



Los Angeles Unified School District  
PARENT ADVISORY COMMITTEE (PAC)

BYLAWS

**ARTICLE I: AUTHORITY**

The California Education Code (Ed. Code) sections 52062 and 52063, attached as “Attachment A,” requires the establishment of a district-wide parent advisory committee to provide advisory opinions to the governing board and the superintendent of a school district regarding the Local Control and Accountability Plan (LCAP) (Ed. Code section 52060.)

The parent advisory committee will include parents or legal guardians of pupils to whom one or more of the definitions in Section 42238.01 apply. Herein, the Los Angeles Unified School District (LAUSD) Parent Advisory Committee will be referred to as the “PAC.” These Bylaws shall be used to govern the PAC. Bylaws may never conflict with District policy and applicable state or federal laws, regulations, and guidelines. Should any provision conflict with District policy or state or federal requirements, such provision will be deemed invalid and unenforceable. The PAC is not authorized to represent the LAUSD without proper District authorization, nor can they make any decisions, enter into any contract, or spend public funds.

**ARTICLE II: PURPOSE**

The PAC shall review, advise, and comment on the District’s Local Control and Accountability Plan (LCAP).

**ARTICLE III: RESPONSIBILITY**

*Section A*

The responsibilities of the Parent Advisory Committee shall be as outlined in the California State Education Code sections 52062 and 52063.

The PAC shall review, advise, and comment on the District’s Local Control and Accountability Plan (LCAP) regarding the requirements in Article 4.5 of the Education Code.

*Section B*

In order to provide meaningful comment, the PAC may review all relevant LCFF listings and descriptions of LCFF expenditures for the fiscal year, and any supporting data and other material which permits timely and effective evaluation of the applicability of goals, progress, and assessment of actions referred to in Ed. Code sections 52061 and 52062.

32 *Section C*

33 In order to provide meaningful LCAP comments, the PAC may participate in relevant training sessions, in a  
34 timely manner, to assist members in carrying out their responsibilities under the subject-matter jurisdiction  
35 of the PAC. Such training may include, but not be limited to, PAC operations, the role of members and  
36 officers, parliamentary procedures, the 8 State Priority Areas, and the 5 District Goals.

37 *Section D*

38 The PAC will review any proposed revisions and updates to the District's LCAP and submit written  
39 comments to the Superintendent and the Board of Education.

40 *Section E*

41 The PAC may review the Superintendent's written responses to PAC comments, and may generate feedback  
42 on these responses.

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**ARTICLE IV: MEMBERSHIP**

47 *Section A*

48 Parent leadership training may include, the following topics related to the PAC:

49 The Greene Act, Education Code section 35147

50 Robert's Rules of Order and Parliamentary Procedure

51 Role of Officers

52 Understanding and Analyzing Data

53 Student Achievement

54 Parent Engagement

55 District Policies

56 Parent Rights and Responsibilities

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58 As authorized by the PAC and PCS members may partner with Local Districts on a regular basis to  
59 disseminate to their respective school communities information gathered at meetings of the PAC when  
60 relevant.

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62 Composition/Requirements: “Parent” will have the same definition as defined by CA Ed Code 56028 or  
63 unless defined otherwise below. The PAC will have 55 parent members and 24 alternates, as follows: each  
64 Board Member will appoint 1 parent from each Board district for a total of 7 parents; 12 Foster Youth  
65 parents/guardians or agency representatives plus 6 alternates; 2 parents/guardians of English learners will  
66 be elected per Local District for a total of 12 English learner representatives; 2 parents/guardians of students  
67 who are eligible for free or reduced-price meal program will be elected per Local District for a total of 12  
68 Low Income representatives; and 2 parents/guardians for parents At-Large will be elected per Local District  
69 for a total of 12 parents At-Large representatives.

70 A PAC member’s term will take effect following acknowledgment by PCS of the receipt of a certification form  
71 from each of the Local District elections, pending verification, notwithstanding the seven members selected  
72 by the LAUSD Board of Education.

DRAFT

	Number of Parents/Guardians for At-Large	Number of Parents/Guardians for Eligible for free or reduced-price meal program	Number of Parents/Guardians for English Learners	Number of Legal Guardians of Foster Youth	TOTAL
Local District Central	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	8
Local District East	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	8
Local District West	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	8
Local District South	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	8
Local District Northeast	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	8
Local District Northwest	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	(2 + 1 alternate)	8
Board Member Selection	7 total (1 per Board District)				7
					55

73 *Section B*

74 Terms of Membership:

75 Members of the PAC include representatives and alternates. Representatives are members who have been  
76 appointed to vote on issues. Alternates are members but are not representations because they cannot vote  
77 unless seated.

