

**RCW 28A.155.260 Burden of proof.** (1) Except as provided in subsection (2) of this section, the school district has the burden of proof, including the burden of persuasion and production, whenever it is a party to a due process hearing regarding the identification, evaluation, reevaluation, classification, educational placement, disciplinary action, or provision of a free appropriate public education for a student with a disability.

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

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

(4) For the purposes of this section, "due process hearing" means a due process hearing held in accordance with the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.  
[2024 c 29 s 1.]