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*In the Matter of the Tenure Hearing of*

**Lat Sall,  
State-Operated School District  
of the City of Paterson,  
Passaic County, NJ**

Re: Tenure Charges Against Lat Sall  
Agency Docket No. 305-10/14

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**Opinion and Award**

**Tia Schneider Denenberg, *Arbitrator***

**APPEARANCES**

FOR THE DISTRICT:

Carol R. Smeltzer, *Assistant General Counsel*  
Paterson Public Schools

FOR THE TEACHER:

Albert J. Leonardo, *Counsel for Respondent*  
Bucceri & Pincus

**BACKGROUND****JOINT STATEMENT OF FACTS AND EXHIBITS****I. Procedural History**

1. Respondent began his employment as a teacher with the Paterson Public Schools ("District") on September 17, 2002.
2. Respondent became tenured in his teaching position on September 18, 2005.
3. On October 7, 2014, the District certified tenure charges of unbecoming conduct and/or other just cause for dismissal against Respondent to the Commissioner of Education (See Joint Exhibit J-1 - Tenure Charges, attached hereto) and suspended him without pay effective October 8, 2014.
4. On October 28, 2014, Respondent submitted his answer to the tenure charges to the Commissioner of Education (See Joint Exhibit J-2 - Answer to Tenure Charges, attached hereto).
5. On November 10, 2014, the Commissioner of Education determined that the tenure charges, if true, would warrant dismissal or reduction in salary and assigned this case to hearing before Arbitrator Tia Schneider Denenberg ("Arbitrator Denenberg").
6. A hearing on the tenure charges is scheduled for December 17, 18, and 19, 2014.

**II. Facts Agreed to by the Parties**

7. For the 2013-2014 school year, Respondent was assigned to the School of Education and Training ("SET") located in the John F. Kennedy Educational Complex ("JFK") as a French teacher.
8. The 2013-2014 school year was Respondent's first year working at J.F.K.
9. Sixth period at JFK began at 12: 14 p.m. as set forth in the school's bell schedule (See Joint Exhibit J-3, "Bell Schedule".)
10. The attendance records, disciplinary referral form and final grades of Y.P. for the 2013-2014 school year are attached hereto as Joint Exhibit J-4.
11. Student O.N. was assigned to Respondent's class for the 2013-2014 school year.  
[Joint Exhibit 1]

The Sworn Tenure Charges of Unbecoming Conduct and/or Other Just Cause for Dismissal, contains the following charges:

**CHARGE ONE**

On or about May 13, 2014, Mr. Sall was involved in a verbal altercation with female student Y.P. After this verbal altercation, Y.P. proceeded to leave the area of the classroom. Mr. Sall pursued her through the hallway, leaving his class unattended. Y.P. then began to walk down a flight of stairs. Mr. Sall shouted at her "**you're dirty and stink, go home and take a shower**" or words to that effect.

As she proceeded down the stairs, Mr. Sall leaned over the railing at the top of the stairs and deliberately spit at her. Mr. Sall behaved in this way in the presence of another student, A.B.

This conduct by Mr. Sall constitutes unbecoming conduct and/or other just cause for dismissal.

#### CHARGE TWO

Throughout the 2013-2014 school year, Mr. Sall exhibited a pattern of aggressive behavior towards his students and his building principal, Ms. MaryAnn Perotta. The behavior exhibited by Mr. Sall caused Ms. Perotta to become concerned for the safety and well[-]being of his students.

This conduct by Mr. Sall constitutes unbecoming conduct and/or other just cause for dismissal.

#### CHARGE THREE

Under New Jersey's school laws, specifically N.J.S.A. 18A:30-1, sick leave is defined as:

[T]he absence from his or her post of duty, of any person because of personal disability due to illness or injury, or because he or she has been excluded from school by the school district's medical authorities on account of a contagious disease or of being quarantined for such a disease in his or her immediate household.

On or about December 11, 2013, in contravention of N.J.S.A. 18A:30-1, Mr. Sall utilized his sick leave to attend a job interview at International High School.

