

ANNE ARUNDEL COUNTY BOARD OF EDUCATION

2644 Riva Road · Annapolis · Maryland · 21401

BILL: HB1145 PUBLIC SCHOOL EMPLOYEE WHISTLEBLOWER PROTECTION ACT

HEARING DATE: APRIL 5, 2017

COMMITTEE: FINANCE COMMITTEE

POSITION: OPPOSE

CONTACT PERSON: JEANETTE ORTIZ, ESQ., *LEGISLATIVE & POLICY COUNSEL* (410.703.5352)

The Anne Arundel County Board of Education **OPPOSES House Bill 1145 - Public School Employee Whistleblower Protection Act**. As amended, this bill would prohibit a public school employer from taking, or refusing to take, any personnel action as reprisal against a public school employee because the employee discloses or threatens to disclose unlawful behavior; provides information or testifies for an investigation of unlawful behavior; or objects to or refuses to participate in unlawful behavior. The protection would only apply if (1) the public school employee has a good faith belief that the employer is still engaged in unlawful activity; (2) the employee discloses specified information that the employee believes evidences an abuse of authority, a danger to public health or safety, or a violation of law; and (3) the public school employee has reported the behavior in writing to a supervisor or administrator and afforded the employer a reasonable opportunity to correct the activity. A public school employee must exhaust all administrative remedies before instituting a civil action under the bill.

At Anne Arundel County Public Schools (AACPS), employees currently have the option of reporting issues such as those covered in this bill to their supervisors or to a hotline. If an employee does not feel comfortable reporting such information to a supervisor or member of management, the employee has the option to directly and anonymously report such information to the AACPS Financial Fraud, Waste, or Abuse Hotline. The hotline is available 24 hours a day and 7 days a week. AACPS takes allegations of fraud seriously and has made efforts to provide employees with the support they need to report unlawful behavior.

The Anne Arundel County Board of Education is concerned that **House Bill 1145** is not aligned with the current State Whistleblower Act, which provides a more narrowly defined and established set of parameters for employee disclosures, among many other provisions. While we appreciate the amendments to the bill which would require a public school employee to exhaust all administrative remedies before instituting a civil action under the bill, AACPS still has concerns that **House Bill 1145** singles out public school employees whereas county and municipal employees are not, and would not be covered under the provisions of this legislation.

Accordingly, the Anne Arundel County Board of Education respectfully requests an **UNFAVORABLE** committee report on **House Bill 1145**.