EDUCATION LAW CENTER | FACT SHEET

TRANSPARENCY IN PUBLIC SCHOOLS: THE SUNSHINE ACT & THE RIGHT-TO-KNOW LAW

August 2026

Public K-12 school districts and charter schools are governmental agencies that are required to conduct official business in public and to make certain information available to the public. This fact sheet explains two important laws governing these transparency and accountability requirements.

The Pennsylvania Sunshine Act[1] requires that the public have access to the meetings of public agencies to promote transparency and accountability. It also establishes requirements for public notice of meetings and the opportunity to provide comments at meetings.[2] The law applies to state and local government agencies, including school districts, Intermediate Units, vocational schools, and charter schools, as well as school boards, school authorities, or school governing bodies that take official action or render advice on matters of school business.[3]

The Pennsylvania Right-to-Know Law[4] (RTKL) guarantees public access to records and information about the operations and decisions of government entities. This law also applies to school entities and identifies procedures for requesting records that the public is legally entitled to access.[5]

YOUR RIGHT TO TRANSPARENCY UNDER THE SUNSHINE ACT

WHAT IS CONSIDERED A "MEETING" OF THE SCHOOL BOARD, TRIGGERING THE SUNSHINE ACT?

Generally, when a quorum of the school board gathers to discuss school board business or make decisions to undertake official action, that gathering is considered a meeting under the Sunshine Act. State law defines a meeting as "any prearranged gathering of an agency which is attended or participated in by a quorum of the members of the agency held for the purpose of deliberating agency business or taking official action."[6] The Pennsylvania Office of Open Records notes that "the Sunshine Act applies any time a quorum deliberates agency business or takes official action, no matter the physical location of those deliberations or actions. The use of the term 'prearranged' does not allow agencies to thwart the intent of the Sunshine Act simply by holding an unscheduled discussion about agency business."[7] Any official action, including official actions based on discussions that might be held in an executive session, must be addressed in an open meeting.[8]

More Definitions. Official action is defined as recommendations made by an agency pursuant to statute, ordinance, or executive order; establishment of policies; decisions on agency business; and votes taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report, or order.[9] **Agency business** is defined as "the framing, preparation, making or enactment of laws, policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights,

duties and responsibilities." Agency business does not include administrative action (*e.g.*, carrying out previously approved official action or policies).[10] **Deliberation** is defined as "discussion of agency business held for the purpose of making a decision."[11] A majority, or at least five of the nine school board members participating in a meeting, shall constitute a **quorum**.[12] The board can only take action with a quorum, meaning no fewer than five members, participating.[13]

CAN SCHOOL BOARDS HOLD PRIVATE MEETINGS? WHAT RULES APPLY?

Yes, school boards may hold private meetings in the form of a conference or an executive session, provided that they do not deliberate agency business or take official action. Board members may participate in a "**conference**" that need not be open to the public, but even deliberation of agency business cannot occur at a conference.[14] In this context, a conference is defined as "any training program or seminar, or any session arranged by State or Federal agencies for local agencies, organized and conducted for the sole purpose of providing information to agency members on matters directly related to their official responsibilities."[15]

"**Executive sessions**" are defined as meetings from which the public is excluded, although the school board may admit persons necessary to carry out the purpose of the meeting.[16] A school board may hold an executive session for one or more of the following purposes:

- To discuss matters involving the employment; appointment; termination of employment; terms and conditions of employment; or performance, promotion, or discipline of a specific employee or public officer.
- To hold information, strategy, and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or labor relations.
- To consider the purchase or lease of real property.
- To consult with its attorney or other professional adviser about active or pending litigation.
- To review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of confidential information, such as an investigation by a state or federal agency.
- To discuss, plan, or review matters and records that are deemed necessary for emergency preparedness, security, or protection of public safety.[17]

Executive sessions must be announced at the open meeting that occurs immediately before or immediately after the executive session, and the announcement must disclose the purpose and scope of the session.[18] School boards must identify the matters to be discussed in executive session with sufficient specificity to indicate a real, discrete matter — reporting only "legal matters" is insufficient.[19] If no specific matter is provided, members of the public can state on the record that they believe this is a violation of the Sunshine Act and submit a complaint (see more information about complaints below).

ARE SCHOOL BOARD DISCUSSIONS HELD OUTSIDE OF PUBLIC VIEW A VIOLATION OF THE SUNSHINE ACT?

Sometimes. The Sunshine Act allows school boards to hold executive sessions, which are closed to the public. However, these sessions are permitted only under the specific circumstances described, and deliberations may not occur in these meetings.[20] Courts have held that school boards may meet privately to obtain information or educate agency members about an issue or because the subject

matter is subject to privilege, such as an employment situation, but they cannot engage in deliberations or decision making and cannot undertake official action.[21] Although closed gatherings like executive sessions may reasonably invite suspicion from the general public that agency business *is* actually being deliberated in private, it is best to ask questions. It's important to note that when the public legally challenges an agency's actions, the burden falls on the agency to defend its actions by developing an evidentiary record. After that, a fact-finder makes a determination as to whether a violation has occurred.[22]

CAN A BOARD MEMBER ENGAGE IN DISCUSSION WITH A MEMBER OF THE PUBLIC WITHOUT VIOLATING THE SUNSHINE ACT?

