

Division, Privacy, Information and Records Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

**DATES:** Interested persons are invited to submit comments on or before March 27, 2012.

**ADDRESSES:** Written comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or mailed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202-4537. Please note that written comments received in response to this notice will be considered public records.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: January 24, 2012.

**Darrin A. King,**

*Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

#### **Institute of Education Sciences**

*Type of Review:* New.

*Title of Collection:* Study of Promising Features of Teacher Preparation Programs; Phase 1—Recruitment.

*OMB Control Number:* 1850-NEW.

*Agency Form Number(s):* N/A.

*Total Estimated Number of Annual Responses:* 2,570.

*Total Estimated Number of Annual Burden Hours:* 2,513.

*Abstract:* This Information Collection Request (ICR) seeks clearance to select teacher preparation programs, and

recruit districts and schools, collect student rosters, and administer a baseline student achievement test for an experimental study of the effect on student learning of teachers who have experienced certain types of clinical practice features within university-based preparation programs.

The objective of this study is to use causal methods to examine the effectiveness of certain university-based clinical practice features for novice teachers. Teachers who have experienced certain types of clinical practice features and who have completed those features are hypothesized to produce higher average student test scores than teachers who have not done so. Using a randomized controlled trial, students will be randomly assigned to a pair of teachers in the same school and grade level, one of whom will have experienced the type of clinical practice of interest (“treatment”) while the other will not have experienced the feature (“control”). Average test scores of the two groups will then be compared.

The Phase I—Recruitment ICR entails the identification of recently-hired teacher pairs who meet the study’s eligibility requirements. The study will use a multi-step process to identify these teachers, including identifying feasible states for the study, selecting the specific features related to clinical practice (i.e., the “program”), identifying university-based teacher preparation programs that require such clinical practice, identifying feasible districts and schools for the study, and finally, confirming eligibility of potential teachers for the study. The Phase I—Recruitment ICR requests approval to collect information from preparation programs about their requirements, focusing on aspects of clinical practice specifically, and to collect preliminary information from teachers about their training to determine their eligibility for the study. This package also provides an overview of the study, including its design and data collecting procedures.

Copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the “Browse Pending Collections” link and by clicking on link number 4792. When you access the information collection, click on “Download Attachments” to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to (202) 401-0920. Please specify the complete title of the information

collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1 (800) 877-8339.

[FR Doc. 2012-1834 Filed 1-26-12; 8:45 am]

**BILLING CODE 4000-01-P**

## **DEPARTMENT OF EDUCATION**

### **Arbitration Panel Decision Under the Randolph-Sheppard Act**

**AGENCY:** Department of Education.

**ACTION:** Notice of decision.

**SUMMARY:** The Department of Education (Department) gives notice that on August 29, 2011, an arbitration panel rendered a decision in the matter of the *Oregon Commission for the Blind v. United States Department of Veterans Affairs*, Case no. R-S/09-2. This panel was convened by the Department under the Randolph-Sheppard Act (Act) after the Department received a complaint filed by the Oregon Commission for the Blind.

**FOR FURTHER INFORMATION CONTACT:** You can obtain a copy of the full text of the arbitration panel decision from Mary Yang, U.S. Department of Education, 400 Maryland Avenue SW., room 5162, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-6327. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll-free, at 1-(800) 877-8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** Under section 6(c) of the Act, 20 U.S.C. 107d-2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

#### **Background**

The Oregon Commission for the Blind (Complainant) alleged the United States Department of Veterans Affairs (DVA) violated the Act and its implementing regulations in 34 CFR part 395 when it denied Complainant’s February 5, 2009, permit application to operate vending machines at the Southern Oregon Rehabilitation Center and Clinic (Clinic) in White City, Oregon.

On September 28, 2009, Complainant contacted the DVA requesting that it

process Complainant's permit application. On December 9, 2009, DVA's Regional Counsel denied Complainant's request to process the permit application.

The DVA's position was that it properly denied the Complainant's application for two reasons. One, the Clinic did not support a vending facility because of its scattered buildings, and two, the DVA was not obligated to ensure the Clinic supported a vending facility. Specifically, the DVA's position was that the regulations requiring a satisfactory site or sites for the location and operation of a vending facility by a blind vendor under certain circumstances did not apply to the Clinic because the DVA has operated the clinic since 1949 and its buildings contain fewer than 15,000 square feet of interior space and house less than 100 Federal employees during normal working hours.

