pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
AARON SHOVER,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4218**
	:	
BIG SPRINGS SCHOOL DISTRICT,	:	
Respondent	:	

On August 14, 2026, Aaron Shover ("Requester") submitted a request ("Request") to the Big Springs School District ("School District") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking "all records related to an injury sustained by [the Requester's minor child]. . . ." On September 16, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the School District denied the Request, stating that records requested are educational records under the Family Educational Rights and Privacy Act ("FERPA"), and as such, the records are exempt from public disclosure pursuant to federal statutes and regulations. The School District further stated that the records sought in the Request were previously provided to the Requester in response to a FERPA request.

On September 29, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"), challenging the denial. The OOR invited both parties to supplement the record and directed the School District to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On October 13, 2026, the School District submitted a response to the appeal, stating that educational records responsive to the Request have already been provided to the Requester through prior FERPA records requests and that noneducational records responsive to the Request have already been provided to the Requester. The Requester challenges that the School District has provided him will all records responsive to the Request.

Based upon my review of the appeal and evidence, I make the following conclusions of law and findings of fact:

1. The appeal is dismissed as moot as to records that are available to the Requester through FERPA. The record is clear that the Requester is the parent of minor student named in the Request and is entitled to access such records under FERPA. *See* 20 U.S.C. §§ 1232g(a)(1)(A)-(B), 1232g (a)(4)(A); 1232g(b); *see also* 34 C.F.R. § 99.3. Because the Requester clearly has access to "education records" responsive to the Request through the mechanisms provided in FERPA, the appeal is moot as to any argument concerning access to those records under FERPA. *See Bosnik v Red Lion Sch. Dist.*, OOR Dkt. AP 2026-2625, 2026 PA O.O.R.D. LEXIS 3293; *Anisa J. v. Perkiomen Valley Sch. Dist*., OOR Dkt. AP 2026-1058, 2026 PA O.O.R.D. LEXIS 1729.[1]
2. The Request, on its face, plainly seeks records that contain the name of a specific minor student.[2] *See Pa. Game Comm'n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016) (explaining that the OOR must consider uncontradicted statements contained in the

[1] To the extent that the Requester argues that the RTKL entitles him to greater access to the records sought than is available to him via FERPA, this argument is misplaced.

[2] While the Requester is the father of the minor child, the Requester's identity and motivation for seeking records relating to a minor and/or her medical treatment are irrelevant in determining whether they are accessible under the RTKL. *See, e.g., Hunsicker v. Pa. State Police*, 93 A.3d 911, 913 (Pa. Commw. Ct. 2014); *Cafoncelli v. Pa. State Police*, 2017 Pa. Commw. Unpub. LEXIS 405, *9-10 (Pa. Commw. Ct. June 5, 2017) (citations omitted) ("Under the RTKL, a record is either available to the public at large as a public record or it is shielded from disclosure"). Plainly stated, the records sought are not the type of records which should be available to the general public and as noted above, the Requester is able to obtain educational records relating to the minor through FERPA.

appeal as evidence). Section 708(b)(30) exempts from disclosure "[a] record identifying the name, home address or date of birth of a child 17 years of age or younger." 65 P.S. § 67.708(b)(30). Any non-educational records responsive to the Request and not available to the Requester through FERPA are exempt under 65 P.S. § 67.708(b)(30), and redaction is not a feasible option because the Request only seeks records that contain one specific minor's name or relate to that minor's injury. *See, e.g., Bosnik v Red Lion Sch. Dist.*, OOR Dkt. AP 2026-2625, 2026 PA O.O.R.D. LEXIS 3293; *Blair v. Seneca Valley Sch. Dist.*, OOR Dkt. AP 2026-1671, 2026 PA O.O.R.D. LEXIS 2241.

3. Similarly, the Request, on its face, plainly seeks records relating to an injury sustained by a minor, which implicates the medical history of an individual, and such records are facially exempt under Section 708(b)(5) of the RTKL. Certain exemptions of the RTKL, such as Sections 708(b)(5) and (b)(30), reflect a legislative pronouncement of the privacy interest of private individuals and the type of information that should not be available to the general public via a request under the RTKL. *See Reese v. Pennsylvanians for Union Reform*, 173 A.3d 1443, 1159 (Pa. 2017) (explaining that the OOR may look to legislative pronouncements for evidence that the General Assembly has found a privacy interest and balanced the equities). Accordingly, such records are exempt from public disclosure under the RTKL.

For the foregoing reasons, the appeal is **denied in part** and **dismissed as moot in part**, and the School District is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Cumberland 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 website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: November 2, 2026

/s/ Catherine R. Hecker

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CATHERINE R. HECKER, ESQ.
APPEALS OFFICER

Sent via e-file portal to: Aaron Shover
Cristy Lentz

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