78 Members may serve for a two school year term (July 1 to June 30), with half of the committee members'  
79 term expiring on alternating years. A term begins on the date of the first official meeting after the election  
80 and ends at the election of new members.

81 No member can be elected as a representative or alternate at two Local Districts, or for the Local District and  
82 for the seats appointed by Board members, simultaneously. Should this occur, the second appointment  
83 would be designated null and void.

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85 *Section C*

86 Rights and Guidelines:

87 Voting: Each member is entitled to vote. Absentee ballots, secret ballots, and voting by proxy are not  
88 permitted. Individuals must be present in order to vote and be elected as a member, alternate or officer.  
89 Members' actions must adhere to these: PAC Bylaws, Board Of Education Resolution To Enforce The  
90 Respectful Treatment Of All Persons, and the Operating Norms and Code of Conduct. Failure to adhere to  
91 the –Operating Norms and Code of Conduct, and Board Of Education Resolution To Enforce The Respectful  
92 Treatment Of All Persons may result in termination or suspension from the PAC,  
93 Individual PAC members may not claim to advocate on behalf of the PAC without authorization. No  
94 individual member may commit the PAC to any action or recommendation without approval from the PAC.

95 *Section D*

96 Reimbursement:

97 PAC representatives and alternates will be reimbursed according to District policy guidelines and/or the  
98 Office of Parent and Community Services guidelines for reimbursement.

99 *Section E*

100 Alternates:

- 101 1. Representatives and alternates must be physically present in the meeting room in order to be  
102 counted during roll call.
- 103 2. Alternates will be seated 30 minutes after the scheduled meeting start time.
- 104 3. After 60 minutes, no alternate or representative may be seated.
- 105 4. Alternates who are seated will serve as the official voting members for the duration of that meeting,  
106 regardless of whether the representative eventually arrives.
- 107 5. Alternates are not eligible to serve as officers.

108 *Section F*

109 Attendance:

- 110 1. Members must be present for a minimum of 2 hours from the schedule meeting start time to be  
111 counted as present.
- 112 2. Any member arriving 60 minutes after the scheduled start time of the meeting will not be seated and  
113 is recorded as absent for that meeting.

- 114 3. Representatives are allowed three absences. A first warning letter will be issued to a representative  
115 after the second absence. A final warning letter will be issued to a representative after the third  
116 absence per the terms of this section
- 117 4. Only an elected PAC alternate is eligible to fill an elected representative vacancy.
- 118 5. It is the responsibility of the representatives to notify the PAC through PCS of any absences.

119 *Section G*

120 Vacancy and Process for Local District-elected Representatives and Alternates:

121 A representative vacancy occurring during the year will be filled by an eligible PAC alternate, in the same  
122 category and Local District as the representative vacancy, for the remaining portion of the term at the next  
123 regularly scheduled meeting, notwithstanding the substitution for individual meetings. To fill the vacant  
124 representative seats of the PAC, if there are no alternates available within that category for the Local  
125 District, the following steps must be taken:

- 126 1. In order to fill the vacant representative seat of the parent of an English learner, the school principal, in  
127 consultation with the School Site Council, will select the parent of an English learner from the school to  
128 attend a Local District election. For schools not required to form a School Site Council, the principal may  
129 consult with a formal governing body at the school. A school's English Learner Advisory Committee  
130 Chairperson cannot serve as the school's representative to the Local District election.
- 131 2. In order to fill the vacant member seat of the parent of a Low Income Youth, the school principal, in  
132 consultation with the School Site Council, will select a parent of a Low Income Youth from the school to  
133 attend a Local District election. For schools not required to form a School Site Council, the principal may  
134 consult with a formal governing body at the school.
- 135 3. In order to fill the vacant member seat of a parent At-Large, the school principal, in consultation with  
136 the School Site Council, will select any parent from the school to attend a Local District election. For schools  
137 not required to form a School Site Council, the principal may consult with a formal governing body at the  
138 school.
- 139 4. In order to fill the vacant member seat of a parent/guardian of Foster Youth, the school principal will  
140 select a parent/guardian of Foster Youth from the school to attend a Local District election.

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143 *Section H*

144 Vacancy for Board-Selected Members:

145 A member vacancy for a Board-selected seat will be filled by Board Member selection for the remaining  
146 portion of the term.