This conduct by Mr. Sall violates the NJ School Laws as well as Board policy and constitutes unbecoming conduct and/or other just cause for dismissal.

#### CHARGE FOUR

On or about October 31, 2013, Mr. Sall displayed his students' French tests, with their names and scores attached, on a wall in his classroom in violation of the students' privacy rights. Moreover, in an apparent attempt to embarrass and humiliate one student, Mr. Sall wrote the following on the student's test paper which was posted on the wall: "You need to behave better in class. Stop being loud and fighting." Mr. Sall was directed to remove these tests from the wall and he did not comply with this directive.

This conduct by Mr. Sall constitutes unbecoming conduct and/or other just cause for dismissal.

#### CHARGE FIVE

On or about September 25, 2013, Mr. Sall met with Mr. Suarez, Director of ESL/Bilingual/World Languages, and Ms. Houry Yeganeh, Supervisor of World Languages, regarding his assignment. At that meeting, Mr. Sall demanded a transfer out of John F. Kennedy High School. Mr. Sall told Mr. Suarez and Ms. Yeganeh that he "wants out of the building", that he is "unhappy" and "doesn't want to be there," or words to that effect. Mr. Sall conducted himself in a hostile, belligerent, irrational and insubordinate manner at the meeting. His conduct included making the following threatening comment to Mr. Suarez and Ms. Yeganeh, "I don't want to do anything that's gonna make me flip" or words to that effect. Mr. Sall kept insisting that he "wants out."

Mr. Suarez advised Mr. Sall that there are consequences for his actions and that there would be consequences if Mr. Sall "flipped." Mr. Suarez further advised Mr. Sall that there were no other available French class positions in the district and that he would have to remain where he had been assigned.

This conduct by Mr. Sall constitutes unbecoming conduct and/or other just cause for dismissal.

#### **CHARGE SIX**

For the 2012-2013 school year, Mr. Sall was assigned as a French teacher at HARP Academy. On or about February 5, 2013, Mr. Sall requested a transfer from HARP Academy to another school for the upcoming school year. When Mr. Sall requested the transfer, he advised Ms. Maria Santa, Assistant Superintendent, that he would like to transfer to John F. Kennedy High School or, if that was not available, International High School.

For the 2013-2014 school year, the district assigned Mr. Sall to John F. Kennedy High School in accordance with his request. On the first day of school, Ms. MaryAnne Perrotta, principal of the School of Education and Training at John F. Kennedy High School ("SET"), introduced herself to Mr. Sall. As principal of the school/academy to which he was assigned, Ms. Perrotta was Mr. Sall's immediate supervisor. Upon introducing herself, Mr. Sall told Ms. Perrotta that: (a) he doesn't know why he is assigned to JFK; (b) he's very angry about the transfer; (c) he wants to go back to the school he was transferred from and (d) he will go back to the school he was transferred from. Mr. Sall was hostile and inappropriate during this interaction with his new supervisor.

This conduct by Mr. Sall constitutes unbecoming conduct and/or other just cause for dismissal.

#### **CHARGE SEVEN**

Charges One through Six are incorporated herein, as if set forth at length. This conduct by Mr. Sall, when viewed as a whole, constitutes an ongoing pattern of unbecoming conduct and/or other just cause for dismissal.

[Joint Exhibit 1]

Conference calls involving the arbitrator and the parties were conducted on November 6, November 14, and November 25, 2014, to discuss preliminary matters before the hearing. The respondent filed several motions, primarily seeking disclosure by the district of contact information (addresses, phone numbers) for potential witnesses, including students and their parents or guardians. The respondent also wished to send a private investigator to contact them directly. After extensive discussion and submissions, the arbitrator adopted the suggestion of the district that the respondent write letters to each prospective student witness for hand-delivery by the school attendance officer to the student's home. The contact procedure respected the privacy of potential witnesses while allowing the teacher a reasonable opportunity to secure witness testimony. Although winter weather occasioned some delay in delivery, several students testified in support of the accused teacher.

