

**STATE OF DELAWARE**  
**PUBLIC EMPLOYMENT RELATIONS BOARD**

<b>BRANDYWINE EDUCATION ASSOCIATION, DSEA</b>	:	
	:	<b>Unfair Labor Practice Charge</b>
Charging Party,	:	<u><b>No. 25-01-1445</b></u>
	:	
V.	:	<b>ORDER OF DISMISSAL</b>
	:	
<b>BRANDYWINE SCHOOL DISTRICT BOARD OF</b>	:	
<b>EDUCATION and RALPH ACKERMAN, President,</b>	:	
	:	
Respondents.	:	

**APPEARANCES**

*Patricia P. McGonigle, Esq., General Counsel, Delaware State Education Association, NEA, for Charging Party*

*Michael P. Stafford, Esq. Young Conaway Stargatt & Taylor, LLP, for Respondents*

1. The Brandywine Education Association (“Association”) is an affiliate of the Delaware State Education Association/NEA. The Association is an employee organization within the meaning of §4002(h) of the Public School Employment Relations Act, 14 *Del. C.* Chapter 40, and is the exclusive bargaining representative of a unit of professional school employees, within the meaning of 14 *Del. C.* §4002(j).

2. Brandywine School District (“District”) is a public school employer within the meaning of 14 *Del. C.* §4002(h).

2. Ralph Ackerman is the current President of the Board of Education of the Brandywine School District.

3. The District and Mr. Ackerman are collectively referred to as “Respondents”.

4. The Association and the District were engaged in negotiations since May, 2024, for a successor to their 2020-2023 collective bargaining agreement, which had been mutually extended by Memorandum of Understanding through June 30, 2024

5. Commencing on December 10, 2024, Association members engaged in picketing activities before the start of the school day and at the conclusion of the school day. Picketing Association members timely reported for their job assignments and no picketing was conducted on work time.

6. During picketing outside Claymont Elementary School on December 10, 2024, Board President Ackerman approached and engaged the picketers in conversation, after first identifying himself and shaking their hands.

7. On January 7, 2025, the Association filed an unfair labor practice charge with the Delaware Public Employment Relations Board (“PERB”) alleging conduct by the Respondents in violation of 14 Del. C. §4007(a)(1), (a)(2), and (a)(5).<sup>1</sup> Specifically, the Charge alleges that Board President Ackerman’s comments to the picketing Association members were intended to and had the effect of undermining the credibility of the Association and interfering with its administration. It also asserts the comments made constituted bad faith bargaining as he was attempting to influence the outcome of the ongoing negotiations.

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<sup>1</sup> §4007 (a) It is an unfair labor practice for a public school employer or its designated representative to do any of the following:

- (1) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under this chapter.
- (2) Dominate, interfere with or assist in the formation, existence or administration of any labor organization.
- (5) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit.

8. The District filed its Answer to the Charge on January 17, 2025, denying some of the factual assertions concerning Board President Ackerman's interaction with the picketing Association members. It contested the Association's legal allegations and included the legal defense in its New Matter that the Charge failed to allege any facts to support the conclusion that the Public School Employment Relations Act had been violated.

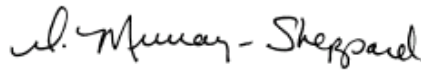
9. The Association filed its response to the New Matter on January 27, 2025, denying the District's defenses.

9. By email dated February 20, 2025, counsel for the Association notified the Public Employment Relations Board that the underlying dispute had been settled and requested to withdraw this charge.

**WHEREFORE**, this unfair labor practice charge is hereby dismissed, as the underlying dispute was resolved by the parties.

**IT IS SO ORDERED.**

DATE: February 24, 2025



DEBORAH L. MURRAY-SHEPPARD  
Executive Director  
Del. Public Employment Relations Bd.