

BILL: House Bill 1075
TITLE: Public School Employees – Whistleblower Protection – Civil Actions
DATE: February 28, 2020
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the State’s boards of education, opposes House Bill 1075.

This bill would amend the relatively recently enacted Whistleblower Protection Act for Maryland’s school employees by repealing the reasonable requirement that an employee should utilize the adopted administrative complaint procedures before instituting certain civil action in court.

To be clear, MABE supports the rights of employees to take actions to report unlawful behavior. Since 2017, Maryland has had a stand-alone Whistleblower Protection Act for public school employees. In 2017, MABE stressed the fact that public school employees already enjoy a very high standard of due process protections under Maryland law; and that these protections afford many assurances of transparent complaint and dispute resolution processes for employees who believe they have been retaliated against. In addition, school systems already recognize the value of facilitating the reporting of fraud and abuse within the school system through hotlines, ombudsmen, and other resources.

When the Whistleblower Protection Act was passing in 2017, MABE supported the provision that reasonably requires employees to utilize the available administrative procedures before filing a complaint in court. This provision helps ensure a balanced approach to facilitating employee disclosures and prompt school system responses to any alleged unlawful activities.

Again, MABE supports the rights of employees to take action to report unlawful behavior and opposes school system retaliation against employees for doing so. Unfortunately, by removing the requirement to utilize administrative avenues, this bill would foreseeably lead to a more adversarial process and more litigation. MABE does not believe that approach is the best course of action for either the employee or school system, and it certainly shouldn’t be the first.

For these reasons, MABE opposes House Bill 1075.