The parties were afforded an opportunity to present evidence and argument at the hearings, which were held on December 17 and December 18, 2014. A stenographic record of the hearing was transcribed in two volumes. They are cited herein as Tr. I and Tr. II. The following witnesses testified under oath or affirmation:

**For the District (Petitioner):**

A. B.,<sup>1</sup> High School Student  
Y. P.,<sup>2</sup> High School Student  
Joaquin Perez,<sup>3</sup> District Security Officer  
Pablo Maute,<sup>4</sup> School Resource Officer  
Robert Pleasant,<sup>5</sup> School Resource Officer  
James Smith,<sup>6</sup> Executive Director of School Security

**For the Teacher (Respondent):**

J. L.,<sup>7</sup> High School Student

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<sup>1</sup> A.B. was a twelfth-grade student at the John F. Kennedy Educational Complex, which comprises four specialized schools, at the time of the incident at issue. He is enrolled in Passaic County Community College [Tr. I, p. 26].

<sup>2</sup> At the time of the hearing, Y.P. was in the tenth grade [Tr. I, p. 59].

<sup>3</sup> Joaquin Perez has been the District Security Officer in Paterson for 20 years. He prepared a disc with three files taken from the Kennedy's security system [Tr. I, pp. 98-99, Petitioner Exhibit 1]. He said, "I recorded the incident that happened" [Tr. I, p. 104]. He explained that, although the camera is always on, "If there's no image, it will stop. Can vary from a minute, or two, or three, but as soon as there's movement, it will continue recording again" [Tr. I, p. 100]. The footage is encrypted, and it is not possible to tamper with it.

<sup>4</sup> Mr. Maute joined the Paterson Police Department in 1984 and was promoted to detective in 1989. In 2006 he became a detective sergeant in the major crimes division, serving in that position until his retirement in 2011. He is employed by the Paterson district as a security officer assigned to the Kennedy complex [Tr. I, pp. 110-111].

<sup>5</sup> Mr. Pleasant served in the Paterson Police Department for 25 years, working in the narcotics division, a criminal investigation task force, and the juvenile division [Tr. I, pp. 128-130]. He has been a school resource officer in the Paterson district since September, 2013.

<sup>6</sup> Mr. Smith attended the Paterson Police Academy and served as a police officer in that city for more than 26 years, retiring as a captain. [Tr. I, pp. 157-159]. Captain Smith, as he is still known, is the Executive Director of School Security in the Paterson district, a position he has held for more than 12 years. His duties include developing safety and security plans.

<sup>7</sup> J. L. is a 15-year-old in the second year at the STEM Academy in the John F. Kennedy Educational Complex [Tr. II, p. 8].

T. M.,<sup>8</sup> High School Student  
Y. R.,<sup>9</sup> High School Student  
Gennaro Tortoriello,<sup>10</sup> Paterson Education Association (PEA) Representative  
Eman Hijjawi,<sup>11</sup> Teacher  
Omar Khalil,<sup>12</sup> Teacher  
Lat Sall,<sup>13</sup> Teacher (Respondent)

At the outset of the hearing, the respondent moved to exclude witnesses from the hearing room when not testifying. The district did not object, except that it wished Captain Smith to stay throughout as well as testify. The district challenged the presence of the union representative, Mr. Tortoriello, who was also on the witness list.

It was determined that Mr. Tortoriello would be testifying mainly about policy issues and that the district had instructed Captain Smith to limit his testimony to the following matters: “the background of the Paterson public schools and community, what our city is like, and why you recommended any charges in this case” [Tr., I, pp. 6-7]. Since neither person would be a fact witness to the central events in the case, the arbitrator permitted both to remain in the hearing room in order to assist the advocates. The respondent, who testified on his own behalf, also remained throughout the hearing, as did his wife. In addition, students, when testifying were accompanied by parents, and several teacher union officials were in attendance.

The evidentiary record was closed at the end of the hearing. Briefs and replies were filed. During the proceeding, the commissioner granted deadline extensions, making the award due on May 20, 2015.

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<sup>8</sup> T. M. is a student in the School of Education and Training at the Kennedy complex [Tr. II, p. 18].

<sup>9</sup> Y. R. has been a student in the Kennedy complex for three years [Tr. II, p. 22].

