UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

AUG 0 2 2006

The Honorable Cecil J. Picard
Superintendent of Education
Louisiana Department of Education
P.O. Box 94064
1201 North 3rd Street, 5th Floor
Baton Rouge, Louisiana 70804-9064

Dear Superintendent Picard:

I am writing in response to Louisiana's request for a flexibility agreement to create a new subgroup specifically for students displaced by Hurricane Katrina and to waive adequate yearly progress (AYP) determinations for schools that were closed for more than 18 days and that are located in a declared disaster area. In Secretary Spellings' letter to Chief State School Officers on September 29, 2005, displaced students may be counted in a separate subgroup for reporting and accountability purposes under Title I of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). For the 2005–06 school year, these students would not appear in any other subgroup (even the "All Students" subgroup) in which they would normally appear.

It is vital to remain committed to the core principles of NCLB, including holding all States, districts, and schools accountable for educating all children. At the same time, I recognize the unique events facing those affected by Hurricanes Katrina and Rita, which require common sense decisions. The number of schools that were closed for long periods of time and the numbers of displaced students throughout the State, with the vast majority concentrated in several districts, impacted the statewide education system.

Therefore, I am approving Louisiana's request for a flexibility agreement under section 9401 of the ESEA to create a separate subgroup for students displaced by Hurricane Katrina for making AYP decisions based on assessment data for the 2005–06 school year. Approval is conditioned on Louisiana's fulfilling the following conditions:

1. Louisiana will include the Katrina/Rita displaced student subgroup in the 2006 AYP calculation for participation rate at the school, district, and State level.
2. Louisiana will report participation rate and performance achievement results for the Katrina displaced student subgroup on the school-, district-, and State-level AYP data tables as part of the 2005–06 AYP release. While the Department recognizes that Louisiana will not have to calculate the attendance or graduation rates in 2005–06 for this subgroup, Louisiana will be required to include all students that were in the displaced student subgroup in 2005–06 in all appropriate subgroups when calculating reading and mathematics proficiency and the attendance and graduation rates in 2006–07.
3. Louisiana will offer remediation to all non-proficient displaced students based on the 2006 spring assessment results in either reading or mathematics.

This flexibility agreement also allows districts and schools that were closed for 18 or more instructional days and are located in a declared disaster area to be evaluated separately. If these

districts and schools make AYP using 2005–06 data, they would be given their earned AYP designation. Districts or schools in this group that do not make AYP will be granted a 1-year waiver. If these districts and schools were identified for improvement in the 2005–06 school year, this waiver in 2005–06 would allow existing school improvement identification to remain in effect for the 2006–07 school year. If those districts and schools miss AYP again in 2006–07, they would advance on the improvement timeline in the 2007–08 school year. Those districts and schools that did not make AYP for the first time based on the 2004–05 AYP results and thus have no 2005–06 school improvement identification would not advance into improvement in 2006–07 due to the 1-year waiver. If those districts and schools do not make AYP in 2006–07, they would then enter school improvement in the 2007–08 school year. Schools or districts in improvement that made AYP for the first time in 2004–05 and make AYP in 2005–06 would exit school improvement. Schools and districts in improvement that made AYP for the first time based upon assessment results in 2004–05, received the 1-year waiver for 2005–06, and make AYP in 2006–07 would exit school improvement.

In addition, as required by section 9401(b)(3)(A)(iii) of the ESEA, within 30 days of the date of this letter, the State must provide notice and information to the public regarding this flexibility agreement in the manner in which it customarily provides similar notice to the public. The State must also submit a report to the Department, this fall, detailing the number of displaced students enrolled in remediation.

Thank you for continuing the partnership with the Department, and I look forward to working with you to ensure that all of our children receive a high-quality education. If you need any additional assistance in your efforts to implement the standards, assessments, and accountability provisions of NCLB, please do not hesitate to contact Patrick Rooney (Patrick.Rooney@ed.gov) or Grace Ross (Grace.Ross@ed.gov) of my staff.

Sincerely,

Henry L. Johnson

cc: Governor Kathleen Babineaux Blanco
Scott Norton