

FINAL DETERMINATION

DATE ISSUED AND MAILED: October 9, 2026

IN RE: *Donna Davidson v. Allentown School District*, OOR Dkt. AP 2026-4267

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

The appeal is premature. The appeal states that the Request (“Request”) was emailed to the District on September 22, 2026¹ and deemed denied on September 29, 2026; however, the District never received a copy of the Request. *See* Simonson Attestation. Because an appeal may only be filed from the denial or deemed denial of a request, and the District **did not receive the Request prior to receiving the appeal**, the appeal must be dismissed as premature. *Id.*; *see also* 65 P.S. § 67.901. The Requester is not prohibited from filing the Request with the District and, if necessary, filing an appeal with the OOR 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 in this appeal. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Lehigh 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.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 OOR website at: <http://openrecords.pa.gov>.

Issued by:

/s/ *Bandy L. Jarosz*

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent via portal only to: Donna Davidson; Ronald Simonson

¹ The Requester indicates the Request was emailed to simonsonn@allentownsd.org and said email address does not exist on the District’s email server. The AORO’s email address is simonsonr@allentownsd.org. *See* Requester appeal p. 6; *see also* Simonson Attestation ¶¶ 6, 7.

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