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**Testimony in Support of House Bill 1075  
Public School Employees - Whistleblower Protection - Civil Actions**

**House Ways and Means Committee  
February 28, 2020**

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Government Relations**

The Maryland State Education Association supports House Bill 1075, legislation that would clarify the expectations of any school employee who has filed a whistleblower complaint provided for under a law adopted by Maryland in 2017.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our 896,837 students for the careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

Whistleblower laws are necessary for good government because speaking truths about workplace wrongdoing is a big risk and potentially ends careers. Educators should never have to choose between protecting the integrity of the workplace and students versus their own job security; but without whistleblower protections that might very well be the decision they are forced to make out of fear of retaliation. Maryland adopted a whistleblower protection for school employees three years ago but included a provision that empowers local boards of education to delay consideration and action by requiring employees to "exhaust any administrative remedies before instituting a civil action." This language is much too broad and should be removed from the statute, or at the very least strictly defined.

In other states with such legal protections, educators have blown the whistle on such things as cheating on standardized tests, rigged procurement schemes, being encouraged to lie on forms regarding class size, fixing grades, and improper supervision for students with IEP needs. To feel confident that Maryland educators will blow the whistle in similar instances, we must remove or limit this broad administrative power.

If it is the wisdom of the committee to maintain some exhaustion of administrative remedies in order to limit frivolous claims, then we would request that 6-901 be amended to define what it means to exhaust administrative remedies. We would propose the following:

**(E) "EXHAUSTION OF ADMINISTRATIVE REMEDIES" MEANS THE PUBLIC SCHOOL EMPLOYEE HAS REPORTED IN WRITING TO THE LOCAL SUPERINTENDENT, AN ACTIVITY, A POLICY, OR A PRACTICE OF THE PUBLIC SCHOOL EMPLOYER, THAT THE PUBLIC SCHOOL EMPLOYEE HAS A REASONABLE, GOOD FAITH BELIEF IS IN VIOLATION OF A LAW, RULE, OR REGULATION.**

**MSEA urges a favorable report on House Bill 1075 as introduced or amended to reflect the clarifying definition suggested above.**