



FINAL DETERMINATION

DATE ISSUED AND MAILED: **October 1, 2026**

IN RE: *Melissa Kohnen v. New Castle Area School District*, OOR Dkt. AP 2026-3775

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number by Melissa Kohnen (“Requester”) on September 9, 2026, and the New Castle Area School District’s (“District”) submissions, it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal indicates that the Request, which seeks account summary reports pertaining to Special Education for the years 2018-2024, was submitted to the District on August 27, 2026, and deemed denied. However, the District’s position statements, one of which is made pursuant to 18 Pa.C.S. § 4904, and a screenshot of Gregory Suhayda’s, District Agency Open Records Officer (“AORO”), email account reflect that he did not receive the Request prior to the appeal because it was intercepted by the District’s spam filter. *See* September 11, 2026 District Submissions; *see also* 65 P.S. § 67.901.¹ Therefore, the instant appeal must be **dismissed as premature**. *See* 65 P.S. § 67.1101(a)(1).²

For this reason, the 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 Lawrence 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.³ 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>.

Issued by:
/s/ Megan Burns

MEGAN BURNS
APPEALS OFFICER

Sent via OOR Portal to: Melissa Kohnen; Dawn Mozzocio; and Gregory Suhayda, AORO

¹ The OOR has previously found appeals to be premature where an agency’s spam filter intercepted a request and the AORO did not receive actual notice of the request until the agency received the appeal. *See, e.g., Perrong v. City of Phila. Law Dep’t*, OOR Dkt. AP 2023-1485, 2023 PA O.O.R.D. LEXIS 1619; *Anderson v. Downingtown Borough*, OOR Dkt. AP 2025-0375, 2025 PA O.O.R.D. LEXIS 493.

² Although the District disclosed responsive records on September 28, 2026, during the pendency of this matter, the OOR lacks jurisdiction to consider the merits of the appeal at this time.

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