pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
WENDY GLICKMAN,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4371**
	:	
EAST PENN SCHOOL DISTRICT	:	
Respondent	:	

As the Appeals Officer assigned to this matter by the Office of Open Records ("OOR"), I have reviewed the appeal filed with the OOR, as well as the parties' submissions in support of their positions. Specifically, I have reviewed the appeal documents submitted by the Requester and the attestation submitted by the East Penn School District ("District"), authored by Miranda Ortiz ("Ortiz Attestation"), the District's Agency Open Records Officer ("AORO").[1]

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

- The appeal is moot as to the records provided during the pendency of the appeal. During the appeal, the District provided records consisting of selection criteria, a specified individual's application and evaluation, records concerning the application period and deadline, records showing the number of student applications for the 2026-27 LMMS WSCAM[2] team and

[1] The Ortiz Attestation is made subject to the penalties of unsworn falsification to authorities, 18 Pa.C.S. § 4904.
[2] The Lower Macungie Middle School What's So Cool About Manufacturing club.

communications concerning the specified individual selected.[3] As such, the appeal as to the records provided to the Requester during the pendency of the appeal is dismissed as moot. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, "the controversy has been mooted").

- The District has met its burden of proving that no additional records responsive to the Request exist. The Ortiz Attestation demonstrates that the AORO conducted a good faith search for responsive records, which included a search within the District's server and inquires with the District's Superintendent, Principal and various District teachers. *See* Ortiz Attestation ¶¶ 4, 5. An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency's records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep't of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011). The Requester has not submitted sufficient, credible evidence to rebut the Ortiz Attestation. *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Commw. Ct. 2022). Therefore, based on the evidence provided and the Township's outlined search parameters, the Township has met its burden of proof that additional records responsive to the Request do not exist. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For the foregoing reasons, the appeal is **denied in part** and **dismissed as moot in part**, and the 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

[3] *See* Ortiz Attestation ¶ 6; *see also* Ortiz Attestation, Exhibit A. Of note, said records contained redactions, as agreed upon by the Requester in the Request. *See* Request; *see also* Ortiz Attestation, Exhibit A. As such, the redactions will not be addressed in this Final Determination.

or petition for review to 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, 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.[4] 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 3, 2026

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent via e-file portal to: Wendy Glickman; Marc Fisher, Esq.; Miranda Ortiz

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