

By: Senator(s) Flowers, Davis

To: Education;  
Appropriations

SENATE BILL NO. 2867

1 AN ACT TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF 1972,  
2 AND SECTION 3 OF CHAPTER 473, LAWS OF 2006, TO PROVIDE THAT 100%  
3 OF THE ADDITIONAL ALLOCATION OF MISSISSIPPI ADEQUATE EDUCATION  
4 FUNDS FOR HIGH-GROWTH SCHOOLS SHALL BE MADE AVAILABLE IMMEDIATELY  
5 IN THE 2006-2007 SCHOOL YEAR, AND NOT PHASED-IN OVER A THREE-YEAR  
6 PERIOD; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 37-151-7, Mississippi Code of 1972, is  
9 amended as follows:

10 37-151-7. The annual allocation to each school district for  
11 the operation of the adequate education program shall be  
12 determined as follows:

13 (1) **Computation of the basic amount to be included for**  
14 **current operation in the adequate education program.** The  
15 following procedure shall be followed in determining the annual  
16 allocation to each school district:

17 (a) **Determination of average daily attendance.**  
18 Effective with fiscal year 2007, the State Department of Education  
19 shall determine the percentage change from the prior year of each  
20 year of each school district's average of months two (2) and three  
21 (3) average daily attendance (ADA) for the three (3) immediately  
22 preceding school years of the year for which funds are being  
23 appropriated. For any school district that experiences a positive  
24 growth in the average of months two (2) and three (3) ADA each  
25 year of the three (3) years, the average percentage growth over  
26 the three-year period shall be multiplied times the school  
27 district's average of months two (2) and three (3) ADA for the  
28 year immediately preceding the year for which MAEP funds are being  
29 appropriated. The resulting amount shall be added to the school

30 district's average of months two (2) and three (3) ADA for the  
31 year immediately preceding the year for which MAEP funds are being  
32 appropriated to arrive at the ADA to be used in determining a  
33 school district's MAEP allocation. Otherwise, months two (2) and  
34 three (3) ADA for the year immediately preceding the year for  
35 which MAEP funds are being appropriated will be used in  
36 determining a school district's MAEP allocation. In any fiscal  
37 year prior to 2010 in which the MAEP formula is not fully funded,  
38 for those districts that do not demonstrate a three-year positive  
39 growth in months two (2) and three (3) ADA, months one (1) through  
40 nine (9) ADA of the second preceding year for which funds are  
41 being appropriated or months two (2) and three (3) ADA of the  
42 preceding year for which funds are being appropriated, whichever  
43 is greater, shall be used to calculate the district's MAEP  
44 allocation. The district's average daily attendance shall be  
45 computed and currently maintained in accordance with regulations  
46 promulgated by the State Board of Education.

47 (b) **Determination of base student cost.** Effective with  
48 fiscal year 2011 and every fourth fiscal year thereafter, the  
49 State Board of Education, on or before August 1, with adjusted  
50 estimate no later than January 2, shall submit to the Legislative  
51 Budget Office and the Governor a proposed base student cost  
52 adequate to provide the following cost components of educating a  
53 pupil in a successful school district: (i) Instructional Cost;  
54 (ii) Administrative Cost; (iii) Operation and Maintenance of  
55 Plant; and (iv) Ancillary Support Cost. For purposes of these  
56 calculations, the Department of Education shall utilize financial  
57 data from the second preceding year of the year for which funds  
58 are being appropriated.

