

## *Document Status: Draft Update*

### **BOARD OF EDUCATION**

#### **2:80 Board Member Oath and Conduct**

Each Board of Education member, before taking his or her seat on the Board, shall take the following oath of office:

**I, (name), do solemnly swear** (or affirm) that I will faithfully discharge the duties of the office of member of the Board of Education of West Chicago Elementary School District 33, in accordance with the Constitution of the United States, the Constitution of the State of Illinois, and the laws of the State of Illinois, to the best of my ability.

**I further swear** (or affirm) that:

**I shall respect** taxpayer interests by serving as a faithful protector of the School District's assets;

**I shall encourage** and respect the free expression of opinion by my fellow Board members and others who seek a hearing before the Board, while respecting the privacy of students and employees;

**I shall recognize** that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a public Board meeting;

**I shall abide** by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels;

**As part of the Board of Education**, we shall accept the responsibility for my role in the equitable and quality education of every student in the School District;

**We shall foster** with the Board extensive participation of the community, formulate goals, define outcomes, and set the course for West Chicago Elementary School District 33;

**We shall assist** in establishing a structure and an environment designed to ensure all students have the opportunity to attain their maximum potential through a sound organizational framework;

**We shall strive** to ensure a continuous assessment of student achievement and all conditions affecting the education of our children, in compliance with State law;

**We shall serve** as education's key advocate on behalf of students and our community's school (or schools) to advance the vision for West Chicago Elementary School District 33; and

**We shall strive** to work together with the District Superintendent to lead the School District toward fulfilling the vision the Board has created, fostering excellence for every student in the areas of academic skills, knowledge, citizenship, and personal development.

The Board President will administer the oath in an open Board meeting; in the absence of the President, the Vice President will administer the oath. If neither is available, the Board member with the longest service on the Board will administer the oath.

The Board adopts the Illinois Association of School Boards' *Code of Conduct for Members of School Boards (Code)*. [PRESSPlus1](#) A copy of the *Code* shall be displayed in the regular Board meeting room. [Q1](#)

LEGAL REF.:

[105 ILCS 5/10-16.5.](#)

CROSS REF.: 1:30 (School District Philosophy), 2:20 (Powers and Duties of the Board of Education; Indemnification), 2:50 (Board Member Term of Office), [2:60 \(Board Member Removal from Office\)](#), 2:100 (Board Member Conflict of Interest), 2:105 (Ethics and Gift Ban), 2:210 (Organizational Board of Education Meeting)

Adopted: September 21, 2023

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## Questions and Answers:

\*\*\*Required Question 1. The School Code does not specifically address what happens when board members violate their oath of office, nor does it create an opportunity to take legal action for such violations. *Collins v. Bd. of Educ. of North Chicago Comm. Unit Sch. Dist.* 187, 792 F.Supp.2d 992 (N.D.Ill. 2011). **Consult the board attorney for guidance when considering any type of disciplinary action or sanction against a board member.**

Depending on the situation, a board self-evaluation or private one-on-one meetings with a board member may be appropriate to address an issue relating to board member behavior (for a list of IASB workshops, see [www.iasb.com/conference-training-and-events/training/workshops/](http://www.iasb.com/conference-training-and-events/training/workshops/)). When a board member's violation of the oath of office also constitutes a willful failure to perform his or her official duties, the board may request the regional superintendent to remove the member from office. See sample policy 2:60, *Board Member Removal from Office*, available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com), at footnote 2, for further discussion. A board member whose conduct violates conflict of interest laws may also be subject to criminal liability and removal from office. See sample policy 2:100, *Board Member Conflict of Interest*, and its footnotes, for additional information. In consultation with the board attorney, a board may also consider other actions to address a member's violation of the oath of office, such as publicly censuring a member. *Houston Comm. College System v. Wilson*, 595 U.S. 468 (2022) (holding that a college board of trustees did not violate a trustee's First Amendment rights when it adopted a resolution censuring him for "reprehensible" conduct). Other sanctions may be also warranted, depending on the facts. For example, in *Earnest v. Jasper Cty. Comm. Unit Sch. Dist. No. 1*, 371 F.Supp.3d 459 (S.D.Ill 2019), a court held a board member was not deprived of his liberty interest under the 14th Amendment when the board limited his access to confidential board packet information after it found the board member shared confidential personnel and student information with members of the public.

To encourage appropriate conduct, boards may wish to have their policy express potential consequences for violating the oath of office or the *Code of Conduct for Members of School Boards*. Such boards may add the following sentence to the end of this policy:

"A board member who fails to abide by the oath of office or the *Code* may be subject to action by the Board, including, but not limited to, formal censure and/or referral to the Regional Superintendent for removal from office under Board policy 2:60, *Board Member Removal from Office*."

Has the Board adopted this policy to include the optional sentence shown above?

- ☐ No. (Default)
  - ☐ Yes. (For districts in suburban Cook County, IASB will replace "Regional Superintendent" with "appropriate Intermediate Service Center Executive Director.")
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## **PRESSPlus Comments**

PRESSPlus 1. Updated for continuous improvement. **Issue 119, June 2025**