pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
NICHOLAS DELVECCHIO,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-3592**
	:	
VALLEY GROVE SCHOOL DISTRICT,	:	
Respondent	:	

FACTUAL BACKGROUND

On August 10, 2026, Nicholas DelVecchio ("Requester") submitted a request ("Request") to the Valley Grove School District ("District") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking:

> …[A] complete and total record of all emails sent, received, and stored in any additional areas in relation to the Valley Grove Elementary PTO[1] [("PTO")]. The associated email address is PTO@staff.VGSD.org. This is to include any and all quarantined emails the District or former PTO officers may have stored.
>
> The emails requested have a start date of June 1, 2025, and an end date of August 10, 2026.[2]
>
> Again, please include a complete collection of emails sent, received, and deleted.

[1] "Parent Teacher Organization."
[2] The original Request submitted to the District was not provided; however, as the District quoted the language of the original Request in the final response, the record is sufficient in accordance with Section 1303(b) of the RTKL. *See* 65 P.S. § 67.1303(b); *see also* Requester appeal pp. 4-5.

On August 20, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the District denied the Request asserting "[a]s written, your request is overbroad and lacks sufficient specificity. The District's search identified more than 1,800 emails potentially responsive to the [R]equest. Without further identification of the particular [District] business, activity, or transaction to which the requested emails pertain, the [District] cannot ascertain the specific records being requested." *See* 65 P.S. § 67.703.

On August 31, 2026, the Requester appealed to the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure.[3] 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 September 1, 2026, the Requester submitted a position statement asserting "Superintendent Tessa Simmons, on her first day as an employee of the [District], directed the District Director of Technology to shut down the PTO email."

On September 11, 2026, the District submitted a position statement ("District Position Statement I") authored by Timothy S. Wachter, Esq., the District's Solicitor, which was affirmed by an attestation made under the penalty of unsworn falsification[4] to authorities and authored by Tessa Simmons ("Simmons Attestation I"),[5] the District's Superintendent and Agency Open Records Officer ("AORO"). The District argues that the Request is insufficiently specific because it does not seek a record that documents a transaction or activity of the District. 65 P.S. §§ 67.102, 67.703. The District also asserts that the applicable provisions of Pennsylvania School Code

[3] The Requester granted the OOR a 30-day extension to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) ("Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).").
[4] 18 Pa.C.S. § 4904.
[5] Under the RTKL, a sworn affidavit made under the penalty of perjury may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

("School Code") "ensure [the PTOs] separation from the [District] while also striking a balance toward ensuring that any funds raised in support of students are not misappropriated, […]." District's Position Statement I, pg. 3, ¶ 1; 24 P.S. § 5-511(d).

On September 12, 2026, the Requester submitted additional position statements with corresponding text messages asserting that the District shutting down and exercising control over the email domain server is evidence that the District and PTO are not separate entities and the District does have authority over the PTOs email communications.

On September 15, 2026, the District submitted a supplemental position statement ("District Position Statement II") and an attestation authored by Tessa Simmons ("Simmons Attestation II")[6] reiterating its argument that the PTO is a fully separate entity from the District and the PTO is not recognized as a school-affiliated organization. *See* Simmons Attestation II, ¶¶ 3-7. The District explains that except for the statutory reporting obligation in Section 511(d) of the School Code, neither the District nor the School Board have any ability to regulate the PTO, make decisions for the PTO, bind the PTO, or terminate the PTO. *See* Simmons Attestation II, ¶¶ 3-7; 24 P.S. § 5-511(d). The District also claims to have no fiscal or operational decision-making authority for the PTO, and the District and the PTO maintain separate Federal Employer Identification Numbers ("EIN"). *See* Simmons Attestation II, ¶¶ 3-7.

On the same date, the Requester submitted additional position statements. The Requester argues that the email domain was run by the District, and as such, the emails in question are within the District's purview. The Requester reiterates that the District's arguments are contradictory in that the District cannot claim to have no authority over the PTO and yet shut down the PTO email domain server. Additionally, on September 16, 2026, the Requester submitted a position statement

[6] "I have reviewed the submission drafted by Attorney Wachter, dated September 14, 2026, and find that, to the best of my knowledge, that the information contained therein is true and correct." Simmons Attestation II, ¶ 8.

alleging that the EINs provided by the District in its latest submission appear to be inaccurate based upon an EIN search by the Requester.