147 *Section I*

148 Vacancy for Officers:

149 An officer vacancy occurring during the year may be filled by election for the remaining portion of the term  
150 at the next regularly scheduled meeting, except for the Chairperson position, which may be filled through  
151 succession by the Vice Chairperson. Public notice must be provided and the item listed on the agenda. An  
152 officer position may not be assigned and is not transferable.

153 *Section J*

154 Vacancy for Alternates:

155 An election will be held for a vacancy in the alternate category by a Local District when there is no remaining  
156 alternate in the category of a Local District. Alternates will be elected to a 1-year term.

157 *Section K*

158 Resignation

159 A PAC member or officer may resign their position at any time but must do so in writing by submitting a  
160 signed letter of resignation or verbally to the PAC Chairperson.

161 *Section L*

162 Resource

163 As authorized by the District and the PAC, members can serve as a resource at the District, Local District, and  
164 school-site levels for other parents/guardians, students, and school personnel on matters related to the  
165 implementation of LCFF through the LAUSD LCAP. In addition, members are encouraged to seek input from  
166 parents/guardians, community, students, and school personnel, especially from their Local District or Board  
167 District.

168 *Section M*

169 Confidentiality

170 Members' personal information shall be kept confidential and may not be used for personal matters.

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**ARTICLE V: TERMINATION**

173 *Section A*

174 Any representative selected by a Board Member to represent a Board District will be terminated  
175 automatically from the PAC when his/her child no longer attends a school within that Board District. Any

176 Board-appointed representative terminated pursuant to Article IV, "Membership," Section F, cannot be  
177 reappointed to represent any Board District for the remainder of the school year as well as for the following  
178 school year.

179 *Section B*

180 Any Local District representative will be terminated automatically from the PAC when:

- 181 1. His/her child no longer attends a school within the Local District for which the parent was elected to  
182 represent.
- 183 2. His/Her child is no longer in the category that the parent was elected to represent, except as  
184 provided in subsection F. of this section.

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186 *Section C*

187 Representatives who are absent from four regular meetings and/or LCAP sessions will be immediately  
188 notified of termination in writing. The representative will not be eligible for re-election to the PAC for a  
189 period of one school year, not including the year in which the membership was terminated. A representative  
190 notified of their possible termination has the right to appeal this notice to the Termination Subcommittee.

191 *Section D*

192 In the case of the graduation of the child or the loss of association with the category, Foster Youth agency,  
193 Local District or Board District, the member will lose membership and the alternate to the member will  
194 become the seated member, or, in the absence of an available alternate, an election/selection will be held  
195 to fill the vacancy.

196 *Section F*

197 In instances when a foster guardian is no longer licensed from the State of California to serve as a foster  
198 guardian over LAUSD students, the membership of the guardian on the PAC will be terminated. If a  
199 kin-care guardian is no longer considered eligible to provide guardianship over LAUSD students, the  
200 membership of the guardian on the PAC will be terminated.

201 *Section G*

202 In instances when a Foster Youth agency representative is no longer working with the specific foster agency  
203 serving LAUSD students, which qualified the representative to participate in elections, the membership of  
204 the representative on the PAC will be terminated.

205 *Section H*



206 A representative's PAC membership may be terminated by the PAC when he/she does not adhere to any one  
207 or more of the following:

- 208 1. These Bylaws, Board Of Education Resolution To Enforce The Respectful Treatment Of All Persons,  
209 the LAUSD Operating Norms and Code of Conduct.
- 210 2. District Code of Ethics, including reporting accurate information of residence, of childcare  
211 reimbursement or of other qualification for Membership.
- 212 3. The PAC's commitment to prohibit speaking or acting on behalf of the PAC without authorization of  
213 the PAC or the District.

## 214 **ARTICLE VI: PAC OFFICERS**

### 215 *Section A*

216 PAC officers will be elected during the month of October each year, and will serve a term of one school year  
217 from the day elected until new officers are elected in October of the following year.

### 218 *Section B*

219 Representatives are eligible to be elected as officers. An alternate may not serve as an officer.

### 220 *Section C*

221 All officers will be duly and democratically elected by a majority vote of the PAC membership. Nominees and  
222 voting members must be physically present at the election meeting. All attendance requirements in Article  
223 IV, Section F, will also apply to all officers.

### 224 *Section D*

225 A run-off election will be held between the top two vote getters when no one nominee receives a majority  
226 vote.

### 227 *Section E*

228 Newly elected officers will assume their positions upon the conclusion of officer elections.

### 229 *Section F*

230 All officers will be offered the opportunity to attend and complete an officer-training course presented by  
231 PCS prior to the second regular PAC meeting. If an officer does not complete this officer-training course in a  
232 timely manner, they will not be eligible to serve as an officer.

