BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Application Packet for Provisional Appointment

The Mt. Diablo Unified School District is looking to fill a vacancy on its five-member Board of Education. Following former trustee Cherise Khaund's resignation from the Board of Trustees, a vacancy has opened on the Board in Trustees Area # 4. On June 25, 2025, the Board announced its intention to begin the process of provisionally appointing an interested candidate to fill Ms. Khaund's vacated seat. Please see Board of Education Resolution # 24/25-73.

Interested candidates are invited to complete this application packet and submit it to the District Office at 1936 Carlotta Drive, Concord, CA 94519, or via email to Executive Assistant Laura Juranek (juranekl@mdusd.org) by 4:00 P.M. on July 23, 2025.

The Application Packet includes:

1. Exhibit A: Criteria for appointment to the Mt. Diablo Unified School District Board of Education
2. Exhibit B: Timetable for Provisional Appointment to the Mt. Diablo Unified School District Board of Education
3. Application Form
4. Mt. Diablo Unified School District Board of Education Board Bylaw 9223

The Board is responsible for ensuring the District operates effectively and efficiently. Trustees commit a significant amount of time, energy, effort and dedication to ensure that the District can appropriately serve our community. For more information regarding the provisional appointment process, or the duties of a school board, please contact the Superintendent's Office.

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.

Application

Requesting Interested Candidates to apply before the submission deadline at 4:00 p.m. on July 23, 2025, in the office of the Superintendent or by email to: juranekl@mdusd.org. Candidates may submit a statement as part of their candidate application.

Name: Sherry Whitmarsh Date: 7/22/2025

Address: [redacted] Phone: [redacted]

Email: [redacted]

Employment:

Employer	Position	Dates of Employment
Retired		7/2021
Chevron	IT Manager	9/3/1985-7/1/2021

Education:

Institution	Degress	Dates of Attendance
Cal State University, East Bay (Formerly Hayward)	BS, Computer Science	1984-1985

Candidate Questions (each with a 300-word Limit):

1) Why do you want to be a school board member?

I have been involved in MDUSD schools since 1999 in a variety of roles and schools. I believe each child in our district should receive an excellent education and the board's role is to ensure the policies and strategies are in place to make that happen. I believe in equity, diversity, and inclusivity is important and should be recognized. I want to see MDUSD's schools be recognized for their achievements.

2) What specific experience do you have that would qualify you to serve as a member of the Mt. Diablo Unified School District?

In my work experience I have managed and led teams ranging in all sizes and managed budgets in excess of $500mm. I understand the importance of listening and responding to concerns of all people. I know that communication is key to building trust and transparency, not just to students and parents, but also staff and the community. I have worked with large and diverse groups of people and have the skills to bring people together. I have been involved in classroom volunteering in Title 1 schools, and I've served on PTA/PFC boards in MDUSD since 2001. My children with to MDUSD schools K-12th grade. I facilitated creating a strategic plan for MDUSD in 2010-2011. I was a founding member of the Mt. Diablo Education Foundation as well as the United Mt. Diablo Athletic Foundation, created when MDUSD eliminated school sports.

3) What specific strengths, skills, or abilities, both personal and professional, would you contribute to the board? Do you have input on how the school district should align financial resources to improve student achievement, equity, and wellness?

As previously mentioned, I have served on many school parent boards and have been part of the MDUSD BOE during the recession in 2008. I know making hard decisions isn't always popular but must be done to ensure all students can succeed. There is no cookie cutter for MDUSD's success. Each school is unique to the community it serves - this includes our alternative schools and programs as well as our adult education. To that end, understanding what is needed varies by school and community needs. Financial resources are limited and should be applied to programs that are proven to improve the education of our students. Parent/guardian/student/community engagement is key to communicating MDUSD strategies, successes, and even those that didn't work out as planned. Communication should be done in a manner that is understandable to the stakeholders.

4) How have you been engaged with members of the Mt. Diablo Unified School District community (staff and parents)?

Various PFC/PTA/Athletic booster/Music booster board member (Bancroft Elementary, Oak Grove Middle School, Ygnacio Valley High school, Mt. Diablo Council of PTAs) from 2001-present.

Mt Diablo Education Foundation Founding member

United Mt Diablo Athletic Foundation Founding member

MDUSD Board of Education (2008-2012)

Classroom Volunteer

In all of the above roles I was engaged with staff, parents/guardians, students, and community members. Sometimes the engagement was very emotional, especially in times of severe budget cuts. I always try to ensure that I understand what the person is saying even though I may not always agree with them.

