Dear Ms. Stathulis,

On January 16, 2024, you submitted a request under the *Public Records Law* to the Town of Wellesley seeking the following records:

1. *An extract of your records management system or database that includes each school-related arrest and each referral to law enforcement conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced). Specifically, we request an extract of the database to include the following columns:
a. Date of arrest or referral to law enforcement
b. Time of arrest or referral to law enforcement
c. Charge (or charges)
d. Whether the individual(s) was arrested or referred to law enforcement
e. Sex of individual(s) arrested or referred to law enforcement
f. Age of individual(s) arrested or referred to law enforcement
g. Race of individual(s) arrested or referred to law enforcement
h. Ethnicity of individual(s) arrested or referred to law enforcement
i. Disability status of the individual(s) arrested or referred to law enforcement
j. Whether the individual arrested or referred to law enforcement is a student at the school.
k. Name of arresting officer, if applicable, and
l. Badge number of the arresting officer or the officer that referred the youth to law enforcement, as applicable.*
2. *If such an extract of the database in question 1 is not possible, please provide school incident reports on each school-related arrest and referral to law enforcement conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced).*
3. *A copy of any active standard operating procedures developed with the police department and/or other law enforcement agencies regarding police placement or activity in your corresponding school; and,*
4. *Any records instructing or informing police personnel of, or otherwise describing data reporting requirements and procedures for complying with G.L. c. 71 § 37P(b).*
5. *The cost to the school district of assigning a school resource officer to each school; and,*
6. *The total number of school resource officers and total number of guidance counselors for each school in your district for school years 2018-2019, 2019-2020, 2020-2021, and,*
7. *The total number and a brief description of 911 calls from schools in your district to local police departments conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022, and,*
8. *A description of the proposed budget for mental, social, or emotional health support personnel for the school district.*

On January 31, 2024, the Town provided you with records responsive to your request and requested an additional 7 business days to complete its response.

In its January 31st response, the Town also informed you that it did not have any records responsive to Part (1) of your request. Subsequently, the Town learned that it was possible to generate a report containing the information requested in Part (1). The responsive record is attached to this supplemental response. In the interest of clarity, where the data shows “false” under the “Referred to Law Enforcement” column, this means that the incident was not referred to law enforcement.

Please note that not all records fall within the definition of “public records.” The statutory definition of “public records” contains exemptions providing the basis for withholding records completely or in part. *See* A Guide to the Massachusetts Public Records Law, p. 12. Exemption (a) provides that materials “specifically or by necessary implication exempted from disclosure by statute” are not public records. M.G.L.c. 4, §7(26)(a).

Portions of record responsive to your request are protected from disclosure by statutes and, therefore, have been narrowly redacted pursuant to Exemption (a). The Family Educational Rights and Privacy Act (FERPA) and implementing regulations protect the privacy of students’ education records by limiting disclosures of Personally Identifiable Information (“PII”) contained in such records. 20 U.S.C § 1232g, 34 C.F.R. Part 99. “Education records” means those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. 34 C.F.R. § 99.3. PII includes “[i]nformation that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.” When extracted, the data included student’s names, dates of birth, and student identification numbers.

The requested records are also protected under Massachusetts law pertaining to student records, which mandates that “no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent.” 603 CMR 23.07(4). “Student records” include “the Transcript and the Temporary Record…regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth.” 603 CMR 23.02. As discussed above, names, dates of birth, or student identification numbers may allow the public to identify students.

Finally, portions of the record responsive to your request are protected from disclosure under M.G.L*.*c.6, §172, which limits the disclosure of criminal offender record information to those identified in the statute. Criminal offender record information includes “records…which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, previous hearings…incarceration, rehabilitation, or release.” M.G.L. c. 6, § 167. The requested record falls within the definition of CORI because it concerns an identifiable individual and relates to the nature of a criminal charge and arrest.

Based on the foregoing, pursuant to Exemption (a) of the *Public Records Law*, the Town has redacted student’s names, dates of birth, and student identification numbers to protect the identifies of the students. This completes the Town’s response at this time.

You have a right to appeal this determination to the Supervisor of Records under M.G.L.c.66, Section 10A(a), and the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under subsection (c) of Section 10A.