

# HOUSE BILL 1075

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By: **Delegates Ivey, Acevero, Attar, Cain, Charles, Ebersole, Feldmark, Fennell,  
Guyton, Smith, Washington, Wilkins, and P. Young**

Introduced and read first time: February 6, 2020

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public School Employees – Whistleblower Protection – Civil Actions**

3 FOR the purpose of repealing a prerequisite that a certain public school employee who is  
4 subject to a certain prohibited personnel action shall exhaust any administrative  
5 remedies before instituting a certain civil action; and generally relating to  
6 whistleblower protection for public school employees.

7 BY repealing and reenacting, without amendments,

8 Article – Education

9 Section 6–901 through 6–903

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2019 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Education

14 Section 6–904

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2019 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Education**

20 6–901.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) (1) “Public school employee” means any individual who is employed by a  
23 public school employer or an individual of equivalent status in Baltimore City.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "Public school employee" does not include a State employee.

2 (c) "Public school employer" means a county board of education or the Baltimore  
3 City Board of School Commissioners.

4 (d) "Supervisor" means any individual within an employer's organization who has  
5 the authority to direct and control the work performance of an employee, or who has  
6 managerial authority to take corrective action regarding the violation of a law, rule, or  
7 regulation of which the employee complains.

8 6-902.

9 Subject to § 6-903 of this subtitle, a public school employer may not take or refuse  
10 to take any personnel action as reprisal against a public school employee because the  
11 employee:

12 (1) Discloses or threatens to disclose to a supervisor an activity, a policy, or  
13 a practice of the employer that is in violation of a law, rule, or regulation;

14 (2) Provides information to or testifies before any public body conducting  
15 an investigation, a hearing, or an inquiry into any violation of a law, rule, or regulation by  
16 the employer; or

17 (3) Objects to or refuses to participate in any activity, policy, or practice in  
18 violation of a law, rule, or regulation.

19 6-903.

20 The protection provided against a violation of § 6-902 of this subtitle shall apply only  
21 if:

22 (1) The public school employee has a reasonable, good faith belief that the  
23 public school employer has, or still is, engaged in an activity, a policy, or a practice that is  
24 in violation of a law, rule, or regulation;

25 (2) The public school employee discloses information that the employee  
26 reasonably believes evidences:

27 (i) An abuse of authority, gross mismanagement, or gross waste of  
28 money;

29 (ii) A substantial and specific danger to public health or safety; or

30 (iii) A violation of law; and

31 (3) The public school employee has reported the activity, policy, or practice

1 to a supervisor or an administrator of the public school employer in writing and afforded  
2 the employer a reasonable opportunity to correct the activity, policy, or practice.

3 6–904.

4 (a) [A public school employee shall exhaust any administrative remedies before  
5 instituting a civil action under this section.

6 (b)] Any public school employee who is subject to a personnel action in violation of  
7 § 6–902 of this subtitle may institute a civil action in the county where:

8 (1) The alleged violation occurred;

9 (2) The employee resides; or

10 (3) The public school employer maintains its principal offices in the State.

11 [(c) (B) The action shall be brought within 6 months after the alleged violation  
12 of § 6–902 of this subtitle occurred, or within 6 months after the public school employee  
13 first became aware of the alleged violation of § 6–902 of this subtitle.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
15 1, 2020.