

Questions and Answers Window

*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/). 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, 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.")

* Required

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