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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 627 Session of  
2011

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INTRODUCED BY BROWNE, FONTANA, ERICKSON, COSTA, STACK,  
WASHINGTON AND MENSCH, FEBRUARY 23, 2011

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REFERRED TO EDUCATION, FEBRUARY 23, 2011

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

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

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

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

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