<sup>10</sup> Mr. Tortoriello, who is a Special Education resource teacher, has been employed at the Kennedy complex for six years. He has been a PEA building representative and serves on the union’s executive board [Tr. II, pp. 27-31].

<sup>11</sup> Ms. Hijjawi has been employed for 14 years as a teacher of Arabic at the Kennedy complex [Tr. II, pp. 46-47].

<sup>12</sup> Mr. Khalil has been employed at the Kennedy complex for 15 years. He is a social studies teacher [Tr. II, pp. 58-59].

<sup>13</sup> The respondent has been employed at the Kennedy complex for 12 years as a teacher of French. He holds a bachelor’s degree from Rutgers University and a master’s degree in education from Saint Peter’s College [Tr. II, pp. 75-77, 108]. He is certified to teach French and psychology, and is provisionally certified as a principal [Respondent Exhibit 2].

### DISCUSSION

A number of students and colleagues testified as character witnesses.<sup>14</sup> The issue before the arbitrator is not, however, his overall pedagogical merits but rather his conduct toward a hostile student. In its opening statement, the district leveled the following accusation against the respondent:

Although the district's tenure charges consist of seven separate charges, the heart of this case is charge number one; specifically, Mr. Sall's gross misconduct in dealing with student Y.P. on May 13, 2014. It is the district's position that Mr. Sall's behavior on that occasion, in and of itself, warrants his removal from his tenured position.

[Tr. I, p. 11]

Charges Two to Seven were subsequently withdrawn [Tr. I, p. 16].

The threshold question in Charge One is whether the teacher directed abusive language at Y.P. and spit at her, as the district has contended. She gave the following account of the incident during her testimony:

I was going to class and he wouldn't let me in. He came by the door and said I can't come in without going to see the principal. I said, Give me my write-up for I could leave. He said the security guard would take me. I said, Give me my write-up. So I pulled the paper and it ripped. It was the paper and I left. While I was going down the stairs, he went by the railing and said, you dirty, you stink, so go take a shower. So then I spazzed out, like I was upset. Then while I was going down, he spit at me, but I moved.

[Tr., I, p. 66]

She said that when she looked up, she could see spittle coming toward her: "It was too much of a spit to be by accident" [Tr., I, p. 63].

The teacher denies uttering the words attributed to him or spitting. He submitted a written account on the day of the incident:

Ms. Y., a student in my French I class, walked in late in my classroom and was stopped at the door. I told her that I had filled out a disciplinary referral form for her and she had to go with the security guard to see Mr. Pierce, an administrator who is in charge of discipline. The student said she was not going to see Mr. Pierce, pushed me to re-enter the classroom and ordered me to give her the disciplinary referral. I told Ms. Y. she could not take the disciplinary referral and the normal

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<sup>14</sup> The character witnesses painted a flattering portrait of the teacher. J.L. — "a good teacher....[H]e made sure you understood, but he didn't force it too hard" [Tr. II, p. 11]. T. M.---- "a teacher who likes to teach, who loves his job" [Tr. II, p. 19]. Y.R. — "Energetic, active, very helpful to students when we don't understand.... Even when they're failing, he would try the best to help them pass [Tr. II, p. 23]. Mr. Tortoriello — "an innovative teacher" [Tr. II, pp. 28, 33]. Ms. Hijjawi — "a nice person, very dedicated to his job, very good with his colleagues.... [H]e care[s] about students" [Tr. II, p. 48].

procedure is to have a security guard escort her to see Mr. Pierce. I stepped out and called the security guard to take the student to Mr. Pierce' office. Ms. Y. started to yell and curse at me, calling me names, insulting both my mother and father. She refused to go with the guard, continued cursing in front of the security guard and walked out. Then, the officer returned to his post after the departure of the student. Ms. Y. came back to my class five (5) minutes later. While I was standing at the door, she snatched the disciplinary referral from me, tore it in two pieces, and continued cursing at me in the hallway. She finally took the stairs to go down and was at least 12 feet away from me when I told her from the staircase that a security guard has to escort her. She replied saying all what I can do is bla, bla, bla, bla, and making fun of how I talk. From the staircase, I told Ms. Y. that she was the one who was doing the incessant bla, bla, bla, bla talk by being both very disrespectful to her teacher and refusing to follow school rules. She accused me of spitting at her while I was talking and said she was going to get me fired.

