BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Resolution # 24/25-73

RESOLUTION OF THE BOARD OF EDUCATION ADOPTING PROCESS FOR A PROVISIONAL APPOINTMENT TO FILL A BOARD VACANCY

WHEREAS, a vacancy is created when an incumbent of a public office resigns from public office (Education Code § 5090);

WHEREAS, Cherise Khaund, an incumbent member of the Mt. Diablo Unified School District Board of Education, resigned from her duties on June 16, 2025, vacating her seat on the Board;

WHEREAS, Education Code § 5091 and Board Bylaw 9223 provide that when a vacancy occurs on a school district governing board, the Board may make a provisional appointment to fill the Board vacancy;

WHEREAS, the Contra Costa County Elections has notified the District that the cost of a special election to fill the vacancy would likely range between $434,060 - $552,440.

WHEREAS, the Board believes that these funds can be more prudently expended on the educational programs of the District;

WHEREAS, the Board has determined that it is in the best interest of the District and the community to make a provisional appointment; and

WHEREAS, Board Bylaw 9223 provides the following process to bring forth nominees and/or applicants for the provisional appointment:

1. The Board shall advertise in the local media to solicit candidate applications or nominations;

2. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates; and

3. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE MT. DIABLO UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

1. Each of the above recitals is true and correct.

2. The Board expresses its respect for the electoral process and acknowledges its vital importance to the communities of the District.

3. The Board recognizes the Legislature's intent that provisional appointments may be used to fill school board vacancies in appropriate circumstances, such as the vacancy created by Trustee Khaund's resignation.

4. In light of the prohibitive cost to the District of conducting a special election, the Board's preference is that the monetary resources of the District be applied, insofar as possible, toward the operation and improvement of the District's educational programs.

5. The Board adopts the Criteria for Appointment to the Mt. Diablo Unified School District Board of Trustees that is attached to this Resolution as **Exhibit A**.

6. The Board adopts the above as the process identified in Bylaw 9223 to be utilized to bring forth applicants for the provisional appointment, including a Committee which shall consist of two Board members–Board President and one Trustee.

7. The Board adopts the Timetable for Provisional Appointment to the Mt. Diablo Unified School District Board of Trustees that is attached to this Resolution as **Exhibit B**.

8. The Superintendent is authorized and directed to notify the Contra Costa County Superintendent of Schools of the Board's decision to fill the vacancy by way of a provisional appointment, by forwarding to him an executed copy of this Resolution.

9. The Board hereby delegates authority to the Superintendent and/or his designee to take such additional action as may be required to carry out the purpose of this Resolution.

AYES: 4 NOES: 0 ABSENCES: 0 ABSTENTIONS: 0

Linda Mayo, Board President

Debra Mason, Board Vice President

Tom McDougall, Board Member

Keisha Nzewi, Board Member

Dr. Adam Clark, Superintendent

Susanne Starecki Kim
General Counsel
6/27/25

Resolution 24/25-723

Adopted at the meeting of the MDUSD Governing Board of Education on 06/25/2025

Exhibit A: Criteria for appointment to the Mt. Diablo Unified School District Board of Education

I. Education Code § 35107 - Who is eligible to serve on a school board?

School boards are nonpartisan. Candidates for boards are not required to belong to a political party. In California, you may be appointed to a governing board of a school district if you are: 1) 18 years of age or older; 2) A citizen of the state; 3) A resident of the school district; 4) A registered voter; and 5) Not disqualified by the constitution or laws of the state from holding a civil office. Additionally, a resident of the Mt. Diablo Unified School District must also qualify by Trustee Area in which the vacancy has occurred.

II. Preferred Qualifications

In evaluating candidates for appointment to the Board to fill the vacancy, the Board shall consider, among other things, the following preferred qualifications:

- Knowledge of School Board Member's fiduciary duties;
- Knowledge of the Mt. Diablo Unified School District; and
- Knowledge and/or practical experience needed to understand publicly funded school district issues – finances, budget, personnel, policies.

In addition to the qualifications listed above, the Board shall also consider, among other things, whether the candidate:

- Has demonstrated leadership qualities, based upon past experience and achievements;
- Has clear knowledge of what a Board Member must do to engage the community in support of the schools and parents in the successful education of their children;
- Has a clear understanding of the ethical responsibilities of his/her role on the Board;
- Has the time and energy necessary to be an informed and effective school Board Member;
- Has demonstrated an understanding of the need to keep confidential matters confidential;
- Has demonstrated an understanding that authority rests with the Board as a whole and not with individuals; and
- Recognizes and respects differences of perspective and style among District Board Members, staff, students, parents, and the community.

Exhibit B: Timetable for Provisional Appointment to the Mt. Diablo Unified School District Board of Education

1. As soon as reasonably possible, the Superintendent, or his designee, will make efforts to notify the community of the vacancy and solicit applications for the provisional appointment.

2. Application forms and a copy of Resolution No. 24/25-73. will be made available to all interested persons.

3. To be considered, an application from an interested person must be received at the District Office no later than 4:00 p.m. on July 23, 2025.

4. The Committee shall screen the applications to ensure that the applicant satisfies the legal requirements for appointment. All applications meeting the legal requirements will be processed in accordance with Resolution No. 24/25-73.

5. If more than three candidates meet the legal requirements, then the Committee shall interview the candidates and make a recommendation for three finalists for the full Board to interview.

6. The Board will conduct a special meeting on or before August 15, 2025, at which time it will interview each of the finalists and select the candidate to be provisionally appointed to the Board. The appointee will be sworn in at the beginning of the next regular public meeting.

7. Within sixty (60) calendar days after June 16, 2025 (i.e., not later than August 15, 2025), the Board will make a provisional appointment.

Following the Board's action to make a provisional appointment, the Superintendent is hereby authorized to publish the notice required by Education Code § 5092.