Yes. An individual board member is permitted to discuss agency business with members of the public, whether in person, by email, or on social media. However, board members are only permitted to deliberate at public meetings, so any board members exchanging opinions with other board members about an upcoming policy vote or encouraging them to vote in a particular way (including in an email discussion or via social media) would constitute a violation of the Sunshine Act.[23]

ARE THERE REQUIREMENTS FOR PUBLIC NOTICE OF SCHOOL BOARD MEETINGS AND THEIR TOPICS?

Yes. The board must provide advance public notice of the time, place, and agenda for all meetings.[24] The law requires meetings to be open to the public (with certain exceptions)[25] and mandates public notice of meetings, typically at least 24 hours in advance.[26] The law guarantees the public's right to attend meetings and access meeting records,[27] including the following specific provisions:

- Both general action meetings and agenda meetings require posting an agenda that lists each matter of agency business that will, or may be, the subject of deliberation or official action at least 24 hours before the meeting.[28]
- Committees of the school board that have been authorized by the board to take official action must comply with the same requirement that governs the full school board.[29]
- Notice must be posted at the agency's principal office or the meeting's location, and if the agency has a website, it must also be posted there.[30]
- Courts have commonly held that meetings that are not properly announced to the public, even when open to the public, violate the Sunshine Act.[31]

CAN A SCHOOL BOARD AMEND ITS MEETING AGENDA WITHOUT 24-HOUR NOTICE UNDER THE SUNSHINE ACT?

Yes, but only in a few situations. A public school board can only amend its meeting agenda without 24-hour notice under specific conditions, such as emergencies, and must adhere to all procedural requirements outlined in the Sunshine Act.[32] For example, a school board may amend its meeting agenda without 24 hours' notice if the changes are de minimis (insignificant), involve no expenditure of funds, and do not entail entering into a contract.[33] A school board can also amend its agenda within 24 hours if, during the meeting, the board first explains why the agenda needs to be amended and then a majority of the board votes to add the new matter to discuss, regardless of whether the new matter is de minimis.[34] After the agenda is changed, the school board can take official action, including steps that affect the financial obligations of the board under the "Majority

Vote Clause" exception.[35] If a school board opts to amend the agenda without 24-hour notice, it is responsible for posting an amended agenda within 24 hours *after* the meeting and posting the meeting's minutes, which must reflect any changes that were made.[36]

CAN ANY MEMBER OF THE PUBLIC ATTEND A SCHOOL BOARD MEETING?

Yes. School board meetings are open to the public, except in limited circumstances such as an executive session, as discussed above. Members of the public cannot be excluded based on their views, as this would violate their First Amendment rights.[37] There is a lawsuit now pending regarding a Pennsylvania school district that allegedly banned members of the public from school property in retaliation for critiquing a school board member.[38] Although the lawsuit remains ongoing, the school district agreed to rescind the ban after the federal complaint was filed.[39]

CAN ANY MEMBER OF THE PUBLIC PROVIDE COMMENTS AT A BOARD MEETING?

Technically yes, because the Sunshine Act gives the public the right to comment on issues "that are or may be, before the board."[40] However, under the Sunshine Act, a school board must only provide a "reasonable opportunity" for public comment before official action.[41] During advertised regular board meetings and special meetings, time shall be allotted for the public to comment on matters of concern, official action (agenda items), or deliberations that are or may be before the school board before the board takes official action.[42] Reasonable opportunities or restrictions on public comment may include: requiring speakers to sign up in advance, restricting speakers to two to five minutes, limiting overall time allotted for public comments, prohibiting disruptive conduct, and limiting comments to agenda items only.[43] This may mean that not every person who wants to give public comments at a board meeting will be able to do so.

The board also has the option to accept all public comments at the beginning of the meeting, provide sufficient time at a later point in the meeting, or, if the board determines there is not "sufficient time at a meeting for residents ... to comment, the board or council may defer the comment period to the next regular meeting or to a special meeting."[44]

A school board may reasonably restrict public comments to school district residents or taxpayers and members of the school district community who are directly affected by their actions. In addition, a school board may allow other members of the public to provide comments in accordance with school board policies. This permission may be revoked if the individual's speech and/or actions are deemed to be disruptive.[45] For more information on a school board's authority to restrict specific types of speech and what can or cannot be said during public comment, see ELC's fact sheet on The School Board, Its Power, and How to Advocate.

CAN COMMUNITY MEMBERS RECORD PUBLIC MEETINGS?

Yes. The Sunshine Act permits anyone attending a public meeting to record it. Section 711 of the Sunshine Act explicitly allows attendees to make both audio and video recordings of public meetings. However, agencies can establish reasonable rules and regulations regarding how these meetings are conducted.[46]

CAN I OBJECT DURING A MEETING IF I BELIEVE THE SUNSHINE ACT IS BEING VIOLATED?

Yes. Anyone attending a public meeting may respectfully object to a "perceived violation" of the Sunshine Act at any time during the meeting by verbally objecting or asking for a "point of order" to clarify what action the board is or isn't taking and to help gain understanding about whether the law is being violated.[47] Any objection also should be referenced in the meeting minutes.

Members of the public may be asked to explain the perceived violation of the Sunshine Act.[48] This gives school board members an opportunity to address and remedy the issue, typically during the meeting. Courts often conclude that a subsequent public meeting "cured" a prior error of insufficient public notice or inappropriate action taken in private that should have been public.[49]

HOW CAN I CHALLENGE A VIOLATION OF THE SUNSHINE ACT?