59 For the instructional cost component, the Department of  
60 Education shall select districts that have been identified as  
61 instructionally successful and have a ratio of a number of  
62 teachers per one thousand (1,000) students that is between one (1)

63 standard deviation above the mean and two (2) standard deviations  
64 below the mean of the statewide average of teachers per one  
65 thousand (1,000) students. The instructional cost component shall  
66 be calculated by dividing the latest available months one (1)  
67 through nine (9) ADA into the instructional expenditures of these  
68 selected districts. For the purpose of this calculation, the  
69 Department of Education shall use the following funds, functions  
70 and objects:

71 Fund 1120 Functions 1110-1199 Objects 100-999, Functions  
72 1210, 1220, 2150-2159 Objects 210 and 215;

73 Fund 1130 All Functions, Object Code 210 and 215;

74 Fund 2001 Functions 1110-1199 Objects 100-999;

75 Fund 2070 Functions 1110-1199 Objects 100-999;

76 Fund 2420 Functions 1110-1199 Objects 100-999;

77 Fund 2711 All Functions, Object Code 210 and 215.

78 Prior to the calculation of the instructional cost component,  
79 there shall be subtracted from the above expenditures any revenue  
80 received for Chickasaw Cession payments, Master Teacher  
81 Certification payments and the district's portion of state revenue  
82 received from the MAEP at-risk allocation.

83 For the administrative cost component, the Department of  
84 Education shall select districts that have been identified as  
85 instructionally successful and have a ratio of an administrative  
86 staff to nonadministrative staff between one (1) standard  
87 deviation above the mean and two (2) standard deviations below the  
88 mean of the statewide average administrative staff to  
89 nonadministrative staff. The administrative cost component shall  
90 be calculated by dividing the latest available months one (1)  
91 through nine (9) ADA of the selected districts into the  
92 administrative expenditures of these selected districts. For the  
93 purpose of this calculation, the Department of Education shall use  
94 the following funds, functions and objects:

95 Fund 1120 Functions 2300-2599, Functions 2800-2899,

96                    Objects 100-999;

97                    Fund 2711 Functions 2300-2599, Functions 2800-2899,

98                    Objects 100-999.

99                    For the plant and maintenance cost component, the Department  
100 of Education shall select districts that have been identified as  
101 instructionally successful and have a ratio of plant and  
102 maintenance expenditures per one hundred thousand (100,000) square  
103 feet of building space and a ratio of maintenance workers per one  
104 hundred thousand (100,000) square feet of building space that are  
105 both between one (1) standard deviation above the mean and two (2)  
106 standard deviations below the mean of the statewide average. The  
107 plant and maintenance cost component shall be calculated by  
108 dividing the latest available months one (1) through nine (9) ADA  
109 of the selected districts into the plant and maintenance  
110 expenditures of these selected districts. For the purpose of this  
111 calculation, the Department of Education shall use the following  
112 funds, functions and objects:

113                    Fund 1120 Functions 2600-2699, Objects 100-699

114                    and Objects 800-999;

115                    Fund 2711 Functions 2600-2699, Objects 100-699

116                    and Objects 800-999;

117                    Fund 2430 Functions 2600-2699, Objects 100-699

118                    and Objects 800-999.

119                    For the ancillary support cost component, the Department of  
120 Education shall select districts that have been identified as  
121 instructionally successful and have a ratio of a number of  
122 librarians, media specialists, guidance counselors and  
123 psychologists per one thousand (1,000) students that is between  
124 one (1) standard deviation above the mean and two (2) standard  
125 deviations below the mean of the statewide average of librarians,  
126 media specialists, guidance counselors and psychologists per one  
127 thousand (1,000) students. The ancillary cost component shall be  
128 calculated by dividing the latest available months one (1) through

129 nine (9) ADA into the ancillary expenditures instructional  
130 expenditures of these selected districts. For the purpose of this  
131 calculation, the Department of Education shall use the following  
132 funds, functions and objects:

133 Fund 1120 Functions 2110-2129, Objects 100-999;

134 Fund 1120 Functions 2140-2149, Objects 100-999;

135 Fund 1120 Functions 2220-2229, Objects 100-999;

136 Fund 2001 Functions 2100-2129, Objects 100-999;

137 Fund 2001 Functions 2140-2149, Objects 100-999;

138 Fund 2001 Functions 2220-2229, Objects 100-999.

139 The total base cost for each year shall be the sum of the  
140 instructional cost component, administrative cost component, plant  
141 and maintenance cost component and ancillary support cost  
142 component, and any estimated adjustments for additional state  
143 requirements as determined by the State Board of Education.