It is also important to mention that Ms. Y. had previously displayed the same type of behavior and was written up twice by me. I also followed up with two separate phone calls to her mother who apologized for her daughter's behaviors and said she would talk to her. There were also times when she walked out of the classroom super frustrated because I did not let her use her cell phone in class. The next door Special Education teacher has seen Ms. Y. being disrespectful to me in many occasions.

[Respondent Exhibit 8]

A.B., who happened to be alongside Mr. Sall on the stairwell landing, submitted a handwritten description of the incident that is quite different from the teacher's:

The student went downstairs then the teacher said you are dirty nasty go home and take a shower and he spit on her. Then she came back to upstairs making loud and crying. Teacher said to me that did I see everything what she did.

[Petitioner Exhibit 7]

A.B. repeated this version of events almost verbatim in his testimony at the arbitration hearing: "He say, you are dirty, nasty, and go home and take a shower. Go home and take shower." Then, according to the student witness, the teacher "spit on her. He spit on her" [Tr. I, pp. 27-28].

The teacher disputed A.B.'s accuracy when "he said that he, that he saw Mr. Sall spit, that's wrong." The teacher also challenged the student's description of his language: "You see, those words don't come across my mind at all because I never use them. Never" [Tr. II, p. 121]. He believed that Y.P. was motivated by anger to fabricate the allegation.

The video footage adds some details. Owing to the camera angles and the lack of fine image resolution, it does not show spitting conclusively. However, the teacher is seen bending over the rail with his face down and his shoulders hunched—a position at least consistent with spitting at the female student as she descended the stairs. Approaching the bottom of the stairs, Y.P. looks up and abruptly jogs to her left, as if dodging something falling from above. She again looks up and points her finger as if to confirm the source of what she avoided.



The video shows the girl sweeping by A.B. as she bounded back up the stairs and into the hallway. In passing, he said, she told him that “you are a witness.”<sup>15</sup> In the hallway she met Mr. Robinson, the Special Education teacher whom Mr. Sall was later to mention in his post-incident statement. Mr. Robinson provided the following description of the encounter on a K-12 Disciplinary Referral Form:

While standing on the second floor hallway in front of the library a young lady Y. P. came running towards me. She was angry visually upset. I asked her [what’s] wrong. She said to me that “the teacher spat at her he tried to spit on me and told me I was dirty and need to take a shower.” The young lady then took off [g]oing down stairs saying she was going to see the principal. The teacher she was complaining about is her French teacher Mr. Sal[l].

[Petitioner Exhibit 7]

The similarity of the two students’ accounts is striking. The boy and the girl were not acquainted with each other and lacked an opportunity to coordinate their narratives. Yet the story told to Mr. Robinson closely matched A.B.’s statement and testimony. Furthermore, A.B. was an accidental bystander who had no obvious reason to invent a tale that would inculcate the teacher, since he was not studying French and had no prior dealings with him. A.B. seemed to be genuinely startled by what he characterized as the “bad words” he heard from the teacher [Tr. I, p. 27]. The student’s testimony was not impeached during the hearing. The version of events conveyed to Mr. Robinson by Y.P. also deserves to be given weight as form of “excited utterance,” a declaration under pressing circumstances whose spontaneity tends to rule out premeditated fabrication. Taken together, these factors compel a finding that the teacher over-reacted to an unruly student in the manner charged.

The arbitrator accepts that Y.P. was a chronic irritant for the teacher. He testified that the interactions with her

were not positive....They transfer her to my class, and she had disciplinary, many disciplinary problems. I wrote her up many times. I have spoken to her mother, and the behavior didn't change..... [S]he is using the cell phone in the class while instruction is going on. We can't, we cannot have that. We cannot allow that. She used to use profanity in the classroom. You cannot do that. She had, she used to fight kids again inside the classroom, and I said no.... She never cooperated. She didn't want to cooperate at all. I had to, I had to, to keep on going over and over for her, I mean, to do what I wanted her to do.

