

By Electronic and First Class Mail

June X, 2026

Pedro Martinez
Commissioner of the Department of Elementary and Secondary Education
135 Santilli Highway
Everett, MA 02149
p.martinez@doe.mass.edu

Re: PETITION TO ISSUE REGULATIONS CONCERNING SCHOOL POLICING DATA

Dear Commissioner Martinez:

Pursuant to G.L. c. 30A, § 4, the undersigned students, parents, educators, researchers, and advocates hereby petition the Department of Elementary and Secondary Education (“DESE”) to issue school policing data regulations. In 2018, the Legislature required DESE to issue regulations instructing school districts to report school-based arrests and other data related to school policing, but DESE has not done so. DESE’s inaction contributes to the pervasive and longstanding under-reporting of school policing data, with most school districts routinely not reporting it at all. Given the significant harm that a school-based arrest can have on a student’s future – and its disproportionate use on the Commonwealth’s students of color, students with disabilities, and low income students – DESE’s failure to promulgate regulations denies families the information they need in determining where to enroll their children and deprives students, educators, school committees, and advocates of the information they need to impact local and state policy We urge your prompt and thorough compliance with State law.

As this petition details, under-reporting is chronic and rampant:

- When DESE began collecting this data in the 2018-19 school year, Boston reported four school-based arrests to DESE but later told the Globe that the actual number was 114. Similarly, Springfield reported 0 arrests at school but told WBUR there were 75 that year.
- Last school year, only 35 of Massachusetts’ 394 school districts reported *any* school-based arrests. Among the State’s largest school districts, Boston, Lowell, and Lawrence reported one each and Worcester and Fall River reported two each. Brockton reported five, despite its police department logging 41 juvenile arrests at schools that year.¹
- The problem is not limited to big cities. Barnstable Public Schools reported zero law enforcement referrals between the 2019-20 and 2021-22 school years despite its police department logging more than 200 during that period.

¹ Unlike Brockton’s, the other cities’ police departments did not publish their juvenile arrest logs, per state law.

This petition documents the need for regulations. We note that the State’s Administrative Procedures Act requires DESE to promulgate regulations on how it wishes to receive and address rulemaking petitions.² DESE has not promulgated such regulations.³ Petitioners therefore include in this document information we believe will help Agency decision-makers rule their request. That is, the interest of the undersigned parties, DESE’s legal duty to issue policing data regulations, the Legislature’s reason for requiring regulations and the role of data reporting in addressing the problem the Legislature identified, the urgent need of local school districts and police departments for guidance on data reporting, the harm that comes to children from undue policing in schools, and the specific points that Petitioners believe would offer useful guidance to persons in charge of reporting at the local level, to promote compliance with statute.

I. Interested Parties

Denying the Commonwealth access to critical information regarding the state of school policing affects several key stakeholders, including students, families, school committee members, and local and statewide advocates and organizations. Knowing how many of their peers have been arrested, cited, and referred to court informs students about their campus climate on safety and discipline. This information is also valuable to Massachusetts parents who have choices as to where to enroll their children in school.⁴ It reveals how likely a school district is to involve police in school-based matters, as well as how much of that likelihood depends on the student’s race, socioeconomic or disability status.⁵

Educators, researchers, school committee members, and local and statewide advocates also join in this Petition. They want to understand whether and to what extent district police officers violate the law in their “use police powers to address traditional school discipline issues,”⁶ which may be inferred from the data DESE is obliged to collect and publish. Without this data, they are denied the capacity to identify concerns and advocate for changes in practice in their schools and districts, be it through school committee policy, taxpayer action, or other forms of regulatory oversight.

Finally, these residents are joined by local and statewide organizations that depend on this data to carry out their missions. These organizations use this data to monitor implementation of Section 37P and inform the public and the Legislature of trends and disparities in school policing.⁷ They

² G.L. c. 30A, § 4.

³ G.L. c. 30A, § 4 requires each agency to “prescribe by regulation the procedure for the submission, consideration and disposition of such petitions.”

⁴ Through intradistrict and interdistrict school choice models, the availability of out-of-district charter schools and regional technical vocational schools, and voluntary integration programs like METCO, many Massachusetts schoolchildren attend schools outside their neighborhoods.

⁵ This information is so critical to parents’ decisions about where to enroll their children that the federal *Every Student Succeeds Act* requires DESE to include data on school-based arrests and referrals to law enforcement in state and local report cards. 20 U.S.C. 6311(h)(1)(C)(viii)(I).

⁶ G.L. c. 71, § 37(b).

