

RICHARD REGAN,

Appellant

v.

HARFORD COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 02-28

OPINION

Appellant appeals the use of American Indian mascots and mascot symbols at Havre De Grace Elementary, Middle, and High Schools in Harford County. The local board has filed a Motion for Dismissal and/or for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable, or illegal. Appellant has submitted a reply in opposition to the local board's motion.

FACTUAL BACKGROUND

By letter of September 18, 2001, Appellant filed with the Harford County Public Schools (HCPS) Office of Equity and Cultural Diversity a civil rights complaint letter concerning the use of American Indian mascots and mascot names by Havre de Grace Elementary School, Havre de Grace Middle School, and Havre de Grace High School in Harford County.¹ Jacqueline C. Haas, Superintendent of Schools for Harford County, responded to Appellant by letter of October 25, 2001, in which she dismissed Appellant's complaint based on: (1) Appellant's lack of standing; (2) the fact that a ruling on the matters raised by Appellant would be premature given that representatives from the Havre De Grace school community were reviewing whether to change the names of the school sports teams; and (3) a lack of evidence that use of the names had caused any specific harm or denial of educational opportunities to a student enrolled in the Harford County Public Schools.

The principal of Havre de Grace High School had appointed a commission of 12 people representing Havre de Grace stakeholders in the use of the "Warrior" name and logo to review the continued use of the "Warrior" name.² As part of its review, the commission held two public meetings; one at which the Maryland Commission on Indian Affairs made a presentation to the panel and one at which public comment was taken on the issue. After review of all of the information received on the matter, the panel found "no substantial evidence that would cause

¹The team names for these schools is the "Warriors."

²The panel included four students, two teachers, a member of the Havre de Grace Ministerium, the local Director of Parks and Recreation, the cheerleading coach, and alumni of Havre de Grace who are also parents. At least six of the individuals on the panel claimed to be of American Indian ancestry.

[them] to consider a change to [the] ‘Warrior’ name and logo.” Accordingly, the “Warrior” name was not changed.

Meanwhile, Appellant appealed the superintendent’s decision to the local board. In a unanimous decision rendered February 27, 2002, the local board concurred with the superintendent that Appellant lacked standing to bring the appeal, and that even if Appellant had standing, he failed to introduce any evidence that any HCPS student had been harmed by the use of the “Warrior” name or logo. The local board did not consider the superintendent’s refusal to render a decision on premature issues. Rather, the local board considered the appeal on the circumstances that existed on the date of the hearing before the local board, at which point the commission had already decided to continue using the “Warrior” name and logo.

Thereafter, Appellant appealed to the State Board by letter of March 5, 2002. In his appeal, Appellant claims that the local board’s promotion of American Indian mascots and mascot symbols in its schools violates the requirements of COMAR 13A.04.05 on Education That Is Multicultural in that the use of the mascots “contradicts the main mission of an educational institution which is to transcend racial and cultural boundaries and encourage respectful relations among all people who live and work in that school environment”; and “suggests not only an insensitivity to another race and culture but an urge to dominate that culture by controlling them through misidentification, misappropriation and misrepresentation.”

ANALYSIS

The local board argues that the State Board should dismiss the appeal because Appellant lacks standing. As the State Board noted in *Adams, et al. v. Montgomery County Board of Education*, 3 Op. MSBE 143, 149 (1983), the general rule is that “for an individual to have standing, even before an administrative agency, he must show some direct interest or ‘injury in fact, economic or otherwise’.” See also *Schwalm v. Montgomery County Board of Education*, MSBE Opinion No. 00-10 (February 23, 2000); *Vera v. Board of Education of Montgomery County*, 7 Op. MSBE 251 (1996); *Way v. Howard County Board of Education*, 5 Op. MSBE 349 (1989).

The record discloses that Appellant does not reside in Harford County. Further, Appellant does not have a child in attendance at any of the schools at issue in this case, nor at any other Harford County Public School. Appellant maintains that he has standing because his child attends a Montgomery County Public School and it is possible his child might engage in academic or athletic competition with Havre de Grace High School and be subjected to hate and violence exhibited by the use of American Indian mascots, names, and symbols. We find that this connection is too tenuous and speculative to afford Appellant standing. Because Appellant is not a party in interest and has no injury in fact, we therefore dismiss the appeal for lack of standing.

In the alternative, the local board argues that its decision should be upheld because Appellant failed to present any evidence that use of the “Warrior” name has caused any specific harm or denial of educational opportunities to any student enrolled in HCPS.

Based on our review of the record, we would concur with the reasoning of the local board. In essence Appellant's evidence was conclusory and rhetorical. His exhibits contained resolutions and statements from disparate groups around the country. None contained any facts showing harm suffered by a student resulting from the use of the "Warrior" name and logo at the Havre de Grace public schools.

CONCLUSION

For these reasons, we dismiss the appeal for lack of standing. *See* COMAR 13A.01.01.03J.

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June 26, 2002