 1 and 5 from which privileged³ information was redacted, and purporting to grant access to all records responsive to Item 6.

Additionally, the Charter School denied Request 7, stating that the requested records do not exist within the Charter School's possession, custody or control. The Charter School partially granted Requests 9 and 11, providing responsive records from which personal identification information was redacted for Request 11, 65 P.S. § 67.708(b)(6), and stating that, other than the records provided, no additional responsive records exist for Request 9.

On September 11, 2026, the Requester appealed to the Office of Open Records ("OOR"), challenging the partial denial and stating grounds for disclosure.⁴ More specifically, the Requester challenges the redactions made to the invoices responsive to Items 1 and 5 of Request 3, and the sufficiency of the searches for or completeness of records provided in responsive to Item 6 of

² Notably, along with its extension notice concerning Request 9, the Charter School granted access to public notices, agendas, meeting minutes, and related Board materials by directing the Requester to the Charter School Board of Trustees' website. *See* 65 P.S. § 67.704.

³ The Charter School argues that information was redacted from the invoices pursuant to the attorney-client privilege and the attorney work-product doctrine.

⁴ The Requester filed six separate appeals which were docketed as OOR Dkts. AP 2026-3844 through AP 2026-3848 and AP 2026-03851. Because the appeals involve the same parties and similar issues, they were consolidated into the appeal docketed as OOR Dkt. AP 2026-3844 by correspondence dated September 15, 2026.

Request 3, Request 7, Request 9 and Request 11. Furthermore, the Requester challenges the Charter School's failure to issue final responses regarding Requests 5 and 8. The OOR invited both parties to supplement the record and directed the Charter School to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c). Neither party submitted additional legal argument or evidence during the appeal.

LEGAL ANALYSIS

The Charter School is a local agency subject to the RTKL, 65 P.S. § 67.302, and 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.

1. Item 9 of Request 3 is sufficiently specific.

With respect to Request 3, the Charter School argues, in its final response, that Item 9 is insufficiently specific. 65 P.S. § 67.703. When determining whether a particular request is sufficiently specific, the OOR undertakes a nonexclusive, multi-factor test, considering “the extent to which the request specifies subject matter, the extent to which it defines the scope of the records it seeks, and the extent to which it limits the timeframe of the request.” *Pa. Off. of the Governor v. Brelje*, 312 A.3d 928, 937 (Pa. Commw. Ct. 2024) (citing *Pa. Dep’t of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015)). The test is not “a conjunctive, bright-line rule requiring each ‘element’ of the test to be satisfied; rather, it [is] a flexible approach” consistent with relevant caselaw. *Id.*

Here, Item 9 is limited in scope, as it identifies a discrete type of document sought (i.e., agreements), and contains a narrow subject matter, seeking only agreements between the Charter School and any other entity which reflects an agreement to pay legal invoices or for legal services provided to the Charter School. While Item 9 does not include a timeframe, this factor is the most

fluid and such an omission is not necessarily fatal to the request, particularly when the scope and subject matter of Item 9 are so narrow that the Charter School should reasonably understand the record being sought and be able to conduct a good faith search for responsive agreements. *Pa. Dep't of Educ.*, 119 A.3d at 1126. Accordingly, Item 9 of Request 3 provides sufficiency specificity to enable the Charter School to ascertain which records are being requested. 65 P.S. § 67.703.

2. The Charter School failed to meet its burden of proof under the RTKL.

In its final responses to the Requests, the Charter School redacted certain records and argued that certain records did not exist; however, as noted above, local agencies have the burden of proving that records are exempt from access or that they do not exist within the agency's possession, custody or control. 65 P.S. § 67.305; 65 P.S. § 67.708(a)(1). Here, the Charter School did not participate on appeal⁵ by submitting legal argument or evidence in support of its claim that certain records do not exist or to establish that it provided the Requester with all records responsive to the Requests. Furthermore, the Charter School failed to submit evidence to establish that privilege attached to any of the information redacted from the responsive records. Accordingly, the Charter School failed to meet its burden of proof under the RTKL. *See Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011); *Campbell v. Pa. Interscholastic Athletic Ass'n*, 268 A.3d 502 (Pa. Commw. Ct. 2021) (noting that an agency need only prove the nonexistence of records by a preponderance of the evidence, the lowest evidentiary standard, which is tantamount to a "more likely than not" inquiry).

⁵ The Charter School's Open Records Officer, Erica Hampton, was granted access to the OOR's e-file portal system using the credentials provided by the Requester and listed on the Charter School's website. *See [Contact Us - KIPP Philadelphia](#)* (last accessed September 23, 2026).

CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the Charter School is required to provide all responsive records, as explained above, within thirty days, or, alternatively, a sworn affidavit or statement made under the penalty of perjury describing the Charter School's search for records and confirming that no responsive records exist within the Charter School's possession, custody or control. 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 Court of Common Pleas of Philadelphia. 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 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. 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: 24 September 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Morgan Glanton and Kristina Helmers, Esq.;
Erica Hampton, AORO and Robert Viera