⁷ The heads of two of these organizations, Citizens for Juvenile Justice and the Mental Health Legal Advisors Committee, serve as statutorily appointed commissioners on the School Resource Officer Model Memorandum of Understanding Commission, a body established to develop a mandatory model memorandum on school policing for

include Citizens for Juvenile Justice (“CfJJ”), which “conduct[s] research and educate[s] the public on important juvenile and youth justice issues” in order to advocate for “statewide systemic reform that achieves equitable youth justice.”⁸ CfJJ issued a series of reports analyzing trends in school policing, including 2012’s *Arrested Futures*,⁹ a seminal report that helped prompt the data collection requirements codified in Section 37P, and 2020’s *Fail: School Policing in Massachusetts*,¹⁰ which motivated the inclusion of legislative changes to Section 37P in statewide police reform legislation.¹¹ The dearth of accurate reporting forced CfJJ to expend limited resources to overcome significant resistance in gathering school-policing from local police through public record requests, including frequent appeals to the Secretary of the Commonwealth after the denial of records and litigation to compel compliance with public records law.

II. The Department is Obligated to Promulgate School Policing Data Regulations under G.L. c. 71 § 37P.

We are asking DESE to comply with a clear mandate. G.L. c.71, § 37P governs how and when police can be assigned to schools. Since the Criminal Justice Reform Act of 2018, the Legislature has required DESE to annually collect and publish disaggregated data on “school-based arrests, citations and court referrals of students ... in accordance with regulations promulgated by the department.”¹² In 2020, the Legislature added additional components to the law, together with the command that DESE “shall promulgate rules or regulations necessary to carry out” the statute.¹³ The 2020 amendments thus expressly preserved not only DESE’s responsibility to collect and publish the aforementioned data but also the need for DESE to guide the collection process “in accordance with regulations promulgated by the department.”¹⁴ Over the ensuing six years since the 2020 amendments, DESE has failed to produce such regulations, and school districts chronically fail to report these data. Advocates have heard from local police departments that the lack of practical guidance impedes the reporting effort. Because it has failed to discharge its statutory mandate, DESE bears responsibility for this widespread dereliction.

The significant harm that school-based law enforcement poses to students makes regulations that facilitate accurate reporting on school policing all the more critical. There is a history, both

local school districts and law enforcement agencies under An Act Relative to Justice, Equity, and Accountability in Law Enforcement in the Commonwealth. Acts of 2020, c. 253, § 79.

⁸ Citizens for Juvenile Justice, *Our Mission*, at <https://www.cfjj.org/>.

⁹ Robin L. Dahlberg, *Arrested Futures: The Criminalization of School Discipline in Massachusetts Three Largest School Districts* (Spring 2012) at <https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/5902106c414fb5a450b39fee/1493307512480/ArrestedFutures-CfJJ-ACLU.pdf>.

¹⁰ Citizens for Juvenile Justice and Strategies for Youth, *Fail: School Policing in Massachusetts* (2020), at <https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/5f64b57d40e1a14ef6c1c468/1600435601167/SchoolSafetyPolicyReport.pdf>.

¹¹ Acts of 2020, c. 253, §79(d).

¹² Acts of 2018, c. 69, § 27.

¹³ Acts of 2020, c. 253, § 79, codified at G.L. c. 71, § 37P(e).

¹⁴ Acts of 2020, c. 253, § 79, codified at G.L. c. 71, § 37P(b).

nationally and statewide, of schools overusing student arrests to address misbehavior that could be and was once routinely addressed by school officials. Research on school-based arrest rates confirms this link to the generally recognized “school-to-prison pipeline.” Placing police in schools clearly causes an increase in school-based arrests, even after accounting for student behavior and district demographic factors.¹⁵

Transparency on how schools utilize police enforcement becomes even more important when the impact of law enforcement interactions on students is considered. A first-time arrest doubles a student’s likelihood of dropping out of school, and a first-time court appearance quadruples this likelihood.¹⁶ School policing can result in the use of force against students, undermining any trust police hope to build with students.¹⁷ Police interaction at school may also have grave consequences pertaining to immigration enforcement.¹⁸ Additionally, it is important to note that the consequences of school policing are disproportionately felt by students of color, low-income students and students with disabilities. Students who have these attributes are more likely to be arrested or referred to law enforcement than their peers both in Massachusetts,¹⁹ and nationwide.²⁰

Unquestionably, how police interact with students in school impacts the well-being of students and the suitability of learning environments. With this petition, we ask DESE to adopt regulations that promote accurate reporting for public monitoring and accountability.