If you believe the Sunshine Act has been violated and the violation has yet to be cured, you may file a complaint in an appropriate Court of Common Pleas in Pennsylvania. Any person where the school district is located, or whose act complained of is located, or where the act occurred may bring such an action.[50]

A complaint **must** be filed within 30 days from the date of a meeting that was open to the public or within 30 days from the **discovery** of an action that occurred at a meeting closed to the public. In the case of a meeting that was not open to the public, no legal challenge may be started after more than one year from the date of that meeting.[51]

A court may stop a challenged action from being implemented until a court determines the legality of the meeting where the action was taken. At its discretion, a court may stay the action, declare an official action at a meeting invalid, or uphold official actions taken at the meeting on the ground that the meeting did not violate the law.[52] If a school board member is found to have intentionally violated the Sunshine Act, that person may be subject to conviction for a summary offense and ordered to pay a fine of $100 to $1,000, plus the costs of prosecution.[53] Fines must be paid personally by an individual, not by agencies, and agencies are not permitted to reimburse a member for fines or costs resulting from the member's Sunshine violation.[54]

If, after a challenge, the court determines the meeting did not comply with the Sunshine Act, it may find that any or all official actions taken at that meeting must be invalidated. If the court determines there were no Sunshine violations, then "all official action taken at the meeting shall be fully effective."[55]

YOUR RIGHT TO PUBLIC RECORDS & ACCOUNTABILITY UNDER THE RIGHT-TO-KNOW LAW

WHAT TYPES OF RECORDS ARE ACCESSIBLE UNDER THE RIGHT-TO-KNOW LAW?

The Right-to-Know Law (RTKL) provides access to a wide range of public records, including documents, papers, letters, maps, books, tapes, and photographs, as well as other materials, such as data created or received by a government agency.[56] Pennsylvania law also requires schools to

ensure that parents and guardians can review instructional materials and information about the curriculum.[57] However, parents may be barred from copying or recording copyrighted materials.[58]

An important note: The RTKL focuses on documents in the possession of a school district or other agency. It does not require a district to answer questions, nor does it require a district to create new documents. Under Section 705 of the RTKL, when responding to a request, "an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record."[59]

However, providing information from an agency database does **not** constitute the creation of a record. This includes pulling information from a database in the manner in which it currently exists.[60]

WHAT RECORDS ARE CONSIDERED "PUBLIC" UNDER PENNSYLVANIA'S RIGHT-TO-KNOW LAW?

A school district or charter school qualifies as a local agency subject to the RTKL.[61] Records in the possession of a district are presumed to be public, unless exempt under the RTKL or other laws or protected by a privilege, judicial order, or decree.[62] Certain records may be exempt from disclosure for such reasons as personal privacy, security, or confidentiality.[63] For example, school districts' records relating to a noncriminal investigation — including investigative materials, notes, correspondence and reports — are exempt from public disclosure.[64] Specifically, school districts are exempt from making records related to noncriminal investigations public if the records would "reveal the institution, progress, or result of an agency investigation."[65] However, a school board member's statements on social media or via email are not necessarily exempt from disclosure, even if the accounts used are personal or private. [66] Rather, if the member is discussing or considering school board business, the communication may be considered public under the RTKL.[67] Whether a post or email is a "record" of "an agency" under the RTKL is based on the facts of each case.[68]

In addition to records related to noncriminal investigations, records in draft form or records that show internal, pre-decisional deliberations are also specially exempt from disclosure.[69] Minutes of an executive session and any record of discussions held in executive session are exempt from disclosure.[70] Courts have discussed a variety of circumstances where records are not subject to public disclosure through a right-to-know (RTK) request due to privacy concerns, potential harm to a student, or confidentiality protections.[71]

Under the RTKL, if a district contends that its records are **exempt** from public access, it is required to demonstrate that "by a preponderance of the evidence."[72] Preponderance of the evidence has been defined as proof that leads the fact-finder to conclude that a contested fact is "more probable" than not.[73] For example, if a school district were to seek an exemption because the records are related to a noncriminal investigation, the district must demonstrate by a preponderance of the evidence that there was a "detailed examination" or "systematic inquiry" into the noncriminal matter that was conducted as part of the district's official duties.[74] The district or agency responding to the right-to-know request bears the burden of proving that a requested record or document does not exist or is exempt from public disclosure.[75]

HOW CAN I REQUEST RECORDS UNDER THE RIGHT-TO-KNOW LAW?

A request for records must be submitted in writing to a school district's Open Records Officer. You may find the school district's form for records requests and contact information for the Open Records Officer on the school district's website. If you cannot locate either, the Pennsylvania Office of Open Records has a database of "Agency Open Records Officers" and a sample form available for you to use. Agencies have **five business days** to respond to the initial request.[76] At that time, a district may request a reasonable extension of time to provide responsive documents, depending on the scope and nature of the request.

ARE THERE ANY REQUIREMENTS OR GUIDELINES FOR REQUESTING RECORDS UNDER THE RTKL?

Yes. It is important that an RTK request identifies or describes the records sought with "sufficient specificity" to enable the district or other agency to ascertain which records are being requested. If a request is not specific enough, a district may legally decline to provide requested documents.[77]

Courts have recognized a three-part balancing test to determine whether a request is sufficiently specific:[78]

- First, the request must identify the "transaction or activity" of the district for which the record is sought.[79]
- Second, the request must identify a "discrete group of documents, either by type … or by recipient."[80]
- Finally, the request should identify a finite period of time for which records are sought.[81]

For example, a transaction or activity could be an agency's budget, the discrete group of documents could be a particular policy or its meeting minutes, and the time frame could be for the entire 2023-24 school year, on a particular date, or concerning only a certain board member.

