

**(d) Annual report by Secretary**

The Secretary's annual report shall contain a statement of the Secretary's activities under this section.

(Pub. L. 90-247, title IV, § 433, formerly § 414, as added Pub. L. 91-230, title IV, § 401(a)(10), Apr. 13, 1970, 84 Stat. 167; renumbered § 424, Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326; renumbered § 426, Pub. L. 93-380, title V, § 508(a), Aug. 21, 1974, 88 Stat. 565; amended Pub. L. 95-561, title XII, § 1248, Nov. 1, 1978, 92 Stat. 2354; Pub. L. 96-88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692; renumbered § 433, Pub. L. 103-382, title II, § 212(b)(1), Oct. 20, 1994, 108 Stat. 3913.)

**PRIOR PROVISIONS**

A prior section 433 of Pub. L. 90-247 was renumbered section 439, and is classified to section 1232b of this title.

Another prior section 433 of Pub. L. 90-247 was renumbered section 443, and was classified to section 1233b of this title prior to repeal by Pub. L. 103-382.

**AMENDMENTS**

1978—Subsecs. (c), (d). Pub. L. 95-561 added subsec. (c) and redesignated former subsec. (c) as (d).

**EFFECTIVE DATE OF 1978 AMENDMENT**

Amendment by Pub. L. 95-561 effective Oct. 1, 1978, see section 1530(a) of Pub. L. 95-561, set out as a note under section 1221e-3 of this title.

**TRANSFER OF FUNCTIONS**

"Secretary" and "Secretary's", meaning the Secretary of Education, substituted for "Commissioner" and "Commissioner's", respectively, in subsecs. (a) to (d) pursuant to sections 301(a)(1) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(1) and 3507 of this title and which transferred functions of Commissioner of Education to Secretary of Education.

**NATIONAL INSTITUTE OF EDUCATION**

The National Institute of Education consisting of a National Council on Educational Research and a Director of the Institute was established by section 1221e of this title which, as amended generally by Pub. L. 99-498, title XIV, § 1401(a), Oct. 17, 1986, 100 Stat. 1589, provided objectives and duties for the Office of Educational Research and Improvement and established the National Advisory Council on Educational Research and Improvement, and section 1401(b) of Pub. L. 99-498 transferred the property and records of the National Institute of Education to the Office of Educational Research and Improvement.

**§ 1231c-1. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913**

Section, Pub. L. 90-247, title IV, § 426A, as added Pub. L. 95-561, title XII, § 1202, Nov. 1, 1978, 92 Stat. 2334; amended Pub. L. 96-88, title III, § 301(a)(1), (b)(2), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 678, 692, related to equalization assistance.

**§ 1231d. Parental involvement and dissemination**

In the case of any applicable program in which the Secretary determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes, the Secretary shall promulgate regulations with respect to such program setting forth criteria designed to encourage such participation. If the program for which such deter-

mination is made provides for payments to local educational agencies, applications for such payments shall—

(1) set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public.

(Pub. L. 90-247, title IV, § 434, formerly § 415, as added Pub. L. 91-230, title IV, § 401(a)(10), Apr. 13, 1970, 84 Stat. 168; renumbered § 425, Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326; renumbered § 427, Pub. L. 93-380, title V, § 508(a), Aug. 21, 1974, 88 Stat. 565; renumbered § 434 and amended Pub. L. 103-382, title II, §§ 212(b)(1), 244, Oct. 20, 1994, 108 Stat. 3913, 3922.)

**PRIOR PROVISIONS**

A prior section 434 of Pub. L. 90-247 was renumbered section 440, and is classified to section 1232c of this title.

Another prior section 434 of Pub. L. 90-247 was renumbered section 444, and was classified to section 1233c of this title prior to repeal by Pub. L. 103-382.

Another prior section 434 of Pub. L. 90-247 was classified to section 1232c of this title prior to repeal by Pub. L. 95-561.

**AMENDMENTS**

1994—Pub. L. 103-382, § 244, substituted "Secretary determines" for "Commissioner determines" and "the Secretary shall" for "he shall" and inserted "is made" after "such determination".

**§ 1231e. Use of funds withheld**

(a) At any time that the Secretary makes an allotment or reallocation to any State under any applicable program, the Secretary shall reduce such allotment or reallocation by such amount as the Secretary determines such allotment or reallocation would have been reduced, had the data on which such allotment or reallocation is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], section 794 of title 29, or the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.].

(b) The Secretary may use any funds withheld under subsection (a) of this section—

(1) to increase the allotments or reallocations of local educational agencies within the State that are not described in subsection (a) of this section, or the allotments or reallocation of all States, in accordance with the Federal law governing the program; or

(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964 [42 U.S.C. 2000c-4],