

School Board

Board Member Removal from Office

If a majority of the School Board determines that a Board member has willfully failed to perform his or her official duties, it may request the Regional Superintendent to remove such member from office.¹

LEGAL REF.: 105 ILCS 5/3-15.5.

CROSS REF.: 2:70 (Vacancies on the School Board - Filling Vacancies)

ADOPTED: February 13, 2023

¹ Neither the voters nor the board has the authority to recall or remove a board member from office. The Regional Superintendent has the power to remove any board member from office for willful failure to perform official duties. 105 ILCS 5/3-15.5. The "majority of the board" requirement in this policy has no legal significance other than being standard operating procedure. The Regional Superintendent may act on his or her initiative.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center."

A *quo warranto* action is a rarely used method to remove a board member from office. This type of lawsuit is generally used to remove someone who holds office unlawfully, among other things. 735 ILCS 5/18-101. These actions are generally brought by the Ill. Atty. Gen. (AG) or the appropriate State's Attorney. If neither of them brings the suit, it may be brought by a plaintiff after (1) he or she requests the AG and State's Attorney to bring a quo warranto lawsuit, (2) they fail to do it, and (3) the circuit court with jurisdiction grants permission for the plaintiff to file the lawsuit (see the Niekamp case below). After receiving a court's permission to bring the suit, a plaintiff must post a bond when filing the proceeding. If the lawsuit is unsuccessful, the plaintiff must pay the defendant's attorney fees and costs. Depending upon the violation, the law allows the court to impose a \$25,000 fine or remove the board member from office. Notable cases involving quo warranto actions against school board members in Illinois include:

1. Ballard v. Niekamp, 961 N.E.2d 288 (Ill. App. 4, 2011) (affirming the ousting of a school board member for holding an incompatible office; the fellow school board members brought a quo warranto action asking the court to remove him from the school board).
2. Parker v. Lyons et al., 2012 WL 7005827 (Ill.App.3, 2012) (potential school board candidate had two felony convictions; the trial court allowed the State's quo warranto action barring him from running for the school board); People ex rel. Lyons v. Parker, 940 F.Supp.2d 832 (Ill. 2012) (petition for leave to appeal denied); Parker v. Illinois, 569 U.S. 933 (2013) (petition for writ of certiorari to the U.S. Supreme Court, denied).