5) What do you see as the strengths of the Mt. Diablo Unified School District?

The strengths of MDUSD are:
- Leadership (Dr. Clark and his direct reports)
- Financial viability of the district
- The diversity of our students and staff

6) What do you see as the area(s) most needing improvement in the Mt. Diablo Unified School District?

The areas of improvement are:
- Moving the needle on Title 1 schools
- Making all schools attractive so that the zoning of a neighborhood is not important
- Communicating what is happening in MDUSD to those community members who don't have students attending MDUSD.

7) Identify a recent board decision that you felt strongly about, and describe how you would balance community concerns, student needs, state and federal law, staff considerations, and your personal values and beliefs to determine how to vote on the issue:

Recently the board made the decision to sell KVHS. Since 2012 KVHS did not have a student program yet the board continued to fund it. KVHS does have a loyal and vocal following. The community should have received information, using social media and local news outlets, to explain the reason KVHS not being viable. MDUSD should have provided multiple opportunities for community members to voice their concerns. The FCC has specific rules about what action could be done. I fully support MDUSD vote to stop funding KVHS and making the cost savings available to programs that will support our students and staff.

8) What do you see as the basic purpose of public schools?

The basic purpose of public schools is to deliver an education that prepares all students for their future. This extends to all students regardless of race, gender, socio-economic level, or national origin. It does this by providing exceptional curriculum, offering a variety of activities, such as sports, arts, clubs, and services, like counseling.

9) What is the role of the governing board in the fulfillment of that purpose?

CSBA states it best:

The role of the school board is to ensure that school districts are responsive to the values, beliefs and priorities of their communities. Boards fulfill this role by performing five major responsibilities:

Setting direction
Establishing an effective and efficient structure
Providing support
Ensuring accountability
Providing community leadership as advocates for children, the school district and public schools

10) How does the board's role differ from that of the superintendent?

The board approves policies and ensures accountability for all facets of the district. It sets direction for the superintendent. The superintendent is the operational aspect to ensure policies are enacted, exceptional staff are hired, and the district can be financially viable.

I declare under penalty of perjury under the laws of the State of California that the forgoing Application for a Provisional Appointment is true and correct. Executed July 22, 2025 at Concord, California.

Name: Sherry Whitmarsh Signature: Sherry Whitmarsh

Complete the Verification of Education Code § 3517 requirement:

Please verify by indicating Yes or No to the following:	Yes	No
Are you 18 years of age or older?	X	
Are you a U.S. citizen?	X	
Do you reside within Trustee Area # 4 of Mt. Diablo Unified School District?	X	
Are you a registered voter?	X	
I am not disqualified by the United States Constitution or the laws of the State of California from holding civil office, and I am eligible to be appointed a member of the governing board of the Mt. Diablo Unified School District.	x	
I am willing to file a Conflict of Interest Statement.	X	
Are you disqualified by the Constitution and/or the laws of the state from holding a civil office for any of the following reasons:	**Yes**	**No**
Have you ever received a reward for an appointment to an office?		X
Have you ever asked for or received a bribe for the purposes of obtaining an office or election?		x
Have you ever been convicted of embezzlement or falsification of accounts?		X
Have you ever been convicted of forgery?		X
Have you ever been convicted of racketeering, extortion, or conspiracy?		X
Have you ever been impeached from office?		X
Have you ever served as a legislator and been found in contempt of the legislature?		x
Have you ever been convicted for neglect or violation of official duty?		X
Have you ever been convicted of illegal participation in public contracts and conveyances?		x
Have you ever been convicted of perjury? Have you ever taken an oath of assumption of foreign obligations?		x
Signature:	Sherry Whitmarsh	
Date:	7/22/2025	

