

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

COLONIAL EDUCATION ASSOCIATION,	:	
	:	
Charging Party,	:	
	:	
v.	:	<u>U.L.P. No. 95-02-119</u>
	:	
BOARD OF EDUCATION OF COLONIAL	:	
SCHOOL DISTRICT,	:	
	:	
Respondent.	:	

After a thorough review of the entire record, we have unanimously concluded that there is no basis on which to support the appeal filed by the Board of Education of the Colonial School District in the above-cited case.

It is our opinion that the Executive Director, in his decision dated April 25, 1995, was entirely correct in finding that the District's refusal to inform the Association, upon request, of the names of the involved and witnessing students in the alleged incidents of sexual harassment resulting in the 3-day suspension of John Briggs violated Sections 4007(a)(1) and (a)(5) of 14 Del.C.. We believe further that the two cases on which the District has relied, Green v. Board of School Commissioners of the City of Indianapolis, (7th Cir., 716 F.2d 1191 (1983)) and Detroit Edison Co. v. NLRB, (440 U.S. 301 (1979)), are distinguishable from the instant case for the reasons specified in that April 25, 1995 decision.

We fail to share the District's opinion that the Family Educational Rights and Privacy Act serves as an obstacle to the relief granted by the Executive Director essentially because the District, despite a conscientious effort, has presented no convincing showing that FERPA precludes the disclosure of the identities of the student witnesses under the circumstances of this case - or, indeed, that anything else so precludes.

The April 25, 1995 decision of the Executive Director, with its remedy portion, is, consequently, wholly affirmed.

IT IS SO ORDERED.

/s/Arthur A. Sloane
ARTHUR A. SLOANE, Chair

/s/Henry E. Kressman
HENRY E. KRESSMAN, Member

/s/William Moser
WILLIAM MOSER, Member

Date: June 12, 1995