

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5883**

Chapter 29, Laws of 2024

68th Legislature  
2024 Regular Session

SPECIAL EDUCATION DUE PROCESS HEARINGS—BURDEN OF PROOF

EFFECTIVE DATE: June 6, 2024

Passed by the Senate January 31, 2024  
Yeas 48 Nays 0

DENNY HECK

**President of the Senate**

Passed by the House February 27, 2024  
Yeas 94 Nays 1

Laurie Jinkins

**Speaker of the House of  
Representatives**

Approved March 13, 2024 11:18 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5883** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

**Secretary**

FILED

March 14, 2024

**Secretary of State  
State of Washington**

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**SENATE BILL 5883**

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Passed Legislature - 2024 Regular Session

**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Trudeau, Braun, Dhingra, Frame, Hasegawa, Kauffman, Nobles, Saldaña, Valdez, and C. Wilson

Prefiled 12/19/23. Read first time 01/08/24. Referred to Committee on Early Learning & K-12 Education.

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.

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

Passed by the Senate January 31, 2024.  
Passed by the House February 27, 2024.  
Approved by the Governor March 13, 2024.  
Filed in Office of Secretary of State March 14, 2024.

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