### 233 *Section G*

#### 234 PAC Officers:

- 235 1. Chairperson
- 236 2. Vice-Chairperson

- 237 3. Secretary
- 238 4. Assistant Secretary
- 239 5. Parliamentarian
- 240 6. Public Relations Officer

241 *Section G*

242 Officers' Responsibilities:

243 The PAC officers will become familiar with the content of these Bylaws, the Greene Act, the process to  
244 review and provide comments to the LCAP, and relevant State and District regulations and guidelines,  
245 pertaining to the programs and services for the LCAP subgroups in order to assist with the following:

- 246 1. Plan the agenda with PCS and District Staff prior to regularly scheduled meetings to recommend  
247 resources that will benefit the PAC membership. Agenda planning shall be done in a public meeting.
- 248 2. Provide input into the structure of LCAP review-and-comment sessions, in consultation with the  
249 membership
- 250 3. Recommend formation of standing and ad hoc committees, as appropriate
- 251 4. Ensure that LCAP comments are presented annually to the Board of Education

252 No officer shall participate in closed-session, substantive trainings on the subject matter jurisdiction of  
253 the PAC nor submit comments on the LCAP other than the comments generated in the review-and-comment  
254 sessions and ratified by the membership.

255 *Section H*

256 Officers' Duties:

- 257 1. The Chairperson shall:
  - 258 a. Be fair and impartial at all times
  - 259 b. Preside over PAC meetings
  - 260 c. Sign letters, reports and other communications of the committee
  - 261 d. Perform additional duties appropriate to the office of the Chairperson
  - 262 e. Serve as the representative of the PAC on Board of Education committees when applicable
  - 263 f. Provide written or oral Chairperson's Reports to the PAC
  - 264 g. Announce to all members the date, time and place for the next agenda-planning meeting and all  
265 other PAC meetings
- 266 2. The Vice-Chairperson shall:
  - 267 a. Be fair and impartial at all times

- 268 b. Represent the Chairperson in his/her absence or in assigned duties as prescribed by Chairperson
- 269 c. Assist the Secretary when needed.
- 270 d. Assist with written motion forms
- 271 e. Be given the opportunity to serve as chairperson through succession
- 272 3. The Secretary shall:
- 273 a. Be fair and impartial at all times
- 274 b. Keep minutes of all PAC meetings
- 275 c. Provide original meeting minutes to PCS
- 276 d. Conduct roll call and determine whether quorum has been established
- 277 e. Maintain a current attendance roster
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- 279 4. The Assistant Secretary shall:
- 280 a. Be fair and impartial at all times
- 281 b. Assist the Secretary in keeping minutes of all PAC meetings
- 282 c. Assist the Secretary in providing original meeting minutes to PCS
- 283 d. Assist the Secretary in conducting roll call and determining whether quorum has been established
- 284 e. Assist the Secretary in maintaining a current attendance roster
- 285
- 286 5-. The Parliamentarian shall:
- 287 a. Be fair and impartial at all times
- 288 b. Announce the list of public speakers.
- 289 c. Assist the Chairperson in ensuring that all rules and bylaws are followed
- 290 d. Be knowledgeable about bylaws of the committee, parliamentary procedures, and the Greene
- 291 Act.
- 292 e. Maintain a position of impartiality and therefore does not make motions or vote. They may,
- 293 however, participate in debate.
- 294 6. The Public Relations Officer shall:
- 295 a. Be fair and impartial at all times
- 296 b. Promote the actions and purpose of the PAC to the public
- 297 c. Represent the opinions of the PAC when authorized by the committee
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299 **ARTICLE VII: MEETINGS**

300 *Section A*

301 Schedule:

302 PCS shall hold PAC regular meetings and sessions to review and comment on the LCAP. PAC officers and PCS  
303 staff may call trainings, orientations and elections, additional meetings, or subcommittee meetings as  
304 needed.

305 *Section B*

306 Quorum:

- 307 1. The quorum shall be established with the presence of 28 members, including any alternates seated in the  
308 absence of any elected representative.
- 309 2. Quorum shall be called no later than 60 minutes after the scheduled meeting start time.

310 *Section C*

311 Location of Meetings:

312 Subject to PCS approval, the PAC shall hold its regular meetings at the PCS office, or at a school or  
313 community facility with accessibility to the public, including persons with disabilities.