144 Provided, however, that the base student cost in fiscal year 1998  
145 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

146 For each of the fiscal years between the recalculation of the  
147 base student cost under the provisions of this paragraph (b), the  
148 base student cost shall be increased by an amount equal to forty  
149 percent (40%) of the base student cost for the previous fiscal  
150 year, multiplied by the latest annual rate of inflation for the  
151 State of Mississippi as determined by the State Economist, plus  
152 any adjustments for additional state requirements such as, but not  
153 limited to, teacher pay raises and health insurance premium  
154 increases.

155 (c) **Determination of the basic adequate education**

156 **program cost.** The basic amount for current operation to be  
157 included in the Mississippi Adequate Education Program for each  
158 school district shall be computed as follows:

159 Multiply the average daily attendance of the district by the  
160 base student cost as established by the Legislature, which yields  
161 the total base program cost for each school district.

162           (d) **Adjustment to the base student cost for at-risk**  
163 **pupils.** The amount to be included for at-risk pupil programs for  
164 each school district shall be computed as follows: Multiply the  
165 base student cost for the appropriate fiscal year as determined  
166 under paragraph (b) by five percent (5%), and multiply that  
167 product by the number of pupils participating in the federal free  
168 school lunch program in such school district, which yields the  
169 total adjustment for at-risk pupil programs for such school  
170 district.

171           (e) **Add-on program cost.** The amount to be allocated to  
172 school districts in addition to the adequate education program  
173 cost for add-on programs for each school district shall be  
174 computed as follows:

175                   (i) Transportation cost shall be the amount  
176 allocated to such school district for the operational support of  
177 the district transportation system from state funds.

178                   (ii) Vocational or technical education program  
179 cost shall be the amount allocated to such school district from  
180 state funds for the operational support of such programs.

181                   (iii) Special education program cost shall be the  
182 amount allocated to such school district from state funds for the  
183 operational support of such programs.

184                   (iv) Gifted education program cost shall be the  
185 amount allocated to such school district from state funds for the  
186 operational support of such programs.

187                   (v) Alternative school program cost shall be the  
188 amount allocated to such school district from state funds for the  
189 operational support of such programs.

190                   (vi) Extended school year programs shall be the  
191 amount allocated to school districts for those programs authorized  
192 by law which extend beyond the normal school year.

193                   (vii) University-based programs shall be the  
194 amount allocated to school districts for those university-based

195 programs for handicapped children as defined and provided for in  
196 Section 37-23-131 et seq., Mississippi Code of 1972.

197 (viii) Bus driver training programs shall be the  
198 amount provided for those driver training programs as provided for  
199 in Section 37-41-1, Mississippi Code of 1972.

200 The sum of the items listed above (i) transportation, (ii)  
201 vocational or technical education, (iii) special education, (iv)  
202 gifted education, (v) alternative school, (vi) extended school  
203 year, (vii) university-based, and (viii) bus driver training shall  
204 yield the add-on cost for each school district.

205 (f) **Total projected adequate education program cost.**

206 The total Mississippi Adequate Education Program cost shall be the  
207 sum of the total basic adequate education program cost (paragraph  
208 (c)), and the adjustment to the base student cost for at-risk  
209 pupils (paragraph (d)) for each school district. In any year in  
210 which the MAEP is not fully funded, the Legislature shall direct  
211 the Department of Education in the K-12 appropriation bill as to  
212 how to allocate MAEP funds to school districts for that year.

213 (g) The State Auditor shall annually verify the State  
214 Board of Education's estimated calculations for the Mississippi  
215 Adequate Education Program that are submitted each year to the  
216 Legislative Budget Office on August 1 and the final calculation  
217 that is submitted on January 2.

