

RICHARD REGAN,

Appellant

v.

PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 03-06

OPINION

Appellant challenges the local board's decision that his claim concerning Potomac High School's use of an American Indian mascot name, the "Braves," is moot. The local board has submitted a Motion for Summary Affirmance with an affidavit maintaining that the appeal is moot. Appellant has not submitted a reply in opposition to the local board's motion.

FACTUAL BACKGROUND

In response to a complaint from Appellant that the use of American Indian mascots and mascot names at Tayac Elementary School and Potomac High School violated COMAR 13A.04.05, Education that is Multicultural, the Board of Education of Prince George's County issued an Order on September 5, 2002, finding that Appellant's appeal was moot. This decision was based on the fact that the two schools at issue had changed their mascot names.¹ Appellant has challenged the local board's decision as it pertains to Potomac High School because Potomac High School continued to show on its website that the mascot name was "the Braves."

ANALYSIS

The local board has filed a Motion to Dismiss based on mootness. It is well established that a question is moot when "there is no longer an existing controversy between the parties, so that there is no longer any effective remedy which the courts [or agency] can provide." *In Re Michael B.*, 345 Md. 232, 234 (1997); *See also Regan v. Mont. Cty. Bd. of Ed.*, MSBE Op. 02-48; *Arnold v. Carroll County Board of Education*, MSBE Opinion No. 99-41; *Farver v. Carroll County Board of Education*; MSBE Opinion No. 99-42; *Chappas v. Montgomery County Board of Education*, 7 Op. MSBE 1068 (1998).

On November 4, 2001, the students at Potomac High School voted to change the school mascot from the "Braves" to the "Wolverines." Despite this change, the school website continued to show Potomac as "Home of the Braves" until the start of the 2002-03 school year when the school system's department responsible for website development and maintenance made the correction. The website currently reflects that Potomac High School is the "Home of

¹Tayac Elementary changed its mascot name from the Indians to the Eagles.

the Wolverines.” *See* affidavit of Sandra L. Nelson, Principal of Potomac High School. *See also* website home page. Because the relief requested by Appellant has already been granted, there is no controversy between the parties and no effective remedy that the State Board can provide.

CONCLUSION

For these reasons, we dismiss the appeal on the basis of mootness. *See* COMAR 13A.01.01.03J(2)(b).

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January 29, 2003