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Bill: HB 1254 – Public School Employees - Whistleblower Protection - Civil Actions
Date: February 17, 2021
Position: Oppose
Committee: House Ways and Means Committee
Contact: Mary Pat Fannon, Executive Director

This bill repeals the prerequisite that a public school employee engaged in whistleblowing, exhaust any administrative remedies before instituting a civil action. However, under the bill, a public school employee who is subject to a personnel action due to whistleblowing must notify the local superintendent of schools in writing of the employee's intention to institute a civil action. This bill also increases from six to nine months the requirement that an employee bring action after the alleged violation has occurred, or after the employee first became aware of the alleged violation. In addition, the bill requires that local systems establish an administrative complaint and remediation process that addresses complaints within 30 days.

The Public School Superintendents' Association of Maryland (PSSAM), representing all twenty-four local school superintendents, **opposes HB 1254**.

PSSAM believes that the practice of whistleblowing has increasingly become an appropriate action that is valued by the public. We support the concept of providing whistleblower coverage for public school employees without retaliation. To that end, school systems provide confidential reporting opportunities through the use of hotlines, ombudsman, etc.

Every school system treats all allegations as having merit. We believe the current law provides the appropriate process to review and investigate claims, and safeguards against false claims. We believe this bill would have unintended consequences and create a more hostile process and litigation by removing the requirement to first use available administrative avenues. Based on our current experiences, the bill's proposed 30-day limitation to review the whistleblower's case will be insufficient and likely lead to school systems simply settling these cases for fear of incurring the cost and expense of further litigation. This change will significantly disrupt the existing balance between justice for the claimant and adequate due process for the school systems.

For the reasons stated above, PSSAM **OPPOSES HB 1254** and requests an **unfavorable** committee report.