These factors are flexible, analytical elements.[82] Courts have applied them on a case-by-case basis.[83] Significantly, portions of an RTK request may be insufficiently specific, while other portions of the same request may provide sufficient guidance to require a response.[84]

ARE THERE ANY FEES ASSOCIATED WITH REQUESTING RECORDS?

Yes. Although agencies may not charge a fee for requesting public records or providing digital access to them, they may charge reasonable fees for providing physical copies of records. This may include fees for duplication, postage, and certification of records.[85] The Office of Open Records provides guidelines on the permissible fees that agencies can charge.[86]

WHAT HAPPENS IF A DOCUMENT CONTAINS STUDENT-SPECIFIC INFORMATION?

Student-specific education records are exempt from access under the Family Educational Rights and Privacy Act (FERPA).[87] However, FERPA expressly permits the provision of education records if the records can be "de-identified" through the removal of all personally identifiable information.[88] In such cases, a district may be ordered to disclose responsive documents.[89]

Aggregate data does not qualify as containing personally identifiable information unless the identity of specific students could reasonably be ascertained. Aggregate data is defined by the

RTKL as "tabulation of data which relate to broad classes, groups, or categories so that it is not possible to distinguish the properties of individuals within those classes, groups or categories."[90]

WHAT IF THE AGENCY ONLY PRODUCES SOME OF THE DOCUMENTS REQUESTED?

If you receive only a portion of the requested documents, you have the right to appeal the decision to seek the remaining documents. If an agency denies a request in part, the requester can file an appeal with the Office of Open Records or the appropriate appeals officer as outlined below.[91]

WHAT CAN I DO IF A REQUEST FOR RECORDS IS DENIED?

If a records request is denied or you do not receive a response, the requester has the right to file an appeal with the Pennsylvania Office of Open Records (OOR) within **15 business days of the denial**. The appeal must state the grounds upon which the requester asserts that the record is public and must address any grounds stated by the agency for delaying or denying the request. The appeal must include a copy of the original request and the agency's responses. If the agency never responded at all, the RTK request is **deemed denied** after five business days have passed. The RTKL still requires the requesting party to file a timely appeal (within 15 business days) from the date the request was deemed denied.

Then, the OOR will acknowledge that appeal and offer the parties an option to engage in mediation to resolve the dispute. If the parties move forward, the district will respond to the requester's appeal and explain its grounds for withholding the documents. OOR will then review the appeal and issue a decision within 30 days, unless the requester agrees otherwise.[92] If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied.[93]

An appeal from any denial of an RTK request may be sent by letter or email to:

Liz Wagenseller, Executive Director
Pennsylvania Office of Open Records
333 Market Street, 16th Fl.
Harrisburg, PA 17101

Via electronic filing and e-mail: openrecords@pa.gov

WHAT IS THE OFFICE OF OPEN RECORDS APPEAL PROCESS?

Once your appeal is filed with the OOR, you may choose one of the following options: (1) discuss your request with the RTK officer at your school district to determine whether they will provide the records at issue; (2) request mediation of your appeal; or (3) ask the assigned OOR appeals office to resolve the dispute, in which case the appeals office may or may not direct the school district to produce the records requested. After filing, the OOR will assign a **final determination date** by which you should expect a formal written decision on the merits of the request and responses to any arguments raised. At times, the OOR officer will request extensions to the timeframe. The final decision will later become publicly available online.

ARE THERE ANY PENALTIES FOR NONCOMPLIANCE WITH THE RIGHT-TO-KNOW LAW?

Yes. School boards that fail to comply with the Right-to-Know Law may face various penalties, including fines and court orders to produce requested records. In cases of willful or wanton disregard of the law, the court may impose civil penalties.[94]

HOW ARE THE SUNSHINE ACT AND RIGHT-TO-KNOW LAW ENFORCED?

Both the Sunshine Act and the Right-to-Know Law are enforced primarily through the courts. Any person who believes that a public school board has violated these laws can file a complaint in court. The courts have the authority to issue injunctions, impose penalties, and invalidate actions taken in violation of these laws.[95]

WHAT RESOURCES ARE AVAILABLE TO HELP UNDERSTAND AND COMPLY WITH THESE LAWS?

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The Pennsylvania General Assembly website provides the full text of the Sunshine Act and Right-to-Know Law, along with amendments. The Office of Open Records offers policy guidelines, sample policy templates, worksheets, a standard form for requesting records, and information on the appeal process. Organizations such as the Pennsylvania Freedom of Information Coalition also provide education materials.

The Education Law Center-PA (ELC-PA) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC-PA advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, multilingual learners, LGBTQ+ youth, children experiencing homelessness, and children at the intersection of multiple underserved identities.

ELC-PA's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC-PA's Helpline for information and advice — visit www.elc-

pa.org/contact or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) — or contact another attorney of your choice.

