

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 23, 2021

IN RE: *Leah Hoopes v. Garnet Valley School District*, OOR Dkt. AP 2021-2012

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

The appeal is premature. The Request was received by the School District’s Open Records Officer on August 26, 2021. The School District timely invoked a thirty-day extension of time on August 30, 2021. 65 P.S. § 67.902(b)(1). Under the extension, the School District has five (5) business days, followed by thirty (30) calendar days, from August 26, 2021 to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the School District has until October 4, 2021 to respond to the Request. The appeal was submitted to the OOR on September 22, 2021. The Requester is not prohibited from filing a new appeal to the OOR of any denial or deemed denial stemming from the Request, pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the School District is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Delaware 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.¹

Issued by:

/s/ Kathleen Higgins

Appeals Officer

Kathleen Higgins, Esq.

Sent to: Requester, Agency Open Records Officer

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).