

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1124 Session of
2011

INTRODUCED BY D. O'BRIEN, BRIGGS, CUTLER, GEORGE, HARKINS,
MARSHALL, PARKER, PAYTON AND WAGNER, MARCH 21, 2011

REFERRED TO COMMITTEE ON EDUCATION, MARCH 21, 2011

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for exceptional
6 children, education and training.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 1372 of the act of March 10, 1949 (P.L.
10 30, No.14), known as the Public School Code of 1949, is amended
11 by adding a clause to read:

12 Section 1372. Exceptional Children; Education and
13 Training.--* * *

14 (9) Burden of Proof and Time Limitations Relating to
15 Exceptional Children.

16 (i) In all proceedings related to the provision of a free
17 appropriate public education for exceptional children, including
18 whether children are being educated in the least restrictive
19 environment, the local educational agency responsible for
20 providing education to the student with disabilities shall have

1 the burden of proof, the burden of production and the burden of
2 persuasion in any such proceeding, except with respect to any
3 determination of the appropriateness of any private school
4 placement unilaterally selected by a parent or guardian, the
5 burden of proof, production and persuasion shall rest upon the
6 student, the student's parent or the student's guardian.

7 (ii) School districts and intermediate units that seek to
8 evaluate a child under the Individuals with Disabilities
9 Education Act (Public Law 91-230, 204 U.S.C. § 1400 et seq.)
10 must complete the evaluation within sixty (60) calendar days of
11 receipt of permission from the parent or guardian to perform the
12 evaluation.

13 Section 2. This act shall take effect in 60 days.