III. DESE’s Failure to Issue Regulations Enables Inaccurate Data Reporting.

History since 2018 demonstrates the Legislature’s wisdom in requiring DESE to issue regulations. Specific regulatory guidance that lays out the division of labor between police and schools and protocols for collecting and transmitting data has indeed proved “necessary.” As noted, in its absence, school districts often do not report any arrests or report extremely low arrest numbers that do not reflect reality. In the 2018-2019 school year, only 31 of the nearly 400 school districts in Massachusetts reported any school-based arrests at all.²¹ The Boston Public Schools reported four school-based arrests to DESE but told the Boston Globe that the actual

¹⁵ Advancement Project et al., *Police in Schools Are Not the Answer to School Shootings*(2018), at [*Police-In-Schools-2018-FINAL.pdf](#)

¹⁶ Gary Sweeten, *Who Will Graduate?*, 23 *Justice Quarterly* 462, 473-477 (2006).

¹⁷ Claire Amari et al, *Texas School Police Pepper-Sprayed, Tackled and Tasered Students*, N.Y. Times (May 27, 2026), at <https://www.nytimes.com/interactive/2026/05/27/us/texas-schools-police-force-students-ualde.html>

¹⁸ In 2018, a Boston Public Schools student was deported based on a school resource officer’s writeup of an “unsuccessful fight” at school. Shannon Dooling, “A Minor Fight In A Boston School Landed One Student In ICE Custody, Advocates Fear,” WBUR (Jan. 26, 2018).

¹⁹ Robin L. Dahlberg. *Arrested Futures: The Criminalization of School Discipline in Massachusetts Three Largest School Districts*, Spring 2012, at <https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/5902106c414fb5a450b39fee/1493307512480/ArrestedFutures-CfJJ-ACLU.pdf>.

²⁰ United States Government Accountability Office, *Difference in Student Arrest Rates Widen When Race, Gender, and Disability Status Overlap* (2024), at [GAO-24-106294, K-12 EDUCATION: Differences in Student Arrest Rates Widen When Race, Gender, and Disability Status Overlap](#).

²¹ Sarah Betancourt, “Districts Coming up Short on Reporting School-Based Arrests.” *Commonwealth Magazine* (Sept. 18, 2020).

number was 114.²² That same year, the Springfield Public Schools reported no school-based arrests to DESE, but admitted in a WBUR report that 75 students were arrested.²³

Insufficient reporting continued through the years of the COVID-19 pandemic and beyond. For example, the Boston Public Schools reported three school-related arrests to DESE for the 2019-2020 school year, but Boston Police Department records show 125 arrests in Boston schools that year.²⁴ The Barnstable Public Schools also reported zero school-related law enforcement referrals between the 2019-2020 and 2021-2022 school years. Barnstable Police Department records, however, show more than 200 referrals, demonstrating that insufficient reporting exists within smaller school districts as well as large ones.²⁵

More recent data paints the same picture. Last school year, only 35 of 394 school districts reported any school-based arrests to DESE.²⁶ Additionally, eight of the state's eleven largest districts (those with enrollments above 10,000) reported fewer than three school-based arrests, with three districts reporting zero and the Boston Public Schools reporting one.²⁷ If previous noncompliance in data reporting is any indication of the accuracy of this year's reporting, these low arrest numbers are most likely *not* due to a lack of school-based arrests. In fact, public records strongly suggest that the arrest numbers for some of these districts are incorrect. Brockton Public Schools, for example, reported zero school-based arrests in the 2023-2024 school year and five arrests last school year.²⁸ But the Brockton Police Department's daily arrest logs documented 35 juvenile arrests in Brockton schools in 2023-24 and 41 last year.²⁹ The Commonwealth's Juvenile Justice Policy and Data

²² Milton Valencia & Meghan Irons, "Amid Nationwide Movement to Reform Policing, Some Call on Boston to Remove Officers from Schools." *Boston Globe* (Jun. 16, 2020).

²³ Dooling, Shannon. "Mass. Has Been Tracking Impact Of Police In Schools For A Year, But Reporting Has Been Spotty." *WBUR* (Sept. 18, 2020), at <https://www.wbur.org/news/2020/09/18/police-schools-arrest-reports-mass>.

²⁴ Muckrock, School Based Arrest Data Request (Boston Police Department (Sept. 5, 2024), at <https://www.muckrock.com/foi/boston-3/school-based-arrest-data-request-boston-police-department-128867/#comms>. Two years later, Boston reported 10 school-based arrests, but the BPD made 51 juvenile arrests in the 2021-22 school year. *Id.*

²⁵ Muckrock, School Based Arrest Data Request 12 (June 27, 2023), at <https://www.muckrock.com/foi/barnstable-253/school-based-arrest-data-request-146556/#comms>.

