

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DONALD SALAAM : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-120

At its meeting of September 22, 2011, the State Board of Examiners (Board) reviewed information it had received from the Irvington School District (Irvington) regarding Donald Salaam. Irvington reported that Salaam, a special education teacher at the Alternative High School, resigned from his tenured position following allegations that he had engaged in inappropriate sexual conversations with students in his class. Among other inappropriate statements, Salaam allegedly told students that “pretty girls liked to be fucked all over,” “you take it out they ass and put it in they mouth. They like that shit,” and “I got that, I got one of them horse dicks.” Salaam currently holds a Teacher of the Handicapped certificate, issued in November 1999, a Substance Awareness Coordinator Certificate of Eligibility With Advanced Standing, issued in May 2005, a Principal Certificate of Eligibility, issued in May 2007 and a Supervisor certificate, issued in August 2007. Upon review of the above information, at its November 1, 2011 meeting, the Board voted to issue an Order to Show Cause to Salaam as to why his certificate should not be revoked.

The Board sent Salaam the Order to Show Cause by regular and certified mail on November 4, 2011. The Order provided that Salaam must file an Answer within 30 days. Salaam responded on November 28, 2011. In his Answer, Salaam stated that he lacked sufficient knowledge to admit or deny the allegations of the Order to Show Cause and therefore left the Board to its proofs. (Answer, ¶ 3). He also requested that the Order to Show Cause be dismissed. (Answer, ¶ 5).

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) where, on January 4, 2012, it was filed for hearing as a contested case. After several adjournments, Administrative Law Judge (ALJ) Margaret M. Monaco heard the matter on March 27, 2013. The record closed on September 4, 2013, and the ALJ issued an Initial Decision on October 17,

2013. *In the Matter of the Certificates of Donald Salaam*, Dkt. No. EDE 00310-12 (Initial Decision, October 17, 2013).

After assessing the witnesses' credibility and their direct knowledge of the events as well as viewing a video recording of Salaam's conversation with his students, ALJ Monaco concluded that Salaam's "interaction and conversation with his students crossed the fundamental line between a teacher and a student." (Initial Decision, slip op. at 12). The ALJ noted that the record disclosed that Salaam had engaged in explicit discussions of a sexual nature with his students, the contents of which were extremely offensive due to the graphic sexual acts described and the profanity used. *Ibid.* ALJ Monaco found that "the egregiousness of respondent's conduct is heightened due to the special educational and behavioral needs of his students." *Ibid.* The ALJ found Salaam's behavior "inexcusable" and determined that it constituted "conduct unbecoming a teacher." *Ibid.* In assessing the appropriate penalty, ALJ Monaco rejected Salaam's suggestion that a suspension was the appropriate penalty in this case and ordered that his certificates should be revoked. *Id.* at 13-14. Salaam filed Exceptions to the Initial Decision and the Deputy Attorney General (DAG) representing the Board filed Reply Exceptions.

In his Exceptions, Salaam argued that the videotape should not have been entered into evidence because it was not sufficiently authenticated. (Exceptions, pp. 1-2). Salaam also argued that the sanction of revocation was too harsh in this case and that, while his behavior, if true, was certainly worthy of condemnation, his career was salvageable. (Exceptions, pp. 2-4).

In her Reply Exceptions, the DAG argued that the videotape of Salaam discussing inappropriate and graphic sexual content with his students was appropriately introduced into evidence under the residuum rule as there was reliable testimony to corroborate its creation and contents. (Reply Exceptions, pp. 2-7). The DAG also noted that ALJ Monaco found the Board's witnesses to be credible and argued that "Salaam provided no evidence at hearing that weigh in favor of his retaining his teaching certificates." (Reply Exceptions, pp. 8-10). Accordingly, "in light of the egregious, explicit and doubly offensive nature of his conversation with at-risk students, as well as the absence of any evidence weighing

in favor of him retaining his certificates,” the DAG argued that Salaam’s certificates should be revoked and the Initial Decision adopted by the Board. (Reply Exceptions, pp. 12-14).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of December 6, 2013, the Board reviewed the Initial Decision, the Exceptions and Reply Exceptions. After full and fair consideration of the Decision, Exceptions and Reply Exceptions, the Board voted to adopt the Initial Decision.

As noted above, the ALJ concluded that Salaam’s inappropriate conduct warranted the revocation of his teaching certificates. (Initial Decision, slip op. at 13-14). The Board agrees. “Teachers ... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment.” *Tenure of Sammons*, 1972 S.L.D. 302, 321. Moreover, the Commissioner has long held that teachers serve as role models for their students. Salaam’s conduct amply demonstrates that he is not fit to serve as a role model to anyone. Furthermore, 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). One need look no further than Salaam’s behavior here for evidence of that. Salaam’s sexually explicit conversations with students prove that he not only crossed the fundamental boundaries that should exist between teacher and student, he never recognized that those boundaries existed at all. The Board believes that the only appropriate response to Salaam’s breach is the revocation of his certificates. The Board therefore adopts the Initial Decision.

Accordingly, on December 6, 2013, the Board voted to adopt the Initial Decision and ordered to revoke Salaam’s certificates. On this 17th day of January 2014, the Board formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Donald Salaam’s Principal Certificate of Eligibility, Substance Awareness Coordinator Certificate of Eligibility With Advanced Standing, Teacher of the Handicapped and Supervisor certificates be hereby revoked effective immediately. It is further ORDERED that Salaam return his certificates to the Secretary of the State

Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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