

Chapter 576

(House Bill 468)

AN ACT concerning

Public School Employees – Whistleblower Protections – Civil Actions

FOR the purpose of repealing a prerequisite that a certain public school employee who is subject to a certain prohibited personnel action shall exhaust any administrative remedies before instituting a certain civil action; authorizing any public school employee who is subject to a certain personnel action to file an administrative complaint with a public school employer; requiring a public school employer to provide an administrative remedial process for a public school employee who files a certain administrative complaint and to complete it within a certain number of days after a public school employee files an initial administrative complaint; requiring a public school employee who is subject to a certain personnel action, before instituting a civil action, to notify the local superintendent of schools of the employee's intention to institute a civil action; altering the amount of time within which a public school employee is required to bring a certain action; and generally relating to whistleblower protection for public school employees.

BY repealing and reenacting, without amendments,

Article – Education

Section 6–901 through 6–903

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 6–904

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

6–901.

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

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

(2) “Public school employee” does not include a State employee.

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

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

6–902.

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

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

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

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

6–903.

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

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

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

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

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

(iii) A violation of law; and

(3) The public school employee has reported the activity, policy, or practice to a supervisor or an administrator of the public school employer in writing and afforded

the employer a reasonable opportunity to correct the activity, policy, or practice.

6-904.

(a) **(1)** [A public school employee shall exhaust any administrative remedies before instituting a civil action under this section] **ANY PUBLIC SCHOOL EMPLOYEE WHO IS SUBJECT TO A PERSONNEL ACTION IN VIOLATION OF § 6-902 OF THIS SUBTITLE MAY FILE AN ADMINISTRATIVE COMPLAINT WITH A PUBLIC SCHOOL EMPLOYER.**

(2) A PUBLIC SCHOOL EMPLOYER SHALL:

(I) PROVIDE AN ADMINISTRATIVE REMEDIAL PROCESS FOR A PUBLIC SCHOOL EMPLOYEE WHO FILES AN ADMINISTRATIVE COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) COMPLETE THE ADMINISTRATIVE REMEDIAL PROCESS UNDER ITEM (I) OF THIS PARAGRAPH WITHIN 30 DAYS AFTER A PUBLIC SCHOOL EMPLOYEE FILES AN INITIAL ADMINISTRATIVE COMPLAINT.

(b) **(1)** [Any] **BEFORE INSTITUTING A CIVIL ACTION, A PUBLIC SCHOOL EMPLOYEE WHO IS SUBJECT TO A PERSONNEL ACTION IN VIOLATION OF § 6-902 OF THIS SUBTITLE SHALL NOTIFY THE LOCAL SUPERINTENDENT IN WRITING OF THE EMPLOYEE'S INTENTION TO INSTITUTE A CIVIL ACTION.**

(2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, ANY public school employee who is subject to a personnel action in violation of § 6-902 of this subtitle may institute a civil action in the county where:

[(1)] (I) The alleged violation occurred;

[(2)] (II) The employee resides; or

[(3)] (III) The public school employer maintains its principal offices in the State.

[(c)] (3) The action shall be brought within **[6] 9** months after the alleged violation of § 6-902 of this subtitle occurred, or within **[6] 9** months after the public school employee first became aware of the alleged violation of § 6-902 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.