soliciting comments on the proposed information collection request (ICR) that is described below. 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. Please note that written comments received in response to this notice will be considered public records.

**Title of Collection:** Direct Loan, FFEL, Perkins and TEACH Grant Total and Permanent Disability Discharge Forms.

**OMB Control Number:** 1845–0065.

**Type of Review:** a revision of a currently approved information collection.

**Respondents/Affected Public:** Individuals or households.

**Total Estimated Number of Annual Responses:** 254,800.

**Total Estimated Number of Annual Burden Hours:** 127,400.

**Abstract:** The Discharge Application: Total and Permanent Disability serves as the means by which an individual who is totally and permanently disabled, as defined in section 437(a) of the Higher Education Act of 1965, as amended, applies for discharge of his or her Direct Loan, FFEL, or Perkins loan program loans, or TEACH Grant service obligation. The form collects the information that is needed by the U.S. Department of Education (the Department) to determine the individual’s eligibility for discharge based on total and permanent disability. The Total and Permanent Disability Discharge: Post-Discharge Monitoring form serves as the means by which an individual who has received a total and permanent disability discharge provides the Department with information about his or her annual earnings from employment during the 3-year post-discharge monitoring period that begins on the date of discharge. The Total and Permanent Disability Discharge: Applicant Representative Designation form serves as the means by which an applicant for a total and permanent disability discharge may (1) designate a representative to act on his or her behalf in connection with the applicant’s discharge request, (2) change a previously designated representative, or (3) revoke a previous designation of a representative.

**Burden Hours:**

**Responses:**


- **Privacy Note:** The Department’s policy for comments received from members of the public (including comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available on the Internet.

**Submission of Proprietary Information:** Given the subject matter, some comments may include proprietary information as it relates to confidential commercial information. The Freedom of Information Act defines “confidential commercial information” as information the disclosure of which could reasonably be expected to cause substantial competitive harm. You may wish to request that we not disclose what you regard as confidential commercial information.

To assist us in making a determination on your request, we encourage you to identify in your comments any specific information that you consider confidential commercial information. Please list the information by page and paragraph numbers.

This Request for Information (RFI) is issued solely for information and planning purposes and is not a request for proposals (RFPs) or a promise to issue an RFP or a notice inviting applications. This RFI does not commit the Department to contract for any supply or service. Further, the Department is not now seeking proposals and will not accept unsolicited proposals. The Department will not pay for any information or administrative costs that you may incur in responding to this RFI.

If you do not respond to this RFI, you may still apply for future contracts and grants. The Department posts RFPs on the Federal Business Opportunities Web site (www.fbo.gov). The Department announces grant competitions in the Federal Register (www.gpo.gov/fdsys). It is your responsibility to monitor these sites to determine whether the Department issues an RFP or notice inviting applications after considering the information received in response to this RFI.

The documents and information submitted in response to this RFI
First, we pose a series of questions—to which we invite interested members of the public to respond—about identifying Native American students as English learners.

In this RFI we specifically inquire into practices regarding: (1) Accurate initial identification of Native American students who are English learners; (2) the use of a survey of primary home language other than English (PHLOTE survey), as well as other methods, in identifying Native American students as potential English learners for the purpose of placement in a LIEP; (3) the use of multi-step processes for identifying Native American English learners; and (4) defining significant impact of a Native American language on English language proficiency and implementing that definition for determination of English language proficiency.

To be eligible as LEP under the ESEA, Native American students must not only meet the significant impact requirement in section 9101(25)(C)(ii) of the ESEA; they must also meet the eligibility requirement in subparagraph (D) of that section. In this RFI we focus on the significant impact requirement.

Accurate identification of English learner students is essential to ensure that these students receive the services necessary to meaningfully access an educational program, as required under title VI of the Civil Rights Act of 1964 (Civil Rights Act), and the services for which they are eligible under title III, part A of the ESEA. Under the ESEA and title VI, Native American students who come from an environment in which a language other than English has had a significant impact on English language proficiency may be identified as English learners. Even if a Native American child does not speak the language of his or her tribe, this language may still have a significant impact on his or her English mastery (Leap, 1993). Language impact may manifest itself in the way a student constructs meaning or applies syntax or vocabulary.

All States at the very least recommend, if not require, the use of a PHLOTE survey as a first step in identifying which students may need to take an English language proficiency assessment (Bailey and Kelly, 2010). A student’s performance on that assessment helps determine whether she or he is identified as an English learner student. Any methods used to identify Native American students as English learners must be objective, valid, and reliable. This includes both initial identification as English learners and identification after an initial identification as non-English learners based on academic performance. Section 3302(f) of the ESEA provides
that a child not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

Researchers including Bailey and Kelly (2010) have pointed to the great variability in the use of PHLOTE surveys, both across and within States, thereby calling into question the validity of the process for identifying students as English learners. Some States permit local variability in the questions included in the PHLOTE Survey. As PHLOTE surveys are individually and locally administered, the variability in their administration is also great. Families may vary their responses to these surveys, indicating in one year that a language other than English is spoken at home and, in another year that it is not.

