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**HOUSE BILL 2121**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representative Taylor

Prefiled 01/04/24.

1 AN ACT Relating to the burden of proof for special education due  
2 process hearings; and adding a new section to chapter 28A.155 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.155  
5 RCW to read as follows:

6 (1) Except as provided in subsection (2) of this section, the  
7 school district has the burden of proof, including the burden of  
8 persuasion and production, whenever it is a party to a due process  
9 hearing regarding the identification, evaluation, reevaluation,  
10 classification, educational placement, disciplinary action, or  
11 provision of a free appropriate public education for a student with a  
12 disability.

13 (2) A parent or person in parental relation seeking tuition  
14 reimbursement for a unilateral parental placement has the burden of  
15 proof, including the burden of persuasion and production, on the  
16 appropriateness of such placement.

17 (3) The burden of proof in this section must be met by a  
18 preponderance of the evidence.

1           (4) For the purposes of this section, "due process hearing" means  
2 a due process hearing held in accordance with the federal individuals  
3 with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.

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