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) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

On appeal, the District makes several arguments attempting to distinguish the District from the PTO to establish that any responsive records are not records of the District. 65 P.S. § 67.102. However, those arguments are misplaced and the OOR has consistently held that PTO records are received or retained in connection with District activities. *See Haring v. Pennridge Sch. Dist.* OOR Dkt. AP 2012-0784, 2012 PA O.O.R.D. LEXIS 841 *5-6 (The OOR held that Marching Band programs seems to be no less an activity of the District than a PTO and, the emails requested were created and received in connection with an activity of the District and are thus records of the District under the RTKL.); *Rittenhouse v. Hempfield Sch. Dist.*, OOR Dkt. AP 2012-1662, 2012 PA O.O.R.D. LEXIS 461 (holding that Parent Teacher Organization budgets were records of a school district); *Tignall v. Dallastown Area Sch. Dist.*, OOR Dkt. AP 2011-1434, 2011 PA O.O.R.D. LEXIS 1209 ("[T]o the extent there are existing records that were created or received

by the District in connection with the District's interaction with [the Parent Advisory Group ("PAG")], those records would document a transaction or activity of the District (its interaction with the PAG) and were created, received or retained in connection with that activity").

Here, the District identified records responsive to the Request as, "copies of emails which were associated with an email address made available to the [PTO] which operates in support of the students within the [District]." Department's Position Statement I, pg. 2, ¶ 3. The District's search identified more than 1,800 emails potentially responsive to the Request. As such, the District mischaracterizes its argument that the Request is insufficiently specific,[7] and the sole issue on appeal is whether the requested records are records of the District. Section 102 of the RTKL defines "record" as "[i]nformation, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency." 65 P.S. § 67.102.

The records at issue are attributed to a District issued email domain address identified in the Request. To that, the District cites *Meguerian v. Off. of the Attn'y Gen.*, 86 A.3d 924 (Pa. Commw. Ct. 2014) for the proposition that emails are not considered records of an agency merely because they were sent or received using agency email addresses or by virtue of their location on an agency computer, but, rather, they must document an agency transaction or activity. The OOR has determined, more specifically, that emails with a subject matter that is purely personal to an individual and personal emails that do not contain any information or subject matter that relates to the District or do not document a transaction or activity of the District are not accessible under the RTKL. *See Schnee v. Parkland Sch. Dist.*, OOR Dkt. AP 2022-0763, 2022 PA O.O.R.D. LEXIS

[7] In certain situations, the ability to identify responsive records demonstrates that a request is sufficiently specific. *See Easton Area Sch. Dist. v. Baxter*, 35 A.3d 1259, 1265 (Pa. Commw. Ct. 2012). Further, the District's ability to perform a search for responsive records is a strong indicator that the Request is sufficiently specific, and as such, the District's assertion will not be further addressed herein.

1427. Therefore, emails created and received in connection with a transaction or activity of the District are thus records of the District under the RTKL. Accordingly, the email records are presumed to be a public record, and the District has the burden of proving that these records are exempt from disclosure. *See* 65 P.S. § 67.305(a); 65 P.S. § 67.708(a)(1). As the Request seeks all emails from a particular District email domain address, the District is required to review all of the emails and determine whether the email relates to a transaction or activity of the District or whether the communication is purely personal and does not document an activity or transaction of the District. Moreover, the District has not raised any exemptions or provided any evidence in support of withholding such records. Accordingly, the emails that relate to a transaction or activity of the District are subject to public access.[8] *See Haring v. Pennridge Sch. Dist.*, OOR Dkt. AP 2012-0784, 2012 PA O.O.R.D. LEXIS 841. The OOR directs the District to provide the remaining responsive emails on a rolling production schedule and that the District is to provide the records on a thirty-day basis continuing for a total period of ninety days. *See Rosenfeld v. Allegheny Cnty.*, OOR Dkt. AP 2024-0717, 2024 PA O.O.R.D. LEXIS 978 (a rolling production schedule of ninety days was found to be reasonable); *Ali v Pa. Dep't. of Corr.*, OOR Dkt. AP 2025-2469, 2025 PA O.O.R.D. LEXIS 2344.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part** and **denied in part**, and the District is required to provide all responsive records in accordance with the aforementioned production schedule excluding any personal email communications or emails that do not document a transaction or activity of the District, as described above. This Final Determination is binding

[8] The District is also permitted to redact any personal identification information pursuant to 65 P.S. § 67.708(b)(6) (i.e. personal e-mail addresses).

on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Venango 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.[9] 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: November 2, 2026

/s/ Damian J. DeStefano

DAMIAN J. DESTEFANO
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Nicholas DelVecchio; Tessa Simmons, AORO; Timothy S. Wachter, Esq.

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