Use of PHLOTE surveys with Native American students is particularly complex due to the current status of many Native American languages; e.g., the child may not speak the language in the home but may have a relative who does, or may have grown up in an environment in which the syntax, rhetorical style, and sociolinguistic patterns reflect the significant impact of the language. Additionally, among some communities, there may be a hesitancy to disclose Native American heritage or use of a Native American language (Weaver, 2001). As a result of these factors, Native American students may be incorrectly identified as English learners or as non-English learners upon their entry into school, and educators may find at a later point in a child’s educational career that she or he has not been appropriately placed in a LIEP, or in a mainstream classroom with supports, as needed.

Under title VI of the Civil Rights Act and related requirements, school districts must provide meaningful access to educational programs for children who are English learners. Further, the Office for Civil Rights memorandum of May 25, 1970, states that:

Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.


4. Context for Responses

4.1 The primary goal of this RFI is to gather information that will help SEAs and LEAs better understand existing practices for identifying Native American students who are English learners. Because the questions in section 4.2 of this notice are only guides to helping us better understand the issues surrounding identification of Native American students who are English learners, you do not have to respond to any specific question. You may provide comments in any convenient format. You may also provide relevant information that is not responsive to a particular question but may, nevertheless, be helpful.

4.2 Questions Regarding the Identification of Native American Students Who are English Learners

4.2.1 Practices and Policies. What are the practices and policies that SEAs and LEAs have implemented for accurate initial identification of Native American students who are English learners? In the case of Native American students who may have been misidentified as English learners or non-English learners, describe the practices and policies that SEAs and LEAs have implemented to accurately identify these students? In the case of Native American students with disabilities who may have been misidentified as English learners or non-English learners, describe the practices and policies that SEAs and LEAs have implemented to accurately identify these students.

What guidance have the SEAs and LEAs provided regarding accurate identification of Native American English learners? What evidence exists that these are practices that result in accurate identification of Native American students who are English learners? Where have these practices been adopted? What are the general lessons learned from these adoptions? How might these practices be modified and improved for use in the future? Are there barriers to the adoption of these practices at the SEA, LEA, or school level? Are any of these practices promising? If so, please describe the practices, as well as evidence to support that they are promising.

4.2.2 Defining Significant Impact of a Language Other Than English on English Language Proficiency. To be eligible as English learners, Native American students must come “from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency” (section 9101(25) of the ESEA). How does the
SEA, LEA, or school define and implement significant impact of a language other than English on English language proficiency? What are the factors that determine the number of generations that are affected by this significant impact? How sensitive are current English language proficiency assessment instruments in measuring the significant impact of an environment in which a language other than English is spoken? What trends or patterns have SEAs, LEAs, schools, or tribes observed regarding the identification of Native American students as English learners and the progress of these students in acquiring English and attaining English proficiency?

4.2.3 PHLOTE Surveys. How do SEAs and LEAs frame questions on PHLOTE surveys to ascertain that a language other than English has had a significant impact on a student’s level of English language proficiency? What are the practices and policies with regard to PHLOTE surveys that SEAs and LEAs have used to accurately identify Native American students who are English learners? Are any of these practices promising? If so, please describe the practices, as well as evidence to support that they are promising.

4.2.4 Multi-Step Process for Identifying Native American English Learners. Several States have indicated that they use a multi-step process to identify Native American English learners, such as interviewing a parent after completion of the PHLOTE survey or using a teacher language-observation checklist to verify a child’s language needs. What are the multi-step processes used in the State, LEA, or school, including the components, timeline, and roles and responsibilities of individuals who assist with identification of students?

What evidence or research exists to support that a multi-step process is effective in accurately identifying Native American English learner students? What steps or considerations in a multi-step process are of value in evaluating Native American students who are English learners and who have or may be suspected of having disabilities; e.g., hearing impairment, particularly in the younger age range when eligibility evaluations for special education services are often conducted? What are the benefits and drawbacks of using a multi-step process? What are the roles of parents and community members in assisting with identification of these students as English learners? Are there barriers to the adoption of these practices at the SEA, LEA, or school level?

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

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

Deborah S. Delisle, Assistant Secretary for Elementary and Secondary Education.

References


Institute of Education Sciences, U.S. Department of Education. Table A–33–2. Number of status dropouts and status dropout rates of 16- through 24-year-olds in the noninstitutionalized group quarters and household population, by nativity and selected characteristics.


Corrections

In the Federal Register of February 21, 2013, in FR Doc. 2013–04064, on page 12043, please make the following correction:

Under DATES, page 12043, third column, first paragraph, first line, the time has changed. The new time is 9:00 a.m.–6:00 p.m.
Issued in Washington, DC, on February 26, 2013.

LaTanya R. Butler, Deputy Committee Management Officer.
[FR Doc. 2013–04819 Filed 3–1–13; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY
DOE/NSF High Energy Physics Advisory Panel: Correction

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting: Correction.

SUMMARY: On February 14, 2013, the Department of Energy (DOE) published a notice of open meeting for the DOE/NSF High Energy Physics Advisory Panel to be held on March 11–12, 2013. This document makes a correction to that notice.


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