

SPRINGDALE PROPERTY
HOMEOWNER'S ASSOCIATION,

Appellant

v.

PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 00-29

OPINION

In this appeal, Appellants contest the local board's naming of the newly constructed high school in Springdale, Maryland as the Charles Flowers High School. Specifically, Appellants argue that local board procedures were violated when the school was named after a living person and when the public was not appropriately involved in the naming decision. The local board has submitted a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal. Appellants have submitted a response in opposition to the local board's motion.

FACTUAL BACKGROUND

On February 24, 2000, the local board unanimously passed Resolution No. 059-00, renaming Ardmore High School, a new high school to be opened in Prince George's County in the fall of 2000, as the Charles Herbert Flowers High School. Charles Herbert Flowers is an African American male who has resided in Prince George's County since 1963. He is still alive, and is a contributing member to the community. The school was named for him in recognition of his contributions to society. *See* Resolution No. 059-00. Appellants have challenged the local board's action in naming the school.¹

ANALYSIS

Local board Policy 3500 on the naming of new schools states, in pertinent part, that "[a] secondary school shall be named after the geographic location of the school, or for prominent persons who have made outstanding contributions of service to Prince George's County, the State

¹Appellants consist of two associations and three individuals. They are Springdale Property Homeowners Association, Lake Arbor Civic Association, Nelson Standifer, Karen Standifer, and Eugene Grant.

of Maryland, or to the United States.”² The procedure implementing this policy, local board Administrative Procedure 3500 -- “Guidelines for Naming/Renaming Schools and Facilities”, provides as follows with regard to secondary schools:

...

2. Requirements:

- a) Geographic locations should be consistent with attendance areas.
- b) If a school is named after an individual, the following should be observed:
 - 1) The individual should be deceased.
 - 2) The individual should exemplify achievements and qualities in which students and communities can take pride.

Appellants maintain that the use of the term “should” in subsection 2.b.1 of Administrative Procedure 3500 requires that if a school is named after an individual, that individual must be deceased. We disagree with Appellants’ interpretation. The use of the term “should” merely indicates a preference. It is not a term of obligation, but rather a term that imparts a sense of duty. Use of the term “should” suggests what one ought to do, but not what one is obligated to do. If the provision were intended to be mandatory, the term “shall” would have been used, as it was used in other portions of the procedure.

Appellants also maintain that Mr. Kenneth Johnson, a local board member, “violated almost every one of his specific procedures by not involving the community.” However, Appellants do not explain the basis of this general allegation. The procedures referenced by Appellants are those set forth on the agenda of the December 2, 1998 Ardmore High School Public Hearing. The procedures stated therein are as follows:

- 1. Hold a Public Hearing to hear all proposed names and identify sponsors.
- 2. Establish Community Group consisting of name sponsors, homeowners, Civic Association Presidents, and PTA Presidents of the schools surrounding Ardmore High School to make recommendations to the Board Member.
- 3. Hold second Public Hearing for community input on proposed name.
- 4. If the community supports the proposed name, prepare Board of

²The policy also provides that the proposed name shall be recommended to the local board for adoption by the board member in whose district the school will be located.

Education Resolution.

5. If majority of community object to the proposed name, return to step #2 for new recommendation.

6. If proposed name is accepted, prepare appropriate naming ceremony.

Accepting as true Appellants' recitation of facts in their opposition to the local board's motion, we find that the above procedures were in fact followed. As Appellants indicate: (1) a public meeting was held on December 2, 1998; (2) another meeting was held for representatives from various groups to recommend school names; (3) a public meeting was held during January, 2000 where an announcement was made regarding the recommendation to name the school after Charles Herbert Flowers; and (4) a final meeting by invitation only was held on February 9, 2000 to announce the recommendation. Thus, the public was involved in the naming decision. Additionally, although Appellants make general allegations of procedural violations, they have not specifically set forth any basis for the allegations. Appellants rely on the "Accardi Doctrine" to support their argument that the school naming decision should be reversed.³ We believe that the doctrine is inapplicable in this case; but if it were, that reversal is not warranted given that we have found no violation of local policy or procedure.

CONCLUSION

For these reasons, we do not find that the local board's decision was arbitrary, unreasonable or illegal. Accordingly, we affirm the decision of the Board of Education of Prince George's County.

Edward Andrews
President

Philip S. Benzil
Vice President

Raymond V. Bartlett

JoAnn T. Bell

Reginald Dunn

George W. Fisher, Sr.

³The Accardi Doctrine mandates that for certain actions "[a]n agency of the government must scrupulously observe rules, regulations, or procedures which it has established." *See Bd. of Ed. of A.A. Cty. v. Barbano*, 45 Md. App. 27, 41 (1980).

Marilyn D. Maultsby

Judith McHale

Edward Root

Walter Sondheim, Jr.

John Wisthoff

June 21, 2000