

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2718 Session of
2008

INTRODUCED BY McILVAINE SMITH, THOMAS, BENNINGTON, CAPPELLI,
DeLUCA, FRANKEL, GEORGE, GOODMAN, HENNESSEY, JOSEPHS,
LONGIETTI, MAHONEY, MANDERINO, MELIO, MURT, MYERS, RAPP,
REICHLEY, SAYLOR, BELFANTI, WALKO, J. WHITE AND YOUNGBLOOD,
JULY 23, 2008

REFERRED TO COMMITTEE ON EDUCATION, JULY 23, 2008

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," providing for the burden of proof in
6 due process hearings.

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

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

12 Section 1383. Burden of proof.--Whenever a due process
13 hearing is held pursuant to the Individuals with Disabilities
14 Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.),
15 regarding the identification, evaluation, reevaluation,
16 classification, educational placement, provision of a free,
17 appropriate education or disciplinary action of a child with a
18 disability, the school district shall have the burden of proof

1 and the burden of production.

2 Section 2. This act shall take effect immediately.