

SCHOOL LAW---STUDENT IS ENTITLED TO CROSS-EXAMINE ACCUSING WITNESSES
PRIOR TO EXPULSION

Tibbs v. Board of Education of the Township of Franklin (Superior Court, Appellate Division, Decided March 30, 1971, Reported at 114 N.J. Super. 287) by James B. Ventantonio, Michael D. Lang, and William J. Zaino, Somerset County Legal Services.

This case, previously noted as T.T. v. Board of Education in 27 State Clearing House Report 9 (February, 1971), establishes the right of a student to confront and cross-examine hostile witnesses prior to expulsion. The petitioner and six other female students were expelled from school without being told the names of the witnesses against them and without being permitted to confront and cross-examine those witnesses. The State Commissioner of Education upheld the expulsions.

On appeal, the Appellate Division in a per curiam decision, set aside the expulsions because of the School Board's failure to produce the accusing witnesses for testimony and cross-examination. The three Appellate Division judges each wrote separate concurring opinions setting forth distinct grounds for the holding.

Opinion.

