

**HOUSE . . . . . No. 4556**

---

**The Commonwealth of Massachusetts**



CHARLES D. BAKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
COMMONWEALTH OF MASSACHUSETTS  
, MA

KARYN POLITO  
LIEUTENANT GOVERNOR

*June 4, 2018*

To the Honorable House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment House Bill No. 1390, “An Act Protecting the Rights of Custodial and Other Non-Teaching Employees of School Districts.”

On December 8, 2016, I returned to you unsigned the same legislative proposal. My concerns remain the same. This bill as crafted creates an ambiguity that may compete with the objective of the Education Reform Act of 1993. While the intent of this bill may have been to simply reaffirm existing legal requirements, some have raised concerns that this proposal amends the school-based managerial authority of public schools’ principals. That authority is at the heart of the Education Reform Act of 1993, which granted enhanced authority over internal school matters to the principals in order to increase their accountability in the preparation of our children to compete in the global economy. The Legislature in enacting those reforms did so while considering the district-wide needs of Massachusetts school systems and the collective bargaining rights of school employees over the terms and conditions of their employment.

I, therefore, recommend that House Bill No. 1390 be amended by striking the proposed insertion and replacing it with the following words:- provided, however, that in exercising their authority under this section with respect to the hiring, promotion, and termination of employees in custodial, maintenance and other non-teaching positions, principals shall act in accordance

with the terms and conditions of any governing collective bargaining agreement consistent with and subject to the provisions of chapter 71 of the acts of 1993.

Thank you for your consideration.

Respectfully Submitted

Charles D. Baker,  
*Governor*

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act Protecting the Rights of Custodial and Other Non-Teaching Employees of School Districts.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the  
2 Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment  
3 House Bill No. 1390, “An Act Protecting the Rights of Custodial and Other Non-Teaching  
4 Employees of School Districts.”

5 On December 8, 2016, I returned to you unsigned the same legislative proposal. My  
6 concerns remain the same. This bill as crafted creates an ambiguity that may compete with the  
7 objective of the Education Reform Act of 1993. While the intent of this bill may have been to  
8 simply reaffirm existing legal requirements, some have raised concerns that this proposal amends  
9 the school-based managerial authority of public schools’ principals. That authority is at the heart  
10 of the Education Reform Act of 1993, which granted enhanced authority over internal school  
11 matters to the principals in order to increase their accountability in the preparation of our  
12 children to compete in the global economy. The Legislature in enacting those reforms did so

13 while considering the district-wide needs of Massachusetts school systems and the collective  
14 bargaining rights of school employees over the terms and conditions of their employment.

15 I, therefore, recommend that House Bill No. 1390 be amended by striking the proposed  
16 insertion and replacing it with the following words:- provided, however, that in exercising their  
17 authority under this section with respect to the hiring, promotion, and termination of employees  
18 in custodial, maintenance and other non-teaching positions, principals shall act in accordance  
19 with the terms and conditions of any governing collective bargaining agreement consistent with  
20 and subject to the provisions of chapter 71 of the acts of 1993.

21 Thank you for your consideration.