²⁶ Small totals are withheld for fear of revealing the identity of arrested students.

²⁷ The New Bedford, Newton, and Quincy Public Schools each reported zero school-based arrests for the 2024-2025 school year. The Boston, Lowell, and Lawrence Public Schools reported one arrest. The Worcester and Fall River Public Schools reported two, while the Lynn Public Schools reported three. Brockton Public Schools reported five, and the Springfield Public Schools reported 10 arrests. See DESE, Infoservices Research Files – 2024-2025 SDDR Files, at

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.doe.mass.edu%2Finfoservices%2Fresearch%2F2025%2Fssdr%2F2025all-data.xlsx&wdOrigin=BROWSELINK>.

²⁸ See, DESE, Infoservices Research Files – 2024-2025 SDDR Files, at <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.doe.mass.edu%2Finfoservices%2Fresearch%2F2025%2Fssdr%2F2025all-data.xlsx&wdOrigin=BROWSELINK>.

²⁹ Data analysis on file with Mental Health Legal Advisors Committee. It is possible that not every juvenile arrest at a Brockton school qualifies as a school-based arrest, per DESE's definition, but highly unlikely that only five of the 76 arrests qualify. A school-related arrest "[r]efers to an arrest of a student for any activity conducted on school grounds, during off campus school activities (including while taking school transportation), or due to a referral by

Board recently concluded that such chronic and prevalent underreporting “prevents meaningful analysis of juvenile justice system involvement at the city, town, and school district level and limits the Board’s ability to tailor targeted policy and practice recommendations” about juvenile justice.³⁰

Inaccurate reporting of school policing data is not a result of a few bad actors, nor is it due to a lack of time that schools have had to establish effective reporting mechanisms. Instead, it is connected to DESE’s failure to promulgate regulations that clarify how data reporting on school policing should be executed. As a Springfield Public Schools representative explained, “there are issues in getting data systems to match up between the police departments who note them, the school departments that are in charge of inputting them, and DESE’s own system.”³¹ This is a problem that DESE has a clear legal duty to correct and one that it alone must fix. We ask DESE to do so by initiating rulemaking proceedings and promulgating regulations that offer useful guidance.

IV. To Eliminate Confusion and Ensure Student Confidentiality, Regulations Should Specify Contact Points and Protocols for Schools and Law Enforcement Agencies.

In response to a litigation demand letter, DESE stated its preference for relying on revisions to the School Resource Officer Model Memorandum of Understanding (“Model SRO MOU”), a document that a statutorily appointed commission is updating this year.³² The current Model SRO MOU simply reiterates the law’s requirement that the data be collected.³³ DESE’s proposed solution is insufficient for two reasons. First, while all schools must report any use of school-based arrests, citations, and court referrals, only some schools have school resource officers assigned to them.³⁴ Schools and districts that do not have SROs need guidance for proper coordination with their local law enforcement agencies in gathering the necessary data. Second, the same law that required police and schools to collaborate in collecting and reporting these data made juvenile arrest logs confidential. These provisions can be reconciled, but regulations are necessary to

any school official. All school-related arrests are considered referrals to law enforcement.” DESE, *School Safety and Discipline Report Data Handbook v. 20.0* 12, at <http://www.doe.mass.edu/infoservices/data/ssdr/>.

³⁰ Juvenile Justice Policy and Data Board, *Massachusetts Juvenile Justice System 2025 Annual Report* 37, at <https://www.mass.gov/doc/jjpad-2025-annual-report/download>.

³¹ Sarah Betancourt, “Districts Coming up Short on Reporting School-Based Arrests.” *Commonwealth Magazine* (Sept. 18, 2020).

³² G.L. c. 71, § 37P(b). On February 13, 2026, DESE responded to a demand letter from the Mental Health Legal Advisors Committee, stating “While G.L. c. 71, § 37P authorizes the Department to promulgate regulations necessary to carry out the statute, at this point the Department does not view regulations as necessary. Rather, the Department will continue to collaborate with partners such as members of the Model SRO MOU Review Commission, Mental Health Legal Advisors Committee, and other stakeholders to help districts and local law enforcement understand their responsibilities and facilitate the exchange and reporting of the important data described in G. L. c. 71, § 37P.”

³³ Commonwealth of Massachusetts, *2022 School Resource Officer Memorandum of Understanding* 11-12 (2022), at <https://www.mass.gov/doc/2022-school-resource-officer-memorandum-of-understanding/download>.