218 (2) **Computation of the required local revenue in support of**  
219 **the adequate education program.** The amount that each district  
220 shall provide toward the cost of the adequate education program  
221 shall be calculated as follows:

222 (a) The State Department of Education shall certify to  
223 each school district that twenty-eight (28) mills, less the  
224 estimated amount of the yield of the School Ad Valorem Tax  
225 Reduction Fund grants as determined by the State Department of  
226 Education, is the millage rate required to provide the district  
227 required local effort for that year, or twenty-seven percent (27%)

228 of the basic adequate education program cost for such school  
229 district as determined under paragraph (c), whichever is a lesser  
230 amount. In the case of an agricultural high school, the millage  
231 requirement shall be set at a level which generates an equitable  
232 amount per pupil to be determined by the State Board of Education.

233 (b) The State Department of Education shall determine  
234 (i) the total assessed valuation of nonexempt property for school  
235 purposes in each school district; (ii) assessed value of exempt  
236 property owned by homeowners aged sixty-five (65) or older or  
237 disabled as defined in Section 27-33-67(2), Mississippi Code of  
238 1972; (iii) the school district's tax loss from exemptions  
239 provided to applicants under the age of sixty-five (65) and not  
240 disabled as defined in Section 27-33-67(1), Mississippi Code of  
241 1972; and (iv) the school district's homestead reimbursement  
242 revenues.

243 (c) The amount of the total adequate education program  
244 funding which shall be contributed by each school district shall  
245 be the sum of the ad valorem receipts generated by the millage  
246 required under this subsection plus the following local revenue  
247 sources for the appropriate fiscal year which are or may be  
248 available for current expenditure by the school district:

249 One hundred percent (100%) of Grand Gulf income as prescribed  
250 in Section 27-35-309.

251 One hundred percent (100%) of any fees in lieu of taxes as  
252 prescribed in Section 27-31-104.

253 (3) **Computation of the required state effort in support of**  
254 **the adequate education program.**

255 (a) The required state effort in support of the  
256 adequate education program shall be determined by subtracting the  
257 sum of the required local tax effort as set forth in subsection  
258 (2)(a) of this section and the other local revenue sources as set  
259 forth in subsection (2)(c) of this section in an amount not to  
260 exceed twenty-seven percent (27%) of the total projected adequate



261 education program cost as set forth in subsection (1)(f) of this  
262 section from the total projected adequate education program cost  
263 as set forth in subsection (1)(f) of this section.

264 (b) Provided, however, that in fiscal year 1998 and in  
265 the fiscal year in which the adequate education program is fully  
266 funded by the Legislature, any increase in the said state  
267 contribution to any district calculated under this section shall  
268 be not less than eight percent (8%) in excess of the amount  
269 received by said district from state funds for the fiscal year  
270 immediately preceding. For purposes of this paragraph (b), state  
271 funds shall include minimum program funds less the add-on  
272 programs, State Uniform Millage Assistance Grant Funds, Education  
273 Enhancement Funds appropriated for Uniform Millage Assistance  
274 Grants and state textbook allocations, and State General Funds  
275 allocated for textbooks.

276 (c) If the school board of any school district shall  
277 determine that it is not economically feasible or practicable to  
278 operate any school within the district for the full one hundred  
279 eighty (180) days required for a school term of a scholastic year  
280 as required in Section 37-13-63, Mississippi Code of 1972, due to  
281 an enemy attack, a man-made, technological or natural disaster in  
282 which the Governor has declared a disaster emergency under the  
283 laws of this state or the President of the United States has  
284 declared an emergency or major disaster to exist in this state,  
285 said school board may notify the State Department of Education of  
286 such disaster and submit a plan for altering the school term. If  
287 the State Board of Education finds such disaster to be the cause  
288 of the school not operating for the contemplated school term and  
289 that such school was in a school district covered by the  
290 Governor's or President's disaster declaration, it may permit said  
291 school board to operate the schools in its district for less than  
292 one hundred eighty (180) days and, in such case, the State  
293 Department of Education shall not reduce the state contributions

294 to the adequate education program allotment for such district,  
295 because of the failure to operate said schools for one hundred  
296 eighty (180) days.

