



December 3, 2012

Dr. William D. Gathers
Superintendent
Mercer Area School District
545 West Butler Street
Mercer, PA 16137-0032

Dear Dr. Gathers,

Enclosed is the Report of Findings presenting results of the Chapter 16 monitoring which was conducted by the Bureau of Special Education (BSE) in the Mercer Area School District the week of November 5, 2012.

The Executive Summary is arranged in two parts and includes an Appendix. PART I presents the Summary of Findings including an explanation of the review process and general findings. PART II describes the corrective action process. A description identifying findings of noncompliance, corrective action required, and results of interviews of staff and parents can be found in the Appendix. The school district must complete corrective action within the calendar days as outlined in the Corrective Action Verification/School District Compliance Plan developed with the Monitoring Team Chairperson. Follow-up onsite reviews verifying the district's completion of corrective action will be conducted by the BSE Adviser. The BSE Adviser will contact the district to schedule the initial visit within 60 days of issuance of the monitoring report.

22 Pa. Code § 16.2 mandates the BSE to carry out monitoring activities and implementation of any necessary corrective action. Legal compliance is the basis on which high quality programs are built. It is policy of the Department of Education to promote and ensure compliance with special education for gifted students statutes and regulations through an array of activities such as a coordinated program of plan review, compliance monitoring, technical assistance, and funding decisions. However, if the Department does not succeed in obtaining prompt compliance through activities such as monitoring, then more rigorous steps can be taken to make sure compliance is resolved. These include:

- Deferment of the disbursement of state or federal funds pending resolution of the issue.
- Reduction of the amount of funds (for example, by the amount of money it takes to provide an appropriate education to a particular child or children) if a district is unwilling to provide appropriate services.
- Disciplinary action may be initiated against administrators and educators who refuse to offer gifted programming.

None of these steps are desirable and none should be necessary if each school district is familiar with and attentive to the rules governing special education.

If you have any questions about this report, contact Dr. Shirley K. Curl, the Chairperson of the compliance monitoring team at (717) 786-6361.

Please convey my thanks to all staff who participated in the review. Their time and assistance is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Tommasini", written over a horizontal line.

John J. Tommasini
Director

JJT/SKC/dwd

Attachments: Executive Summary

Appendix: Detailed Report of Findings, Including Corrective Actions Required

cc: Dr. Shirley K. Curl
Ron Rowe