[Tr. II, pp. 82, 84-85]

Y.P. was disruptive, disrespectful and foul-mouthed, even to the point of accusing the teacher’s “beloved deceased mother of being a whore” [Tr. II, p. 90]. Nevertheless, in coping with provocation of that kind, a teacher is obliged to act with restraint and

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<sup>15</sup> A.B.’s answers to questions posed by security officers, titled “Sworn Statement” [Petitioner Exhibit 3].

emotional control. Spitting is a gesture of contempt. It is repulsive, demeaning, and calculated to damage a student's self-esteem, as is suggesting that the student is somehow unclean.

Captain Smith, an experienced law enforcement officer with broad knowledge of the district, testified that the community served by the Kennedy complex consists largely of minorities living in impoverished and crime-ridden neighborhoods. Almost all students qualify for free or reduced-cost lunches. Perhaps half of each freshman class fails to graduate. He thus regards the students as at-risk: "When I say 'at risk,' I mean at risk of dropping out of high school" [Tr. I, p. 161]. He added:

...[W]e have a lot of children, students here that are low self-esteem to begin with. After being repeated by numerous witnesses that you're dirty, you stink, go home, take a shower, spitting on them, this kind of like shocks the [conscience] of the community, and myself, also, because I place myself in a situation, how would I feel if that was my child, and how would I react. And based on all those considerations, I felt that Mr. Sall had no place teaching our children here in Paterson.

[Tr. I, pp. 164-165]

The teacher contends that he was never warned against leaving the classroom to follow a hostile student. However, a few months before the May incident (on February 19, 2014) there had been an incident, involving the teacher and another student (O.N.). He had followed the student to the Main Lobby of the building to remonstrate with her, believing that she had misbehaved by throwing books out of a window.<sup>16</sup> Officer Maute testified that she was

very agitated, and saying, Get him off me. Get him off me.... And I saw Mr. Sall coming down pushing, moving kids away from him, trying to get to the student.... I grabbed Mr. Sall, I said, What are you doing? He keeps walking. And I'm walking along with him. He saying, I'm going to get her. I want to get inside. I said, What? Are you crazy? You want to lose your job?

[Tr. I, p. 117]

Although school authorities did not issue a formal warning or otherwise impose a disciplinary penalty, an Operational Security Team Investigative Report was prepared by Officer Pleasant. It summarized a meeting that was held on February 27:

...Mr. Sall and this writer discussed other actions that could have been taken or other actions that should be taken in the future to protect himself and students. Principal Perrotta and Mr. Sall discussed the write up of students (class management) when a student is in noncompliance. All parties discussed actions that should be taken when confronted with a hostile or violent student.

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<sup>16</sup> The teacher's counsel objected to questioning Officer Maute about an incident related to a charge that has been withdrawn. The arbitrator admitted the testimony, however, because it pertained to the issue of whether the teacher had been previously cautioned about his response to disruptive students.

These actions consisted of teachers submitting an incident report and contacting security to remove violent or hostile students which he did indeed.

As per Principal Perrotta it was suggested that there should be no teacher student contact unless an emergency. Should the identity of the student be obtained the teacher should not pursue a student through the hallways who has voluntarily left the class. It was suggested that the teacher submit an incident to the proper administrators who would then follow-up with disciplinary actions. It was suggested that teachers remain calm as possible when dealing with students who display hostility or anger. In conclusion the meeting ended with all parties in agreement.

[Petitioner Exhibit 6]

Officer Pleasant also testified about the meeting described in the report. The principal, he recalled,

spoke about other measures that could have been—that could have taken place, what could have been done differently to avoid the situation. This consisted of informing Mr. Sall that he should never have any contact, physical contact, with the student unless it's an extreme emergency or for the safety of a child. It was explained to him that being that he knew the student, he could have just submitted a report and let the administrators handle it as far as if any disciplinary action should be taken place, such as suspensions. He was informed that he should, at no time, follow a student down a hallway for any reason when a student is hostile or upset. It was spoken about, if the student's hostile, upset, the security guard should be notified to remove the student.

