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**Congress of the United States**  
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**Washington, DC 20515-3816**

September 12, 2005

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Secretary Margaret Spellings  
United States Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

Dear Secretary Spellings:

I want to thank you for all that you have done in leading the Department of Education as it responds to the disastrous effects of hurricane Katrina.

As you know, during these trying times, the stability and structure of schools will go a long way to help children and families regain a sense of normalcy. The American spirit is remarkably demonstrated by the willingness of so many schools from across the country to accept students that have been displaced. Because of the impact of accepting these students, I believe schools need flexibility and local control in order to respond the particular needs of their expanded student body. I strongly encourage you to implement the provisions of No Child Left Behind (NCLB) concerning the impact of natural disasters on testing and annual yearly progress (AYP) goals.

As you know, Sec. 1111(b)(3)(C)(vii) of the NCLB states:

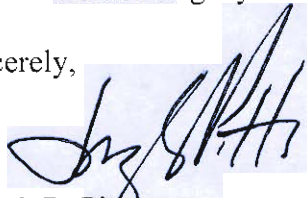
beginning not later than school year 2005-2006, measure the achievement of students against the challenging State academic content and student academic achievement standards in each of grades 3 through 8 in, at a minimum, mathematics, and reading or language arts, except that the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of the academic assessments by that deadline and that the State will complete implementation within the additional 1-year period.

I encourage you to consider the flexibility this provision gives you as secretary. Certainly, those states that have been devastated by the storms need the additional year that is provided by NCLB. Neighboring states that are willingly accepting displaced students should also not be penalized if their AYP scores are negatively affected by the large influx of student populations. Lastly, for schools that are further from the disaster, they may not be accepting as many students, but these students would still have an impact on their overall scores. I would

encourage you to consider allowing any school who accepts a student displaced by the disaster to exempt these scores from their yearly review.

Thank you again for the work you have already done to respond to this national crisis. I look forward to continuing to work with you to provide our nation's children with the best possible education, especially in this time of national tragedy.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Pitts", written over a light blue rectangular background.

Joseph R. Pitts  
Member of Congress