

**2SHB 1305 - H AMD 358**

By Representative Couture

**NOT CONSIDERED 01/02/2024**

1 On page 4, after line 15, insert the following:

2 "NEW SECTION. **Sec. 6.** (1) The school district has the burden of  
3 proof and the burden of production whenever it is a party to a due  
4 process hearing regarding the identification of, evaluation of,  
5 reevaluation of, classification of, educational placement of,  
6 disciplinary action of, or provision of a free appropriate public  
7 education to, a student with a disability.

8 (2) In a due process hearing, evidence showing that a student has  
9 not failed or been retained in a course or grade, and is advancing  
10 from grade to grade, does not create the presumption that the school  
11 has provided the student with a free appropriate public education as  
12 required by the federal individuals with disabilities education act,  
13 20 U.S.C. Sec. 1400 et seq.

14 (3) In a due process hearing related to parent participation in  
15 the adoption of an individualized education program, the  
16 superintendent of public instruction or the superintendent's designee  
17 may order the individualized education program team to reconvene with  
18 a qualified interpreter, so that the parent can fully participate in  
19 any adoption of an individualized education program.

20 (4) The definitions in this subsection apply throughout this  
21 section unless the context clearly requires otherwise.

22 (a) "Due process hearing" means a due process hearing held in  
23 accordance with the federal individuals with disabilities education  
24 act, 20 U.S.C. Sec. 1400 et seq.

25 (b) "Qualified interpreter" has the same meaning as in RCW 28A.  
26 183.010."

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1       Renumber the remaining sections consecutively and correct any  
2 internal references accordingly.  
3

EFFECT: Specifies that a school district has the burden of proof and the burden of production whenever it is a party to a special education due process hearing. Provides that evidence showing that a student has not failed or been retained in a course or grade does not create the presumption that the school has provided the student with a free appropriate public education. Permits the Superintendent of Public Instruction or the Superintendent's designee to order the IEP team to reconvene with a qualified interpreter, in circumstances where the parent was not able to fully participate in the adoption of an IEP.

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