



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR 18 2013

Honorable Martell Menlove  
Superintendent of Public Instruction  
Utah State Office of Education  
250 East 500 South  
P.O. Box 144200  
Salt Lake City, Utah 84114-4200

Dear Superintendent Menlove:

This letter is in response to the July 9, 2012 and August 7, 2012 letters from Glenna Gallo, Utah's State Director of Special Education, in which she requested a hearing, pursuant to 34 CFR §300.603(b)(2), regarding the Department's June 28, 2012 determination that Utah "needs intervention" under section 616(d) of the Individuals with Disabilities Education Act (IDEA) in meeting the requirements of Part B of the IDEA. I appreciate the information provided at the October 2, 2012 hearing by representatives from the Utah State Office of Education (USOE). As further detailed in Enclosure A, after careful consideration of the information provided both prior to<sup>1</sup> and during the hearing, as well as the revised Federal fiscal year (FFY) 2010 data for Indicator 13 presented by USOE in its revised State Performance Plan (SPP)/Annual Performance Report (APR) on December 19, 2012 and December 24, 2012, I have determined that Utah has demonstrated that the Department should change Utah's 2012 determination under Part B of the IDEA from "needs intervention" to "needs assistance." This letter replaces Utah's 2012 Part B determination letter.

This letter includes three enclosures. Enclosure A explains the basis on which I have changed the State's 2012 determination to "needs assistance," and specifies certain actions that all States must take, and specific actions that Utah must take, related to its revised determination of "needs assistance." Enclosure B is a revised Response Table, which provides OSEP's analysis of Utah's revised FFY 2010 APR and revised SPP, and identifies, by APR indicator, OSEP's review of any revisions made by Utah to its targets, improvement activities (timelines and resources), and baseline data in Utah's SPP; the only revisions to the FFY 2010 APR Response Table issued in June 2012 are to Indicator 13. Finally, Enclosure C, is the document entitled, "How the Department Made Determinations under Sections 616(d) of the IDEA in 2012: Part B," which the Department has included as an enclosure with all 2012 State determination letters.

---

<sup>1</sup> In a July 27, 2012 letter acknowledging Utah's appeal, former Assistant Secretary Posny gave Utah the opportunity to submit supplementary information, in support of its appeal, within 30 days from the date of the letter (i.e., by August 27, 2012).

Page 2- Honorable Martell Menlove

We are committed to supporting Utah's efforts to improve results for children with disabilities and look forward to working with Utah over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Tony Williams, the OSEP Contact for Utah, at 202-245-7577.

Sincerely,



Michael K. Yudin  
Delegated the authority to  
perform the functions and  
duties of Assistant Secretary  
for Special Education and  
Rehabilitative Services

Enclosures

cc: Ms. Glenna Gallo  
State Director of Special Education