314 *Section D*

315 Meeting Open to the Public:

- 316 1. All meetings of the PAC shall be open to the public and operate under the Greene Act.
- 317 2. Notice of such meetings shall be provided in accordance with the Greene Act.
- 318 3. Members of the public may sign up for general public comment on a first-come, first-served basis,  
319 beginning 30 minutes prior to the start time of the meeting. A maximum of five public speakers will be  
320 heard. Two minutes will be allotted per person
- 321 4. Members of the public will have an opportunity to address the PAC on matters within the jurisdiction  
322 of the PAC. A maximum of three public speakers will be heard for a maximum of one minute each prior to  
323 any discussion on an agenda item. Persons wishing to speak may sign up 30 minutes prior to and up to 30  
324 minutes after the start of the meeting, on a first come, first served basis.

325 *Section E*

326 Meeting Agenda Notice:

327 Meeting agendas with date, time and location of meeting must be publically posted outside of the building  
328 in a plainly visible location, at least seventy-two (72) hours before the scheduled meeting.

329 *Section F*

330 Meeting Presentation:

331 PCS shall place comment sessions on the agenda for generating comments to the Superintendent on LCAP  
332 revisions or updates that are to be put to the LAUSD Board of Education for approval. A quorum of  
333 representatives for the final approval at the comment session must vote to approve those comments which  
334 are to be forwarded to the Superintendent.

335 PAC representatives should request the floor from the Chairperson before speaking. Representatives shall  
336 avoid repetition and shall endeavor to limit their comments to the subject matter at issue. Representatives  
337 shall limit their comments to matters within the subject matter jurisdiction of the PAC as defined within the  
338 LCFF statute and under the limitations set forth under the Greene Act.

339 When one representative is speaking, other members shall not interrupt or otherwise disturb the speaker;  
340 however, time limits may be set, as necessary, to ensure the maximum participation of all representatives.  
341 Representatives may question the person addressing the PAC at the conclusion of the person's comments or  
342 upon expiration of the person's time to speak. Such questions shall be directed to the presenter through the  
343 Chairperson. Members will treat each other with respect and avoid making personal comments about other  
344 members and otherwise will adhere to the LAUSD Board Of Education Resolution To Enforce The Respectful  
345 Treatment Of All Persons and Operating Norms and Code of Conduct.

346 *Section G*

347 Recording:

348 Meetings shall be video recorded, and video files shall be available on the PCS website.

349 **ARTICLE VIII: STANDING SUBCOMMITTEES**

350 The following shall be standing subcommittees of the PAC:

- 351 1. African-American
- 352 2. Attendance
- 353 3. Bylaws
- 354 4. English Learners
- 355 5. Foster Youth

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**ARTICLE IX: PARLIAMENTARY PROCEDURE**

The most recent edition of Robert’s Rules of Order shall govern the PAC with respect to parliamentary procedure, except to the extent they may conflict with LAUSD policies and procedures and state and federal law.

**ARTICLE X: AMENDMENTS**

These Bylaws may only be amended and revised by the PAC at either a regular or special-call meeting and with approval of PCS. All proposed amendments or revisions must be submitted in writing and provided to the membership at least 14 days prior to the proposed action, and then approved by a two-thirds majority of members present, provided that a quorum has been established.

**ARTICLE XI: BYLAWS**

Severability:

If any provision or provisions of these bylaws shall be held to be invalid, illegal, unenforceable or in conflict with District policies, state and/or federal guidelines, or state and federal law, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. These Bylaws are effective upon their approval by the Administrator of PCS.

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PAC Chairperson

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ATTACHMENTS

A. Ed Code language cited in Article I, "Authority"

ATTACHMENT "A"

Ed Code sections cited in Article I, "Authority"

**Education Code 52062** (a) Before the governing board of a school district considers the adoption of a local control and accountability plan or an annual update to the local control and accountability plan, all of the following shall occur:

(1) The superintendent of the school district shall present the local control and accountability plan or annual update to the local control and accountability plan to the parent advisory committee established pursuant to Section 52063 for review and comment. The superintendent of the school district shall respond, in writing, to comments received from the parent advisory committee.

**Education Code 52063** (a) (1) The governing board of a school district shall establish a parent advisory committee to provide advice to the governing board of the school district and the superintendent of the school district regarding the requirements of this article.

(2) A parent advisory committee shall include parents or legal guardians of pupils to whom one or more of the definitions in Section 42238.01 apply.