Complainant filed a request for Federal arbitration with the Department. A hearing on this matter was held on April 13 and 14, 2011. The issue as determined by the arbitration panel was "whether the Department of Veterans Affairs violated the Randolph-Sheppard Act by denying the request to process the permit application of the Oregon Commission for the Blind for a permit to operate the Clinic vending machines."

#### Arbitration Panel Decision

After reviewing all of the testimony and evidence, the panel found that the Clinic is a single facility and that its vending machines are part and parcel of that facility. The panel noted that the parties' differing interpretations stem from the fact that regulations in 34 CFR, part 395, do not specifically address a State licensing agency's (SLA's) permit application covering a building that was not new or renovated after January 1, 1975. The panel determined that, in cases of statutory ambiguity, "regulations must be interpreted in a way that will serve the objectives of the statute and reasonably be consistent with the statute."

The panel first determined that the purpose of the Act clearly is to enlarge economic opportunities of the blind. The panel then recognized that section 395.31 of the regulations attempts to implement this statutory purpose through the satisfactory site requirements. The panel also considered the last sentence in 395.31(e) to be relevant, although it did not apply directly to the facts in this case. This section provides that nothing in section 395.31 precludes an SLA and a Federal property managing department from

agreeing to a vending facility even if the site does not meet minimum requirements under the satisfactory site provisions.

The panel found that the DVA's position of strictly interpreting the regulations "contradicts section 107 [of the Act] by restricting and thwarting opportunities for the blind." Accordingly, the panel found that: (1) The priority provisions of the Randolph-Sheppard Act applied to the Clinic; (2) The DVA improperly denied Complainant's application for a permit to operate vending machines at the Clinic; and (3) the existing Clinic vending machines are not exempted from the Award and Order.

One panel member dissented. This panel member found that the Clinic buildings constructed or substantially modified after January 1, 1975, are exempt from the Randolph-Sheppard Act by application of the minimum standards of 34 CFR 395.31(d). This panel member also determined that the remaining Clinic buildings existing on January 1, 1975, that were not substantially renovated since that date are exempt from the priority provisions of the Act. Thus, the DVA was justified in declining Complainant's application for a permit to place vending machines at the Clinic.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the Department.

*Electronic Access to This Document:* The Official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: January 24, 2012.

**Alexa Posny,**  
*Assistant Secretary for Special Education and Rehabilitative Services.*

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### President's Board of Advisors on Historically Black Colleges and Universities

**AGENCY:** U.S. Department of Education, President's Board of Advisors on Historically Black Colleges and Universities (Board).

**ACTION:** Notice of an open meeting.

**SUMMARY:** This notice sets forth the schedule and agenda of the meeting of the President's Board of Advisors on Historically Black Colleges and Universities. The notice also describes the functions of the Board. Notice of the meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and intended to notify the public of its opportunity to attend.

**DATES:** Tuesday, February 7, 2012.

*Time:* 9 a.m.–2 p.m.

**ADDRESSES:** Morgan State University, Calvin and Tina Tyler Ballroom, University Student Center, 1700 E. Cold Spring Lane, Baltimore, Maryland 21251, (443) 885-4369.

**FOR FURTHER INFORMATION CONTACT:** John Silvanus Wilson, Jr., Executive Director, White House Initiative on Historically Black Colleges and Universities, 400 Maryland Avenue SW., Washington, DC 20204; telephone: (202) 453-5634, fax: (202) 453-5632.

**SUPPLEMENTARY INFORMATION:** The President's Board of Advisors on Historically Black Colleges and Universities (the Board) is established by Executive Order 13532 (February 26, 2010). The Board is governed by the provisions of the Federal Advisory Committee Act (FACA), (Pub. L. 92-463; as amended, 5 U.S.C.A., Appendix 2) which sets forth standards for the formation and use of advisory committees. The purpose of the Board is to advise the President and the Secretary of Education (Secretary) on all matters pertaining to strengthening the educational capacity of Historically Black Colleges and Universities (HBCUs).

The Board shall advise the President and the Secretary in the following areas: (i) Improving the identity, visibility, and distinctive capabilities and overall competitiveness of HBCUs; (ii) engaging the philanthropic, business, government, military, homeland-security, and education communities in a national dialogue regarding new HBCU programs and initiatives; (iii) improving the ability of HBCUs to remain fiscally secure institutions that can assist the nation in reaching its goal of having the highest proportion of