

**HOUSE . . . . . No. 4799**

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**The Commonwealth of Massachusetts**



CHARLES D. BAKER  
GOVERNOR

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KARYN POLITO  
LIEUTENANT GOVERNOR

*July 23, 2018*

To the Honorable Senate and House of Representatives,

Pursuant to Part the Second, Chapter I, Section I, Article II of the Constitution of the Commonwealth, I am returning to you unsigned H. 1390, "An Act Protecting the Rights of Custodial and Other Non-Teaching Employees of School Districts," because the proposed legislation will result in an erosion of the school-based managerial authority of our public schools' principals which is at the heart of the Education Reform Act of 1993.

On December 8, 2016, I returned to you unsigned a similar piece of legislation, stating that it created an ambiguity that may compete with that Act's core objective with respect to custodial, maintenance, and other non-teaching positions. On May 31st of this year, I returned the same proposal with amendment to clearly protect the Act and ensure that authority over internal school matters remain with the principals in order to increase their accountability in the preparation of our children to compete in the global economy.

The legislation currently before me preserves principals' control over the hiring of custodial, maintenance and other non-teaching positions, consistent with the Education Reform Act of 1993. It requires, however, that promotion and all forms of discipline, up to and including termination, of employees in those positions be conducted in accordance with any governing collective bargaining agreement. The bill does not appropriately guard against bargained personnel-related procedures that would result in an abdication of the principals' statutory authority under the 1993 reforms. 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.

For these reasons, I am returning this bill to you unsigned.

Respectfully submitted,

Charles D. Baker,  
*Governor*