(3) This subdivision shall not require the governing board of the school district to establish a new parent advisory committee if the governing board of the school district already has established a parent advisory committee that meets the requirements of this subdivision, including any committee established to meet the requirements of the federal No Child Left Behind Act of 2001 (Public Law 107-110) pursuant to Section 1112 of Subpart 1 of Part A of Title I of that act.

**Education Code 42238.01**

Eligible for free or reduced-price meals" means determined to meet federal income eligibility criteria, either through completing an application for the federal National School Lunch Program or eligible for free or reduced-price meals under the federal National School Lunch Program, as described in Part 245 of Title 7 of the Code of Federal Regulations.

(b) "Foster youth" means any of the following:

413 (1) A child who is the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code,  
414 whether or not the child has been removed from his or her home by the juvenile court pursuant to Section  
415 319 or 361 of the Welfare and Institutions Code.

416 (2) A child who is the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code,  
417 has been removed from his or her home by the juvenile court pursuant to Section 727 of the Welfare and  
418 Institutions Code, and is in foster care as defined by subdivision (d) of Section 727.4 of the Welfare and  
419 Institutions Code.

420 (3) A non-minor under the transition jurisdiction of the juvenile court, as described in Section 450 of the  
421 Welfare and Institutions Code, who satisfies all of the following criteria:

422 (A) He or she has attained 18 years of age while under an order of foster care placement by the juvenile  
423 court, and is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or  
424 after January 1, 2013, and not more than 21 years of age, on or after January 1, 2014, and as described in  
425 Section 10103.5 of the Welfare and Institutions Code.

426 (B) He or she is in foster care under the placement and care responsibility of the county welfare department,  
427 county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an  
428 agreement pursuant to Section 10553.1 of the Welfare and Institutions Code.

429 (C) He or she is participating in a transitional independent living case plan pursuant to Section 475(8) of the  
430 federal Social Security Act (42 U.S.C. Sec. 675), as contained in the federal Fostering Connections to Success  
431 and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Section 11403 of the Welfare and  
432 Institutions Code.

433 (c) "Pupils of limited English proficiency" means pupils who do not have the clearly developed English  
434 language skills of comprehension, speaking, reading, and writing necessary to receive instruction only  
435 in English at a level substantially equivalent to pupils of the same age or grade whose primary  
436 language is English. "English learner" shall have the same meaning as provided for in subdivision (a)  
437 of Section 306 and as "pupils of limited English proficiency."  
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439 **Education Code 56028.** (a) "Parent" means any of the following:

440 (1) A biological or adoptive parent of a child.

441 (2) A foster parent if the authority of the biological or adoptive parents to make educational decisions on the  
442 child's behalf specifically has been limited by court order in accordance with Section 300.30(b)(1) or (2) of  
443 Title 34 of the Code of Federal Regulations.



444 (3) A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions  
445 for the child, including a responsible adult appointed for the child in accordance with Sections 361 and 726  
446 of the Welfare and Institutions Code.

447

448 (4) An individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent,  
449 or other relative, with whom the child lives, or an individual who is legally responsible for the child’s welfare.

450 (5) A surrogate parent who has been appointed pursuant to Section 7579.5 or 7579.6 of the Government  
451 Code, and in accordance with Section 300.519 of Title 34 of the Code of Federal Regulations and Section  
452 1439(a)(5) of Title 20 of the United States Code.

453 (b) (1) Except as provided in paragraph (2), the biological or adoptive parent, when attempting to act as the  
454 parent under this part and when more than one party is qualified under subdivision (a) to act as a parent,  
455 shall be presumed to be the parent for purposes of this section unless the biological or adoptive parent does  
456 not have legal authority to make educational decisions for the child.

457 (2) If a judicial decree or order identifies a specific person or persons under paragraphs (1) to (4), inclusive,  
458 of subdivision (a) to act as the “parent” of a child or to make educational decisions on behalf of a child, then  
459 that person or persons shall be determined to be the “parent” for purposes of this part, Article 1  
460 (commencing with Section 48200) of Chapter 2 of Part 27 of Division 4 of Title 2, and Chapter 26.5  
461 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code, and Sections 361 and 726  
462 of the Welfare and Institutions Code.

463 (c) “Parent” does not include the state or any political subdivision of government.

464 (d) “Parent” does not include a nonpublic, nonsectarian school or agency under contract with a local  
465 educational agency for the provision of special education or designated instruction and services for a child.

466 (Amended by Stats. 2008, Ch. 223, Sec. 12. Effective January 1, 2009.)

467