297 (4) The Interim School District Capital Expenditure Fund is  
298 hereby established in the State Treasury which shall be used to  
299 distribute any funds specifically appropriated by the Legislature  
300 to such fund to school districts entitled to increased allocations  
301 of state funds under the adequate education program funding  
302 formula prescribed in Sections 37-151-3 through 37-151-7,  
303 Mississippi Code of 1972, until such time as the said adequate  
304 education program is fully funded by the Legislature. The  
305 following percentages of the total state cost of increased  
306 allocations of funds under the adequate education program funding  
307 formula shall be appropriated by the Legislature into the Interim  
308 School District Capital Expenditure Fund to be distributed to all  
309 school districts under the formula: Nine and two-tenths percent  
310 (9.2%) shall be appropriated in fiscal year 1998, twenty percent  
311 (20%) shall be appropriated in fiscal year 1999, forty percent  
312 (40%) shall be appropriated in fiscal year 2000, sixty percent  
313 (60%) shall be appropriated in fiscal year 2001, eighty percent  
314 (80%) shall be appropriated in fiscal year 2002, and one hundred  
315 percent (100%) shall be appropriated in fiscal year 2003 into the  
316 State Adequate Education Program Fund. Until July 1, 2002, such  
317 money shall be used by school districts for the following  
318 purposes:

319 (a) Purchasing, erecting, repairing, equipping,  
320 remodeling and enlarging school buildings and related facilities,  
321 including gymnasiums, auditoriums, lunchrooms, vocational training  
322 buildings, libraries, school barns and garages for transportation  
323 vehicles, school athletic fields and necessary facilities  
324 connected therewith, and purchasing land therefor. Any such  
325 capital improvement project by a school district shall be approved  
326 by the State Board of Education, and based on an approved

327 long-range plan. The State Board of Education shall promulgate  
328 minimum requirements for the approval of school district capital  
329 expenditure plans.

330 (b) Providing necessary water, light, heating, air  
331 conditioning, and sewerage facilities for school buildings, and  
332 purchasing land therefor.

333 (c) Paying debt service on existing capital improvement  
334 debt of the district or refinancing outstanding debt of a district  
335 if such refinancing will result in an interest cost savings to the  
336 district.

337 (d) From and after October 1, 1997, through June 30,  
338 1998, pursuant to a school district capital expenditure plan  
339 approved by the State Department of Education, a school district  
340 may pledge such funds until July 1, 2002, plus funds provided for  
341 in paragraph (e) of this subsection (4) that are not otherwise  
342 permanently pledged under such paragraph (e) to pay all or a  
343 portion of the debt service on debt issued by the school district  
344 under Sections 37-59-1 through 37-59-45, 37-59-101 through  
345 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,  
346 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt  
347 issued by boards of supervisors for agricultural high schools  
348 pursuant to Section 37-27-65, Mississippi Code of 1972, or  
349 lease-purchase contracts entered into pursuant to Section 31-7-13,  
350 Mississippi Code of 1972, or to retire or refinance outstanding  
351 debt of a district, if such pledge is accomplished pursuant to a  
352 written contract or resolution approved and spread upon the  
353 minutes of an official meeting of the district's school board or  
354 board of supervisors. It is the intent of this provision to allow  
355 school districts to irrevocably pledge their Interim School  
356 District Capital Expenditure Fund allotments as a constant stream  
357 of revenue to secure a debt issued under the foregoing code  
358 sections. To allow school districts to make such an irrevocable  
359 pledge, the state shall take all action necessary to ensure that

360 the amount of a district's Interim School District Capital  
361 Expenditure Fund allotments shall not be reduced below the amount  
362 certified by the department or the district's total allotment  
363 under the Interim Capital Expenditure Fund if fully funded, so  
364 long as such debt remains outstanding.