³⁴ State law allows school district superintendents to determine whether or not to staff school resource officers in their school buildings. G.L. c. 71, § 37P(d). Beyond any data related to a school resource officer’s placement, DESE must “collect and publish disaggregated data regarding school-based arrests, citations, and court referrals of students,” making such report “available for public review.” G.L. c. 71, § 37P(g).

delineate how this may be accomplished.³⁵ In addition to defining key terms such as “school-based arrests,” “citations,” “court referrals” and “law enforcement referrals,”³⁶ regulations should require that:

- Each school identify a staff member to serve as a point of contact for entering instances of arrests, citations, court referrals, and other law enforcement referrals and for interfacing with the appropriate law enforcement agency(ies);
- Each law enforcement agency identify a police department employee to serve as a point of contact for interfacing with schools;
- The school principal shall inform the school point of contact each time the school requests that police respond to a matter occurring on school grounds or during a school-related event. The principal shall include the name of the student, the date and time the action occurred, and the alleged offense (“the data”);
- Similarly, the law enforcement agency’s point of contact shall inform the school’s point of contact in writing each time one of its officers arrests or issues a citation or court referral to a student in school or at a school-related event, or otherwise receives a referral from school regarding a student incident. The point of contact shall include the name of the student, the date and time the action occurred, and the alleged offense;
- The school point of contact shall input the data, together with the student’s State Assigned Student Identifier (SASID) into the database that their school district uses to report the data required for DESE’s Student Safety and Discipline Report (SSDR);
- The school point of contact shall keep a separate list of all school-based arrests, citations, court referrals, and other law enforcement referrals in a school year for cross-reference;

³⁵ The Criminal Justice Reform Act states that “any entry concerning the arrest of a person who has not yet reached 18 years of age” must be retained in confidence. Acts of 2018, c. 69, § 26, codified at G.L. c. 41, § 98F. In the subsequent section of the same enactment, however, the Legislature required the reporting of arrest data to DESE and its publication. Acts of 2018, c. 69, § 27. “Sections of the same chapter are to be interpreted ... so as to constitute an harmonious and consistent body of laws.” *Tri-Nel Mgmt., Inc. v. Bd. of Health of Barnstable*, 433 Mass. 217, 225 (2001) (reading consecutive sections of the same session law harmoniously). An harmonious reading of sections 26 and 27 of the Criminal Justice Reform Act is that law enforcement agencies should not include juvenile arrests in their public arrest logs, but may provide information on school-related arrests to the appropriate schools and district in a manner that ensures student privacy This needs to be spelled out in regulation.

³⁶ DESE currently collects data on “school-related arrests” and “law enforcement referrals,” incorporating citations and court referrals into the latter. DESE, *School Safety and Discipline Report Data Handbook* v. 20.0 12, at <http://www.doe.mass.edu/infoservices/data/ssdr/> (A “law enforcement referral” is “an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken. Citations, tickets, court referrals, and school-related arrests are considered referrals to law enforcement.”) In doing so, DESE parallels the federal reporting requirements on these topics. U.S. Dep’t. of Educ., *Master List of CRDC Definitions* 17 &19 (2024), at [2023-24 Master List of CRDC Definitions_0.pdf](#) In promulgating regulations, DESE should define its terms to ensure that districts know how to fulfill both their state and federal reporting requirements, and ensure that any threat assessment involving a police officer be included.

- The school point of contact shall review any discrepancies in the information received from both the law enforcement agency's point of contact and the principal to ensure that no reportable police/student contact is missed;
- The respective points of contact shall confirm, in writing and on a monthly basis, the school-based arrests, citations, court referrals, and other law enforcement referrals occurring over the past month; and,
- School and district personnel shall review the final report and comply with DESE's SDDR disaggregation and other reporting requirements and publicly share the report with their school committees by August 1st each year, as required by G.L. c. 71, § 37P(d), and in a manner that complies with all applicable federal and state privacy laws and regulations.

V. Conclusion

Accurate and complete data on student policing in schools is critical information, owed to the public under G.L. c.71, § 37P. School districts need rules and regulations for providing such information, and the duty to provide these regulations falls squarely on to DESE. At DESE's request, we would willingly supplement this petition with a draft of proposed regulations for the Agency's review. Though there is no regulation setting out timelines for responses to rulemaking procedures, we respectfully request that DESE inform of us of its intent to promulgate regulations under Section 37P in sixty days' time, by July XX, 2026.

Respectfully Submitted,