

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
LAT SALL : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1516-106

At its meeting of December 10, 2015, the State Board of Examiners (Board) reviewed a decision forwarded by the Commissioner of Education (Commissioner) that had dismissed Lat Sall from his tenured position as a teacher with the State-Operated School District of the City of Paterson (Paterson). *In the Matter of the Tenure Hearing of Lat Sall*, Docket No. 305-10/14 (Commissioner’s Decision, May 13, 2015). Sall currently holds a Teacher of French Certificate of Eligibility, issued in February 2003, a Teacher of French certificate, issued in April 2006, a Principal Certificate of Eligibility, issued in November 2009, a Supervisor certificate, issued in November 2009 and a Teacher of Psychology certificate, issued in April 2012.

This case originated when Paterson had certified tenure charges of unbecoming conduct and other just cause against Sall. Specifically, Paterson alleged that, on or about May 13, 2014, Sall was involved in a verbal altercation with a female student, Y.P.<sup>1</sup> When Y.P. left the area of the classroom, Sall followed her down the hallway, leaving his class unattended. Y.P. then proceeded to walk down a flight of stairs. As she did so, Sall shouted at her “you’re dirty and stink, go home and take a shower” or words to that effect. He also leaned over the railing at the top of the stairs and deliberately spit at her. This behavior was witnessed by another student, A.B.

Sall denied uttering the words attributed to him or spitting at the student. He stated that Y.P. came to his class late but refused to accompany a security guard to see the administrator in charge of discipline, which is the normal procedure. Instead Y.P. tore the disciplinary referral

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<sup>1</sup> Originally, Paterson had brought seven tenure charges against Sall, but the six others were withdrawn during the course of the hearing.

slip in half and was cursing at Sall. He stated that she was yelling at him while she walked down the stairs and when he told her she was being disrespectful she accused him of spitting at her and told him she would get him fired. Sall added that Y.P. had previously displayed the same type of behavior and was written up by him on two other occasions.

In her Decision (which is incorporated herein by reference), the Arbitrator concluded that Paterson had proven the tenure allegations it had brought against Sall. *In the Matter of the Tenure Hearing of Lat Sall, supra*, at 12. The Arbitrator found that “the similarity of the two students’ accounts [was] striking.” *Id.* at 9. She also noted that Y.P. and A.B. did not know each other and lacked an opportunity to coordinate their narratives. *Ibid.*

The Arbitrator accepted that Y.P. was a chronic irritant for Sall and that she was disrespectful and foul-mouthed, even to the point of accusing the teacher’s “beloved deceased mother of being a whore.” *Id.* at 9. Yet the Arbitrator also noted that Sall had been previously warned about not pursuing hostile students out of the classroom, when he had done so in February 2014 in another incident. *Id.* at 10-11.

Having determined that Sall engaged in unbecoming conduct as alleged by Paterson, the Arbitrator concluded that Sall should be discharged from his tenured position. *Id.* at 12. Sall was dismissed from his tenured employment with Paterson as a result of the unbecoming conduct proven in the tenure proceeding. *Id.* at 13. The Arbitrator transmitted the matter to the Board for its review.

Thereafter, on January 21, 2016, the Board issued Sall an Order to Show Cause as to why his certificates should not be revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Sall the Order to Show Cause by regular and certified mail on January 25, 2016. The Order provided that Sall's Answer was due within 30 days. Sall filed his Answer on February 22, 2016.

In that Answer, Sall stated that the tenure charges and the record of the hearing "speak for themselves." (Answer, ¶¶ 3, 4). He also denied the substantive allegations of unbecoming conduct set forth in the tenure charges. (Answer, ¶¶ 3, 4). Sall denied the findings and conclusions set forth in the Arbitrator's decision but admitted that the effect of that decision was the termination of his employment with Paterson. (Answer, ¶¶ 5-7, 8).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on May 19, 2016, the Board sent Sall a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Sall was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause to take action against his certificates as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Sall's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Sall was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Sall filed a written response on June 15, 2016. Sall also asked to appear before the Board.

