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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 541 Session of  
2017

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INTRODUCED BY BROWNE, GREENLEAF, COSTA, MENSCH, BREWSTER AND  
RAFFERTY, MARCH 24, 2017

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REFERRED TO EDUCATION, MARCH 24, 2017

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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," in pupils and attendance, further  
6 providing for exceptional 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  
10 (P.L.30, No.14), known as the Public School Code of 1949, is  
11 amended by adding a paragraph to read:

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

14 (9) Burden of Proof for Exceptional Children. In a  
15 proceeding related to the provision of a free appropriate public  
16 education for exceptional children, including whether a child is  
17 being educated in the least restrictive environment, the local  
18 educational agency responsible for providing education to the  
19 child with exceptionalities shall have the burden of proof, the  
20 burden of production and the burden of persuasion in the

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

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