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[1] 65 PA. CONS. STAT. §§ 701-716; *see also Citizens' Guide to the Right-to-Know Law and the Sunshine Act*, Pennsylvania Off. of Open Recs. (Updated April 20, 2026), https://www.openrecords.pa.gov/Documents/RTKL/CitizensGuide.pdf (last visited July 14, 2026).
[2] *Id*. § 702.
[3] *Id*. § 703.
[4] 65 P.S. §§ 67.101-67.3104. *See also Right-to-Know Law Citizens' Guide*, Off. of Open Recs. (2021), https://www.openrecords.pa.gov/RTKL/CitizensGuide.cfm (last visited July 14, 2026).
[5] 65 P.S. § 67.101.
[6] 65 PA. CONS. STAT. § 703.
[7] *Sunshine Act FAQ*, Pa. Off. of Open Recs., https://www.openrecords.pa.gov/SunshineAct.cfm#:~:text=The%20definition%20of%20%22official%20action,business%20made%20by%20an%20agency (last visited July 14, 2026).
[8] 65 PA. CONS. STAT. § 708.
[9] *Id*. § 703.
[10] *Id*.
[11] *Id*.
[12] 24 P.S. § 4-422; *Sunshine Act FAQ*, Pa. Off. of Open Recs., https://www.openrecords.pa.gov/SunshineAct.cfm (last visited July 14, 2026).
[13] *Id*.
[14] 65 PA. CONS. STAT. § 707(b).
[15] *Id*. § 703.
[16] *Id*. § 708.
[17] *Id*.
[18] 24 P.S. § 4-425(b); 65 Pa. C.S.A. § 708(b). *See Butler v. Indian Lake Borough (In re Appeal of Lyons)*, 14 A.3d 185 (Pa. Commw. Ct. 2011).
[19] 24 P.S. § 4-425(b); *Reading Eagle Co. v. Council*, 156 Pa. Commw. 412, 416-17 (Pa. Commw. Ct. 1993) (finding that when an executive session is called, the Sunshine Act requires the agency to describe with specificity what is being discussed, and "legal matters" is insufficient).
[20] *See* 65 PA. CONS. STAT. § 707; 65 PA. C.S. § 708.
[21] 65 PA. C.S. § 704; 65 PA. C.S. 707(a); 65 PA. CONS. STAT. § 708(c). *See, e.g., Dusman v. Chambersburg Area Sch. Dist.*, 123 A.3d 354 (Pa. Commw. Ct. 2015) (holding executive sessions may be used to discuss privileged matters, but official action must be brought to public meeting); *Smith v. Twp. of Richmond*, 623 Pa. 209, 223, 82 A.3d 407, 416 (2013) ("Supervisors' four closed-door gatherings did not violate the [Sunshine] Act because they were held for informational purposes only and did not involve deliberations.").
[22] *Smith*, 623 Pa. at 223.
[23] *Sunshine Act FAQ*, Off. of Open Recs., https://www.openrecords.pa.gov/SunshineAct.cfm#:~:text=The%20definition%20of%20%22official%20action,business%20made%20by%20an%20agency (last visited July 14, 2026).
[24] 65 PA. CONS. STAT. § 703 (definition of "Public notice").
[25] 65 PA. CONS. STAT. § 707(a)-(c). *See also McCord v. Pennsylvania Gaming Control Bd.*, 9 A.3d 1216, 1218 (Pa. Commw. Ct. 2010) (agencies may hold executive sessions that are not open to the public); *Kennedy v. Upper Milford Twp. Zoning Hearing Bd.*, 575 Pa. 105, 135, 834 A.2d 1104, 1123 (2003) ("[Q]uasi-judicial deliberations are a proper subject of a private executive session" … straw votes can be a permitted aspect of an executive session).
[26] 65 PA. CONS. STAT. § 709(a)-(b). *See Coleman v. Parkland Sch. Dist.*, 346 A.3d 1266 (Pa. 2025), *reconsideration and reargument denied* (Jan. 7, 2026) (discussing the requirements for public notice of meetings under Section 709, emphasizing that an agency must give public notice of its first regular meeting of each calendar or fiscal year not less than three days in advance and must also provide notice of each special meeting or rescheduled regular or special meeting at least 24 hours in advance with some exceptions, including the Majority Vote Clause).
[27] 65 PA. CONS. STAT. § 709(c).
[28] 65 PA. CONS. STAT. § 709(c.1).
[29] 65 PA. CONS. STAT. § 703.
[30] 65 PA. CONS. STAT. § 709.
[31] *Bianco v. Robinson Twp.*, 556 A.2d 993 (Pa. Commw. Ct. 1989) (public meeting held to ratify actions taken in a previous meeting rendered arguments about Sunshine Act violations moot, as the public meeting satisfied statutory