This application is public information

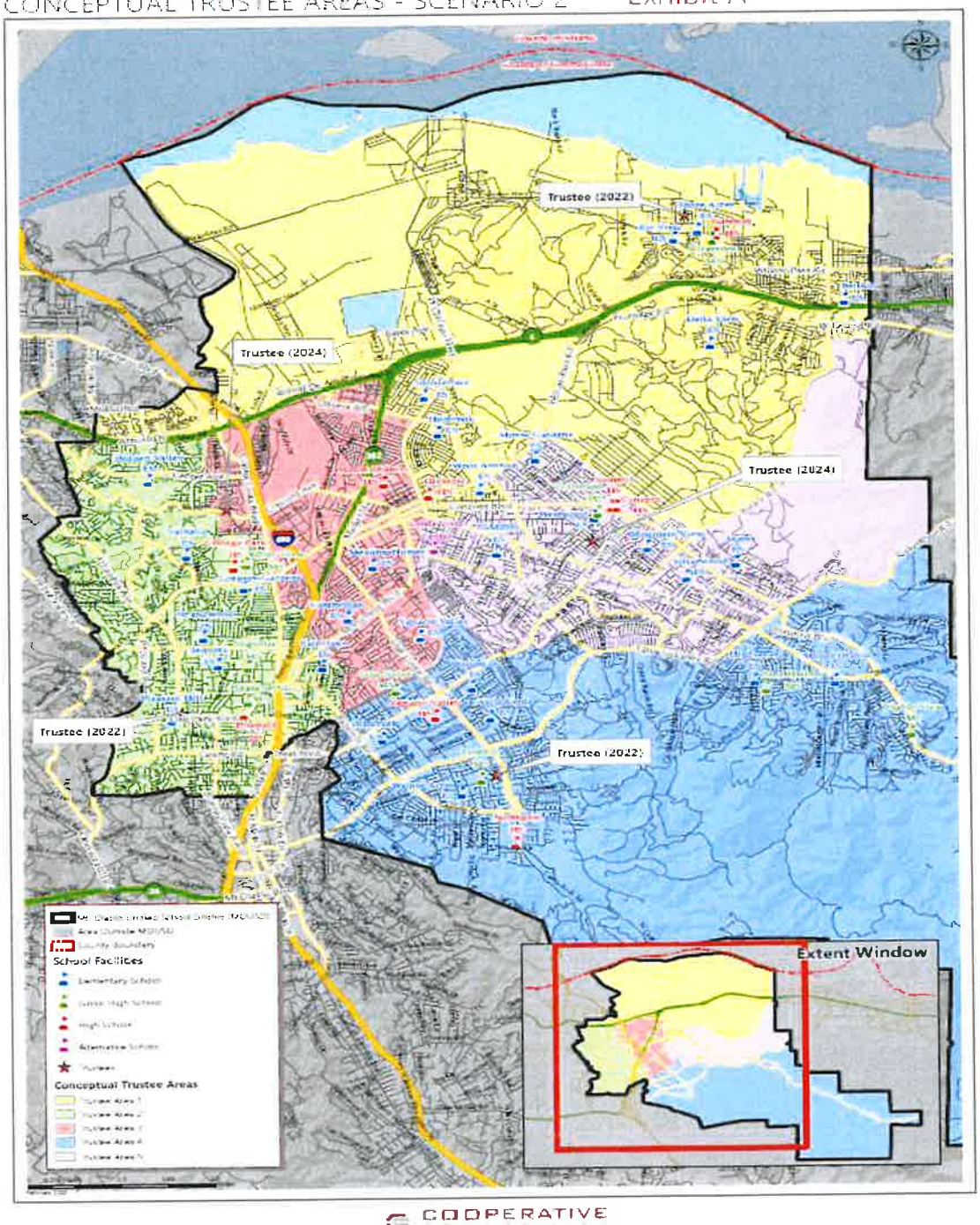
RESIDENCY DECLARATION

I, Sherry Whitmarsh, hereby declare that I reside within the boundaries of Trustee Area Four of the Mt. Diablo Unified School District, pursuant to the statutory definition of residency provided in Government Code § 244 and applicable law. Trustee Area Four includes the Walnut Creek, Clayton and Concord Areas. A map of Trustee Area Four is enclosed. If there is any change in the status of my residency, I agree to immediately notify the Mt. Diablo Unified School District in writing.

Name: Sherry Whitmarsh Signature: Sherry Whitmarsh

Date: 7/22/2025

MT DIABLO UNIFIED SCHOOL DISTRICT
CONCEPTUAL TRUSTEE AREAS - SCENARIO 2 Exhibit A



COOPERATIVE

Bylaw 9223: Filling Vacancies

Status: ADOPTED

Original Adopted Date: 08/01/2014 | **Last Revised Date:** 10/16/2024 | **Last Reviewed Date:** 10/16/2024

Events Causing a Vacancy

A vacancy on the Governing Board may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)

2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)

3. A Board member's resignation in accordance with Board Bylaw 9222 - Resignation (Government Code Section 1770)

4. A Board member's removal from office by recall (Elections Code 11386; Government Code 1770)

5. A Board member's ceasing to be a resident of the district (Government Code 1770)

6. A board member's ceasing to inhabit the trustee area represented by the Board member. (Government Code Section 1770)

7. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)

a. Upon district business with the approval of the Board

With the consent of the Board for an additional period not to exceed a total absence of 90 days

b. In the case of illness or other urgent necessity, and upon a proper showing thereof, for more than 90 days.

