

Application Control Center, Attention: (CFDA Number 84.132B), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

## V. Application Review Information

*Selection Criteria:* The selection criteria for this competition are in 34 CFR 366.15 and are listed in the application package.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to

<http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

4. *Performance Measures:* The Government Performance and Results Act of 1993 (GPRA) directs Federal departments and agencies to improve the effectiveness of their programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals.

The goal of these grants is to provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating CILs to the following eligible entities authorized under title VII of the Rehabilitation Act of 1973, as amended: Eligible agencies, CILs, and SILCs.

In annual performance reports, grantees are required to provide specific information on the number of training activities, the topics of each training program, the number and types of participants served (i.e., CILs, SILCs, or eligible agencies), and summary data from participant evaluations.

## VII. Agency Contact

*For Further Information Contact:* Thomas Kelley, U.S. Department of Education, 400 Maryland Avenue, SW., room 5055, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7404 or by e-mail: [thomas.kelley@ed.gov](mailto:thomas.kelley@ed.gov).

If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

## VIII. Other Information

*Alternative Format:* Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202-2500. Telephone: (202) 245-7363. If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

*Electronic Access to This Document:* 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) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** 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 on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: June 19, 2007.

**John H. Hager,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. E7-12117 Filed 6-21-07; 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 arbitration panel decision under the Randolph-Sheppard Act.

**SUMMARY:** The Department of Education (Department) gives notice that on October 16, 2006, an arbitration panel rendered a decision in the matter of *Terry Ward v. Ohio Rehabilitation Services Commission, Bureau of Services for the Blind (Case No. R-S/05-1)*. This panel was convened by the Department under 20 U.S.C. 107d-1(a), after the Department received a complaint filed by the petitioner, Terry Ward.

**FOR FURTHER INFORMATION CONTACT:** You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 5022, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** Under section 6(c) of the Randolph-Sheppard Act (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

Terry Ward (complainant) alleged violations by the Ohio Rehabilitation Services, Bureau of Services for the Blind, the State Licensing Agency (SLA) regarding the Act, the implementing regulations in 34 CFR part 395, and

State rules and regulations surrounding the selection process utilized by the SLA to fill a vacancy at Facility #531 located at the Wright-Patterson Air Force Base in Dayton, Ohio.

#### Summary

On March 21, 2003, the SLA announced a vacancy at Facility #531, a collection of four bagel shops located in buildings 28, 556, 558, and 560 at the Wright-Patterson Air Force Base in Dayton, Ohio. The bid announcement indicated that all applicants were to submit a business plan with their application. On April 1, 2003, complainant applied for a position at Facility #531 and complied with all aspects of the bid announcement. Following the bid closing, complainant and another vendor were both being considered for Facility #531.

Complainant alleged that the SLA applied its transfer and promotion policies incorrectly. Complainant contended that there are six specific criteria that the SLA normally uses to rate candidates on a scale of 1 to 10. Additionally, an interview is also required. Complainant alleged that the SLA's selection committee used a different scoring system, rating each of the criteria on a scale of 1 to 100 instead of 1 to 10.

Complainant further alleged that a member of the selection committee had a conflict of interest. Specifically, complainant alleged that the selection committee member was interested in becoming the manager of the location that would be vacated by the other candidate, thus, making the selection committee biased toward the other candidate to be named the manager of Facility #531. Complainant asserted that his scores in training and the fact that he has 120 semester hours of college education made him the more qualified candidate for Facility #531.

Complainant filed a grievance against the SLA on this matter. A hearing on the grievance was scheduled for March 15, 2004, but was later cancelled. The parties were instructed by the hearing officer to submit to him written briefs on complainant's grievance. On July 23, 2004, after reviewing the briefs, the hearing officer denied complainant's grievance in its entirety. On September 27, 2004, the SLA adopted the hearing officer's order as final agency action. Complainant sought review by a Federal arbitration panel of that decision.

#### Arbitration Panel Decision

The issue heard by the panel was whether the actions taken by the Ohio Rehabilitation Services Commission, Bureau of Services for the Blind

concerning the selection process for Facility #531 at Wright-Patterson Air Force Base were in accordance with the Act, implementing regulations and State rules and regulations regarding the operation or administration of the Randolph-Sheppard vending facility program.

After reviewing all of the records and hearing testimony of witnesses, the panel ruled that the SLA violated the Act, implementing regulations, and State rules and regulations in conducting the selection process for Facility #531. The panel issued a four-part ruling as follows: (1) The SLA must conduct another selection for Facility #531; (2) Individuals who served on the previous panel are ineligible to participate in the new process, and only the complainant and the other vendor are eligible to be considered as candidates; (3) In evaluating the two candidates, the SLA is prohibited from considering the experience of the other vendor who is currently operating Facility #531; and (4) The SLA must reimburse the complainant for all attorney fees and other costs that he incurred with his complaint. The amount must include all cost and fees from the time that the selection committee awarded Facility #531 to the other vendor.

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

#### Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

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Dated: June 14, 2007.

**John H. Hager,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

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## DEPARTMENT OF EDUCATION

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

**AGENCY:** Department of Education.

**ACTION:** Notice of arbitration panel decision under the Randolph-Sheppard Act.

**SUMMARY:** The Department of Education (Department) gives notice that on October 2, 2006, an arbitration panel rendered a decision in the matter of *Michael Benson v. Georgia Department of Labor, Division of Rehabilitation Services (Case No. R-S/04-2)*. This panel was convened by the Department under 20 U.S.C. 107d-1(a), after the Department received a complaint filed by the petitioner, Michael Benson.

**FOR FURTHER INFORMATION CONTACT:** You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 5022, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service at 1-800-877-8339.

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**SUPPLEMENTARY INFORMATION:** Under section 6(c) of the Randolph-Sheppard Act (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

This dispute concerned alleged violations of the Act, the implementing regulations in 34 CFR part 395, and State rules and regulations by the Georgia Department of Labor, Division of Rehabilitation Services, the State licensing agency (SLA), regarding Michael Benson's (complainant) placement as the licensed manager of a cafeteria operated under contract at the Federal Law Enforcement Training Center (FLETC) in Brunswick, Georgia.

#### Summary

In 1999, the SLA was awarded a contract to operate the FLETC cafeteria. In March 1999, the SLA, through its nominee agency Georgia Cooperative Services for the Blind, contracted with Southern Food Service Management