requirements); *Bensalem Twp. Sch. Dist. v. Gigliotti Corp.*, 415 A.2d 123 (Pa. Commw. Ct. 1980) (the board's failure to properly notice the meeting invalidated the resolution passed during the meeting).
[32] *See* 65 PA. CONS. STAT. § 712.1(a) (an agency may not take official action on a matter of agency business if the matter was not included in the public notice); 65 PA. CONS. STAT. § 712.1(c) (an agency may take official action on a matter that was not listed if (1) the matter arises within the 24-hour period and (2) the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement); 65 PA. CONS. STAT. § 710.1(a) (a board shall provide the public reasonable opportunity at every advertised meeting to comment prior to the action); 65 PA. CONS. STAT. § 712.1(b) (an agency may take official action relating to a real or potential emergency involving clear and present danger to life or property regardless of whether public notice was given for the meeting).
[33] 65 PA. CONS. STAT. § 712(c)-(e).
[34] *Id.* § 712(e)(1).
[35] *Coleman v. Parkland Sch. Dist.*, 346 A.3d at 1279 ("The Majority Vote Clause is also not constrained by whether the new business is an emergency or involves a de minimis matter that does not impact the financial obligations of the agency.").
[36] 65 Pa. Cons. Stat. § 712.1(e)(1) and (f); *Coleman*,346 A.3d. at 1279 (discussing application of requirements that if agenda is amended during public meeting and the agency acts on the added items of business, the agency must publish the amended agenda by the next business day, and the minutes must reflect the amendments); 65 PA. CONS. STAT. § 706 (the written minutes from all agency open meetings shall include the substance of all official actions taken). *See also id.* § 712.1(f) ("If action is taken upon a matter of agency business added to the agenda under this section, the minutes of the meeting shall reflect the substance of the matter added, the vote on the addition and the announced reasons for the addition").
[37] *Madison Joint Sch. Dist. No. 8 v. Wis. Emp. Rels. Comm'n,* 429 U.S. 167 (1976) (First Amendment protections apply to speaking at public school board meetings).
[38] *See Souderton Area For All v. Souderton Area School District*, ACLU Pa., https://www.aclupa.org/cases/souderton-area-all-v-souderton-area-school-district/ (last visited July 14, 2026) (ongoing lawsuit challenges district's ban of two parents and one former student from school property as retaliation for criticisms leveled at school board member).
[39] *Id. See* Press Releases: Souderton Area School District Lifts Board Meeting Ban on Parents and Former Student Following ACLU-Pa lawsuit, ACLU-Pa, https://www.aclupa.org/press-releases/souderton-area-school-district-lifts-board-meeting-ban-on-parents-and-former-student-following-aclu-pa-lawsuit/ (last visited July 14, 2026).
[40] 65 PA. CONS. STAT. § 702.
[41] 65 Pa. Cons. Stat § 710.1
[42] *Id.*
[43] 65 Pa. CONS. STAT § 710; see, *e.g.*, *Sklaroff v. Abington Sch. Dist.*, No. 2134 C.D. 2016, 2017 WL 4582638, at *3 (Pa. Commw. Ct. 2017) (policy limiting speakers to 3 minutes and to agenda items only did not violate the Sunshine Act); *Duff v. City of Philadelphia,* 2015 WL 4644138 (E.D. Pa. 2015) (policy limiting public comment to agenda items did not violate the First Amendment because it was narrowly tailored to serve an important government interest); *Alekseev v. City Council of Philadelphia,* 976 A.2d 1253 (Pa. Commw. Ct. 2009) ("[L]imiting public comment to the subject of the proposed legislation under consideration by the committee is patently reasonable and in no way violates the [Sunshine] Act").
[44] 65 PA. CONS. STAT. § 710.1(a).
[45] *Carey v. Brown,* 447 U.S. 455, 470–71, 100 S.Ct. 2286, 65 L.Ed.2d 263 (1980) (right to communicate is not endless as the Constitution does not leave state officials powerless to protect the public from threatening conduct that disturbs the tranquility of schools).
[46] 65 PA. CONS. STAT. § 711.
[47] 65 PA. CONS. STAT. § 710.1(c).
[48] *Id.* § 710.1 (c). The statute also clarifies that although objections can be raised at any time, the proper order of the meeting should be maintained; this suggests that while you can object, it should be done in a manner that respects the meeting's agenda and structure. *See, e.g., Galena v. Leone,* 638 F.3d 186, 212 (3d. Cir. 2004) ("If even only one member of the public objects during a time when public comments are not allowed the Council's procedure in conducting business is affected even if the member of the public interrupts the meeting in a conversational, nonthreatening tone of voice. The interruption of the order of business is itself the disturbance.").
[49] *See, e.g., Picone v. Bangor Area Sch. Dist.*, 936 A.2d 556 (Pa. Commw. Ct. 2007) ("[T]his Court has repeatedly held that official action taken at a later, open meeting cures a prior violation of the Sunshine Act").
[50] 65 PA. Cons. Stat. § 715. Commonwealth Court has original jurisdiction of actions involving state agencies and courts of common pleas have original jurisdiction of actions involving other agencies.
[51] *Id.* § 713.
[52] *Id.*