c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve during the absence. If two or more Board members are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

8. A Board member's ceasing to discharge the duties of the office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law (Government Code 1770)

9. A Board member's conviction of a felony or any offense involving a violation of official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)

10. A Board member's refusal or neglect to file the required oath within the time prescribed (Government Code 1770)

11. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)

12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant

addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs between six months and 130 days before a regularly scheduled Board election at which the vacant position is not scheduled to be filled, the vacancy shall be filled by a special election consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position was elected to fill. (Education Code 5093)
3. When a vacancy occurs any time outside of the statutory time windows identified in Items #1 and #2 above, the Board shall either order an election or make a provisional appointment within 60 days of the date of the vacancy or the filing of the member's deferred resignation, whichever is sooner. (Education Code Section 5091, 5093)

Eligibilityfor Appointment

In order to be appointed to fill a vacancy on the Board, a person must meet the eligibility requirements specified in law and Board Bylaw 9220-Governing Board Elections.

Provisional Appointments

When, as authorized by law, the Board has opted to make a provisional appointment to fill a vacancy, the Board, by resolution, may approve the procedures for selecting the person to be provisionally appointed to fill the vacancy. These procedures may, but are not required to, include the following:

1. Advertising in the local media to solicit candidate applications.
2. Establishing a committee consisting of less than a quorum of the Board to ensure that applicants are eligible for Board membership and announce the names of the eligible candidates.
3. Interviewing the candidates at a public meeting.

Within 10 days after the Board makes a provisional appointment to fill a Board vacancy, the Superintendent or designee, on behalf of the Board shall post a notice of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The Superintendent or designee shall post the notice as follows: (Education Code Section 5092)

1. In three public places within the district or, if applicable, trustee area.
2. On the district's website
3. In a newspaper of general circulation published in the district, if such a newspaper exists.

The notice shall contain: (Education Code 5092)

1. The fact of the vacancy or resignation
2. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
3. The full name of the provisional appointee to the Board and the date of the provisional appointee's appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, the appointment shall become an effective appointment

The person appointed shall only hold office until the next regularly scheduled election for district Board members(Education Code 5091)

If within 30 days of the Board's appointment, registered votes of the district or, where elections are by trustee areas, of the trustee area, submit a petition for special election that the County Superintendent determines to be legally

sufficient, the provisional appointment is terminated, and a special election shall be held in accordance with Education Code Section 5091 to fill the vacancy.

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated, and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

When, as authorized by law, the Board seeks to make an appointment because of a failure to elect, the Board, by resolution, may approve any additional procedures for selecting the person to be appointed to fill the vacancy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 35107	School district employees
Ed. Code 35178	Resignation with deferred effective date
Ed. Code 5000-5033	Election of school district board members
Ed. Code 5090-5095	Vacancies on the board
Ed. Code 5200-5208	Districts governed by boards of education
Ed. Code 5300-5304	General provisions: conduct of elections
Ed. Code 5320-5329	Order and call of elections
Ed. Code 5340-5345	Consolidation of elections
Ed. Code 5360-5363	Election notice
Ed. Code 5420-5426	Cost of elections
Ed. Code 5440-5442	Miscellaneous provisions
Elec. Code 10600-10604	School district elections
Elec. Code 11000-11386	Candidates for recall
Gov. Code 1064	Absence from state
Gov. Code 1770	Vacancy of office
Gov. Code 3000-3003	Forfeiture of office
Gov. Code 3060-3075	Removal other than by impeachment
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 6061	Manner of notice as prescribed in designated section
Pen. Code 88	Crimes against legislative power

Federal	Description
18 USC 704	Military medals or decorations

Management Resources	Description
Attorney General Opinion	105 Ops.Cal.Atty.Gen. 182 (2022)
Attorney General Opinion	58 Ops.Cal.Atty.Gen. 888 (1975)
CSBA Publication	Filling a Board Vacancy, rev. 2022
Website	CSBA District and County Office of Education Legal Services
Website	California State Attorney General's Office, Quo Warranto Applications
Website	CSBA

Cross References	Description
1113	District And School Websites
1113	District And School Websites
1113-E PDF(2)	District And School Websites
1340	Access To District Records
1340	Access To District Records
9100	Organization
9110	Terms Of Office
9130	Board Committees
9220	Governing Board Elections
9220-E(1)	Governing Board Elections
9222	Resignation
9224	Oath Or Affirmation
9230	Orientation
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board
9323.2-E PDF(4)	Actions By The Board