[Tr. I, pp. 137-138]

Captain Smith acknowledged that he was unaware of the February incident when he recommended dismissal for the May incident. Even “a one-time isolated incident,” he reasoned, “doesn't excuse the fact that it occurred.... [B]ut when I found out later on that there was some type of warning given, then it made my charge even more justified, in my opinion” [Tr. I, pp. 166-167].

The first incident does render the second more serious. The teacher was put on notice in February that leaving the classroom to pursue a misbehaving student through the building was anathema to the principal and the school's security staff.<sup>17</sup> Yet despite the clear words of caution directed at him, the teacher evidently did not accept the message. He implausibly maintained that he was being praised: “They told me, Sall, you did the right thing. Everything that you did was fine.” Similarly, he could not recall being told “you cannot follow a student or you cannot do this or that. No, I don't remember that” [Tr. II., pp. 122-123].

Considering Officer Maute's remark about job loss, Mr. Pleasant's suggestions about handling hostile students, and the principal's face-to-face instruction not to pursue students, the teacher had ample reason to know that following Y.P. into the stairwell would be regarded as a deliberate abdication of his responsibilities. He went after the student for

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<sup>17</sup> O.N. was suspended for five days [Petitioner Exhibit 4].

refusing to take the referral form and present herself at the disciplinarian's office, whereas he should have heeded the principal's call to remain calm and turn the matter over to a security officer. Instead, he allowed the guard to return to his post and needlessly followed the student into the stairwell. The teacher disputes what happened in the stairwell, but he plainly left himself vulnerable by placing himself there.

**CONCLUSION**

For the reasons discussed above, and after considering all arguments and the entire record, the arbitrator finds that the accusation of verbal abuse and spitting (Charge One) has been proven by a preponderance of the evidence and that the teacher therefore engaged in unbecoming conduct. Although Mr. Sall appears to be a capable teacher with multi-lingual skills and good performance reports, by reacting intemperately to an aggressive student in defiance of a clear caution, he gave the district grounds for doubting his self-control. Thus, taking all the circumstances into account, the district has shown just cause for removing the respondent from his tenured teaching position.

  
**Tia Schneider Deneberg**  
*Arbitrator*

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*In the Matter of the Tenure Hearing of*  
**Lat Sall,**  
**State-Operated School District**  
**of the City of Paterson,**  
**Passaic County, NJ**

Re: Tenure Charges Against Lat Sall  
Agency Docket No. 305-10/14

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**Award of Arbitrator**

*The undersigned arbitrator, having been appointed, pursuant to P.L. 2012, c. 26, to hear and decide the above-captioned matter, awards as follows:*

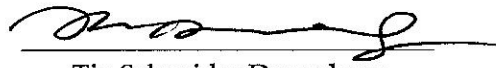
The allegation of unbecoming conduct in Charge One has been proven, affording the district just cause to remove the respondent, Lat Sall, from his tenured teaching position in the Paterson School District.



**Tia Schneider Denenberg**  
*Arbitrator*

**DATED:** May 13, 2015

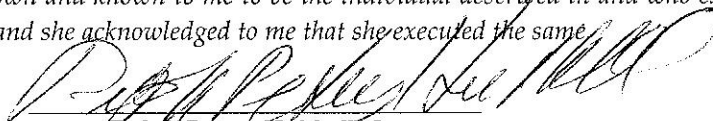
*I, Tia Schneider Denenberg, do hereby affirm that I am the individual described in and who executed this instrument, which is my award.*



**Tia Schneider Denenberg**  
*Arbitrator*

*State of New York*  
*County of Columbia*

*On this 13th day of May, 2015, before me personally came and appeared TIA SCHNEIDER DENENBERG, to me known and known to me to be the individual described in and who executed the foregoing instrument and she acknowledged to me that she executed the same.*



**Ralph Peters Hubbell, Jr.**  
*Notary Public State of New York*  
*No. 4793303*  
*Qualified in Dutchess County*  
*Commission Expires October 31, 2015*