[53] *Id*. § 714.
[54] *Id*. § 714(b).
[55] *Id*. § 713.
[56] *Id*. § 67.102.
[57] 22 PA. CODE § 4.4(d).
[58] *See Auslander v. Tredyffrin/Easttown Sch. Dist.*, 630 F. Supp. 3d 674, 677–78 (E.D. Pa. 2022) (citing *Eldred v. Ashcroft*, 537 U.S. 186, 219 (2003)) (finding a school's refusal to allow a parent to make copies of copyrighted instructional materials did not violate his First Amendment right to inspect public records).
[59] 65 P.S. § 67.705; *see also Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010) (an agency cannot be made to create a record that does not exist).
[60] *See Commonwealth v. Cole*, 52 A.3d 541, 549 (Pa. Commw. Ct. 2012) ("[D]rawing information from a database does not constitute creating a record under the Right-to-Know Law"); *see also Gingrich v. Pa. Game Comm'n*, No. 1254 C.D. 2011, 2012 Pa. Commw. LEXIS 38, *21 (Pa. Commw. Ct. 2012) ("[P]ulling information from a database is not the creation of a record"). "To hold otherwise would encourage an agency to avoid disclosing public records by putting information into electronic databases." *Cole*, 52 A.3d at 549. "An agency need only provide the information in the manner in which it currently exists." *Id*. at 547. An agency is not required to create a list or spreadsheet containing the requested information; however, "the information … must simply be provided to request[e]rs in the same format that it would be available to agency personnel." *Id*. at 549 n.12.
[61] 65 P.S. § 67.102 (defining a local agency as any political subdivision, intermediate unit, charter school, cyber charter school or public trade or vocational school and any local, intergovernmental, regional or municipal agency, authority, council, board, commission or similar governmental entity).
[62] *Id*. § 67.305.
[63] *See* 65 PA. CONS. STAT. § 67.708 (exceptions for public records).
[64] 65 P.S. § 67.708(b)(17); *see Valentin v. Pa. Hum. Rel. Comm.*, OOR Docket No. 2024-0987 (2024) https://www.openrecords.pa.gov/Appeals/DocketSheet.cfm?docket=20240987 (April 12, 2024).
[65] 65 P.S. § 67.708(b)(17)(i)-(vi); *Port Authority of Allegheny Cnty. v. Towne*, 174 A.3d 1167, 1171 (Pa. Commw. Ct. 2017) ("[R]ecords created before investigations and accessed only when necessary can constitute investigative records, especially when the agency asserts that their only purpose is for use in investigations").
[66] *See, e.g., Penncrest Sch. Dist. v. Cagle*, 341 A.3d 720, 737 (Pa. Commw. Ct. 2025) (private social media post on a school board member's private Facebook page could be a public record if a school board member is "publicly discussing board business in [their] official capacity" and the matter was an activity of the board); *Penncrest Sch. Dist. v. Rodgers*, 337 A.3d 604 (Pa. Commw. Ct. 2025) (emails from a school board member's personal email account could be public and subject to search under the RTKL).
[67] Id. at 614–15 (requiring the District search school board member's personal emails because there was evidence that they contained discussion of ongoing board litigation and the information from the emails informed board discussions on potential policies and decisions).
[68] *Grine v. Cnty. Of Ctr.*, 138 A.3d 88, 95 (Pa. Commw. 2016) ("In discerning whether records qualify as records 'of' a particular agency, we consider the subject-matter of the records," rather than the location of information); *Barkeyville Borough v. Stearns*, 35 A.3d 91, 95 (Pa. Commw. 2012) (emails subject to disclosure because, *inter alia*, the council members were acting in their official capacity as elected officials when they "exchanged emails that documented the Borough's consideration of land development plans"); *Easton Area Sch. Dist. v. Baxter*, 35 A.3d 1259, 1264 (Pa. Commw. 2012) ("While emails located on an agency-owned computer are not presumptively records of the agency simply by virtue of their location, emails that documented the agency's transactions or activities are records."); *Bagwell v. Off. of Att'y. Gen.*, 2015 WL 5123089, at *1, *3 (Pa. Commw. 2015) (email sent from judge's private email address to former prosecutor at a non-Office of Attorney General email address after his employment with the agency had ended did not qualify as a record as it did not document an activity or transaction of the OAG).
[69] 65 P.S. § 67.708(b)(9)-(10); *id*. § 67.708(b)(17).
[70] *Id*. § 67.708(b)(21)(ii).
[71] *See, e.g., Pennsylvania State Educ. Ass'n ex rel. Wilson v. Com., Dep't of Cmty. & Econ. Dev., Off. of Open Recs.*, 2 A.3d 558 (Pa. 2010) (disclosure of a home address precluded as it constituted a substantial and demonstrable risk of physical harm to or the personal security of an individual); *Wyo. Borough v. Boyer*, 299 A.3d 1079 (Pa. Commw. Ct. 2023) (elaborating on the definition of "public record" under the RTKL, emphasizing that a public record must be a record of a Commonwealth or local agency that is not exempt under the law and underscoring the importance of liberal construction of these terms to promote access to government information).
[72] 65 P.S. § 67.708(a)(1).
[73] *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)).

