

**Frank Avila**  
Attorney and Counselor at Law

February 10th, 2022



Dear School Board District 229:

I represent Robert Cruz in relation to his recent removal from his elected school board office. We are writing after the recent replacement was appointed to the vacated board seat. After more review of district 229 policy on removing a duly elected member, section 2.60:

“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.”

There is no provision in school code section 2.60 that allows removal by resolution.

The state statute 105ILCS 5/3-15 and 105 ILCS 5/3-15.5 which specifically calls for the regional superintendent to make such removals. It does not state that any local board can remove an elected official by resolution only. We have spoken to our regional superintendent in regards to this matter and she was unaware of these actions taken by district 229 until she “heard it on the news”.

We are therefore formally requesting that District 229 do the following:

1. Reverse the vacancy it declared on January 12<sup>th</sup> by resolution 2122-05
2. Reverse resolution 2122-04 declaring vacancy
3. FORMALLY REQUEST A HEARING WITH REGIONAL SUPERINTENDENT AS STATED IN THE STATE STATUTE 105ILCS 5/3-15 and 105ILCS 5/3-15.5

You have 14 days from the date of this letter to respond/comply. My client prefers to handle this matter according to the law but will use the judicial branch and any other regulatory agency to ensure this matter is handled according to state law.

E-mail: [FrankAvilaLaw@GMail.com](mailto:FrankAvilaLaw@GMail.com), or call me at (773)-671-3480 for any questions.

Respectfully requested,

By: *Electronic Signature of Frank Avila*

Frank Avila—Attorney for Robert Cruz

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