In his Hearing Response, Sall reiterated the Arbitrator's finding that he had "over-reacted to an unruly student..." who was "disruptive, disrespectful and foul-mouthed, even to the point of accusing [his] beloved deceased mother of being a whore." (Hearing Response, p. 2). He added that he had been employed by the district for nearly 13 years and no evidence had been presented that he had been the subject of any prior discipline, only that he had been advised how

he should handle disruptive students. (Hearing Response, p. 2). Sall noted that he had secured a new teaching position for the 2015-16 school year and had received positive ratings. (Hearing Response, pp. 2-3). In reviewing prior case law on the proper response to teacher misconduct, Sall argued that removal of a teacher's certificates was "a draconian penalty, and [was] not the inevitable outcome of an Order to Show Cause." (Hearing Response, pp. 5, 5-8). Sall stressed that he had demonstrated himself to be capable and effective over more than a decade and that he had overreacted on one occasion to a disrespectful and foul-mouthed student. (Hearing Response, p. 8). He argued that this was not a case where revocation was warranted and that he had already suffered the penalty of removal from a tenured teaching position. (Hearing Response, p. 8). Accordingly, Sall asked that he be allowed to continue his career as a "demonstrable asset to New Jersey's students." (Hearing Response, p. 8).

In testimony before the Board, Sall noted that he became a teacher in 2004 and that he had taught in Paterson for 13 years. He stated that in those 13 years, he had been evaluated many times and had received consistently positive evaluations and reviews. He explained that he had two principles of teaching: providing a high academic experience for students and building relationships with colleagues, students and parents. Sall maintained that he had helped many students over the years and had earned the respect and trust of colleagues who saw him as a genuine team player. He noted that many students and colleagues testified on his behalf at the tenure hearing. Sall added that a one-time incident did not define who he is and that he had never been disciplined in 13 years. He claimed that he had learned a valuable lesson from the incident: to remain calm always and try to de-escalate tensions. He noted that sanctions had already been imposed against him through the 120-day suspension without pay and the loss of his position in Paterson. Sall said he was successful in his new teaching position in East Orange and that the district had given him the opportunity to teach all of the French classes for the 2016-

17 school year. Finally, Sall added that he was a good, caring, seasoned teacher who could make a difference in East Orange.

Sall's attorney, Edward A. Cridge, also spoke on his behalf. Cridge noted that Sall had provided 13 years of honorable service to Paterson and that he had a one-time overreaction to a disrespectful student. Cridge stated that in his new position in East Orange, Sall was considered highly effective and had built a respect and rapport with his students. Cridge argued that Sall understood the significance of the incident but that it did not warrant the revocation of his certificates as it did not serve children or the education system to remove him from teaching.

The threshold issue before the Board in this matter, therefore, is whether Sall's conduct constitutes conduct unbecoming a certificate holder. At its meeting of December 9, 2016, the Board considered the allegations in the Order to Show Cause as well as Sall's Answer, Hearing Response and testimony. The Board determined that it was constrained by collateral estoppel to accept the facts as found in the tenure hearing and therefore no material facts related to Sall's offense were in dispute. *See In the Matter of the Certificates of Richard Barnes-Bey*, Dkt. No. 1314-194 (Bd. Of Examiners September 17, 2015) (Collateral estoppel applies to facts established in a prior tenure hearing for Board revocation proceedings). Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Sall's conduct, as set forth in the Order to Show Cause and proven in the tenure hearing, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.5*. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9B-4.4*. In this case the record established that Sall had a verbal altercation with a student which escalated when he chased her out of the classroom. In addition, Sall admitted to

his overreaction to the student's provocation. It is well settled that unfitness to teach may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. Of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff'd* 131 *N.J.L.* 326 (E&A 1944). Here, however, Sall's testimony and evidentiary submissions, including 13 years of positive evaluations prior to the one-time incident, have demonstrated mitigation to a degree that the Board is convinced that the appropriate response is a suspension of his certificates.

Accordingly, on December 9, 2016, the Board voted to suspend Lat Sall's Teacher of French and Principal Certificates of Eligibility and his Teacher of French, Teacher of Psychology and Supervisor certificates for a period of two years, effective immediately. On this 19th day of January 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Sall's certificates be effective immediately. It is further ORDERED that Sall return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Robert R. Higgins, Secretary  
State Board of Examiners

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Date of Mailing:  
**via certified and regular mail**

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.