

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 850 Session of 2017

INTRODUCED BY MURT, BARRAR AND V. BROWN, MARCH 13, 2017

REFERRED TO COMMITTEE ON EDUCATION, MARCH 13, 2017

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 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 students with disabilities are being educated in the least  
 18 restrictive environment, the local educational agency  
 19 responsible for providing education to the students shall have  
 20 the burden of proof, the burden of production and the burden of

1 persuasion in the proceedings, except with respect to a  
2 determination of the appropriateness of a private school  
3 placement unilaterally selected by a parent or guardian, when  
4 the burden of proof, production and persuasion shall be on the  
5 student, the student's parent or the student's guardian.

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