[74] *Adams v. Phila. Sch. Dist.*, OOR Docket No. 2025-0563 (Apr. 16, 2025), https://www.openrecords.pa.gov/Appeals/DocketGetFile.cfm?id=204941.
[75] *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011); *also see* 65 P.S. § 67.708.
[76] *See* 65 P.S. § 67.703-67.901 (for detailed procedures); *see also How to File a Records Request*, Off. of Open Recs., https://www.openrecords.pa.gov/RTKL/HowToFile.cfm (last visited July 26, 2024).
[77] 65 P.S. § 67.703 (written requests).
[78] *Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015); *see also* PA. OFF. OF OPEN RECS., RIGHT TO KNOW REQUEST WORKSHEET, https://www.openrecords.pa.gov/Documents/Specificity%20Worksheet.pdf (suggesting words and approaches to avoid when making requests and breaking down the three-part test into guiding questions).
[79] *Id.* at 1125 (quoting 65 P.S. § 67.102).
[80] *Id.* (quoting *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013)).
[81] *Id.* at 1126 (citing *Carey*, 61 A.3d at 372).
[82] *Pa. Dep't of Health v. Shepherd*, No. 377 C.D. 2021, 2022 Pa. Commw. Unpub. LEXIS 207 *6-7 (Pa. Commw. Ct. 2022), *appeal denied*, No. 334 MAL 2022, 2022 Pa. LEXIS 1862 (Pa. 2022).
[83] *See, e.g., Greim v. Pa. State Police*, 329 A.3d 873, 881 (Pa. Commw. Ct. 2025) (related keyword search terms can be used to provide context as to the subject matter requirement of sufficient specificity *enough* to inform the agency of the records requested) (emphasis added); *Borough of Pottstown v. Suber-Aponte*, 202 A.3d 173, 179 (Pa. Commw. Ct. 2019) ("the request is obviously sufficiently specific because the [borough] has already identified potential records included within the request"); *Pa. Dep't of Educ.*, 199 A.3d at 1124-126 ("request for broad category of documents, such as all records, may be sufficiently specific if confined to a particular recipient or recipients); *see also Carey*, 61 A.3d at 372 (concluding that the scope of the request must identify "a discrete group of documents, either by type … or by recipient"); *Montgomery Cnty. v. Iverson*, 50 A.3d 281, 284 (Pa. Commw. Ct. 2012) (concluding that requests which did not identify specific individuals, email addresses, or even departments on any particular subject matter, but requested any applicable emails sent from the County's domain to four other domains was insufficiently specific).
[84] *See Pa. State Police v. Off. of Open Recs.*, 995 A.2d 515, 517 (Pa. Commw. Ct. 2010) (noting "the valid part of the request was included in a laundry list of requested materials making the request sufficiently specific, requiring a response;" and finding the portion of a request seeking "manuals" to be sufficiently specific, and the portion seeking "any and all records" to be insufficiently specific).
[85] *See* 65 P.S. § 67.1307 for information on fees.
[86] *Official RTKL Fee Schedule*, Off. of Open Recs., https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm (last visited July 14, 2026).
[87] 20 U.S.C. § 1232(g).
[88] 34 C.F.R. § 99.31(b)(1) ("An educational agency … may release the records or information without the consent required by § 99.30 … after the removal of all personally identifiable information provided that the educational agency or institution or other party has made a reasonable determination that a student's identity is not personally identifiable….").
[89] *Bell v. Cent. Susquehanna Intermediate Unit # 16*, OOR Dkt. AP 2022-1989, 2022 PA O.O.R.D. LEXIS 2549 (ordering disclosure of responsive aggregated data sought, as the agency had presented no rationale for withholding the information pursuant to FERPA).
[90] 65 P.S. § 67.102. A request which facially seeks aggregated data and categories may still be subject to exemption if the record shows that the categories of data are so small that a reasonable person could still cross-reference them to identify individuals. *Conroy-Smith v. Haverford Twp. Sch. Dist.*, OOR Dkt. AP 2021-1182, 2021 PA O.O.R.D. LEXIS 1497.
[91] *Levy v. Senate of Pa.*, 65 A.3d 361 (Pa. 2013); *Haverstick v. Pa. Office of AG*, 273 A.3d 600 (Pa. Commw. Ct. 2022) (the requester successfully appealed the partial denial of his request, challenging the withholding of certain documents); *McClintock v. Coatesville Area Sch. Dist.*, 74 A.3d 378 (Pa. Commw. Ct. 2013) (the requester appealed the partial denial of his request for documents related to a charter school, resulting in a holding that a deemed denial is not a deemed waiver for the District to assert reasoning for denial); 65 P.S. § 67. 1302 (provides that within 30 days of the mailing date of the final determination of the appeals officer, a requester may file a petition for review with the court of common pleas for the county where the local agency is located, ensuring that requesters have a legal avenue to challenge partial denials), https://www.openrecords.pa.gov/Appeals/HowToFile.cfm.
[92] *See* 65 P.S. § 67.1101 (appeal process); *see How to File an Appeal — Right to Know*, Off. of Open Recs., https://www.openrecords.pa.gov/Appeals/HowToFile.cfm (last visited July 14, 2026); s*ee Twp. of Worcester v. Commonwealth*, 2015 Pa. Dist. & Cnty. Dec. LEXIS 515 (process for appealing decisions of the Office of Open Records to higher court).
[93] 65 P.S. § 67.1101(b)(2).

[94] *See id.* §§ 67.1304-1305 (the penalties for non-compliance with Pennsylvania's Right-to-Know Law can include civil penalties up to $1,500 for bad faith denials, additional daily penalties for non-compliance with court orders, and the awarding of attorney fees and costs if bad faith is determined); *see also Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 185 A.3d 1161 (Pa. Commw. Ct. 2018); *Off. of the DA of Phila. v. Bagwell*, 155 A.3d 1119 (Pa. Commw. Ct. 2017); *In re Phila. Dist. Attorney's Office*, 2016 Phila. Ct. Com. Pl. LEXIS 55.
[95] *See* 65 P.S. § 67.1301-1310.
[96] *See id.* §§ 67.1304-1305 (the penalties for non-compliance with Pennsylvania's Right-to-Know Law can include civil penalties up to $1,500 for bad faith denials, additional daily penalties for non-compliance with court orders, and the awarding of attorney fees and costs if bad faith is determined); *see also Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 185 A.3d 1161 (Pa. Commw. Ct. 2018); *Off. of the DA of Phila. v. Bagwell*, 155 A.3d 1119 (Pa. Commw. Ct. 2017); *In re Phila. Dist. Attorney's Office*, 2016 Phila. Ct. Com. Pl. LEXIS 55.
[97] *See* 65 P.S. § 67.1301-1310.