365 (e) [Repealed]

366 (f) [Repealed]

367 (g) The State Board of Education may authorize the  
368 school district to expend not more than twenty percent (20%) of  
369 its annual allotment of such funds or Twenty Thousand Dollars  
370 (\$20,000.00), whichever is greater, for technology needs of the  
371 school district, including computers, software,  
372 telecommunications, cable television, interactive video, film,  
373 low-power television, satellite communications, microwave  
374 communications, technology-based equipment installation and  
375 maintenance, and the training of staff in the use of such  
376 technology-based instruction. Any such technology expenditure  
377 shall be reflected in the local district technology plan approved  
378 by the State Board of Education under Section 37-151-17,  
379 Mississippi Code of 1972.

380 (h) To the extent a school district has not utilized  
381 twenty percent (20%) of its annual allotment for technology  
382 purposes under paragraph (g), a school district may expend not  
383 more than twenty percent (20%) of its annual allotment or Twenty  
384 Thousand Dollars (\$20,000.00), whichever is greater, for  
385 instructional purposes. The State Board of Education may  
386 authorize a school district to expend more than said twenty  
387 percent (20%) of its annual allotment for instructional purposes  
388 if it determines that such expenditures are needed for  
389 accreditation purposes.

390 (i) The State Department of Education or the State  
391 Board of Education may require that any project commenced under  
392 this section with an estimated project cost of not less than Five

393 Million Dollars (\$5,000,000.00) shall be done only pursuant to  
394 program management of the process with respect to design and  
395 construction. Any individuals, partnerships, companies or other  
396 entities acting as a program manager on behalf of a local school  
397 district and performing program management services for projects  
398 covered under this subsection shall be approved by the State  
399 Department of Education.

400 Any interest accruing on any unexpended balance in the  
401 Interim School District Capital Expenditure Fund shall be invested  
402 by the State Treasurer and placed to the credit of each school  
403 district participating in such fund in its proportionate share.

404 The provisions of this subsection (4) shall be cumulative and  
405 supplemental to any existing funding programs or other authority  
406 conferred upon school districts or school boards.

407 **SECTION 2.** Section 3 of Chapter 473, Laws of 2006, is  
408 amended to read as follows:

409 Section 3. (1) If sufficient funds are not available to  
410 fully fund the Mississippi Adequate Education Program (MAEP) for  
411 any of the fiscal years 2007, 2008 or 2009, the Legislature shall  
412 provide not less than the following amounts to fund the MAEP for  
413 those fiscal years: For fiscal year 2007, the amount shall be not  
414 less than One Billion Nine Hundred Seventy-three Million Forty  
415 Thousand One Hundred Twelve Dollars (\$1,973,040,112.00); for  
416 fiscal year 2008, the amount shall be not less than Two Billion  
417 Thirty-seven Million Two Hundred Twenty-six Thousand Five Hundred  
418 Eighty-four Dollars (\$2,037,226,584.00); and for fiscal year 2009,  
419 the amount shall be not less than Two Billion One Hundred One  
420 Million Four Hundred Thirteen Thousand Fifty-six Dollars  
421 (\$2,101,413,056.00). For fiscal year 2010, the Legislature shall  
422 provide not less than Two Billion One Hundred Sixty-five Million  
423 Five Hundred Ninety-nine Thousand Five Hundred Twenty-eight  
424 Dollars (\$2,165,599,528.00) to fund the MAEP. The minimum amounts  
425 required by this section for the MAEP do not include the costs

426 associated with other state mandated costs such as, but not  
427 limited to, teacher pay raises, increased costs of insurance and  
428 increased costs of employer contributions to the Public Employees'  
429 Retirement System, and any such associated costs increases shall  
430 be funded separately and in addition to the minimum amounts  
431 required by this section.

432 (2) If sufficient funds are not available to fully fund the  
433 MAEP for any of the fiscal years 2007, 2008 or 2009, the funds  
434 required to be provided to school districts under this section  
435 shall be allocated and prorated using average daily attendance  
436 (ADA) for months one (1) through nine (9) of the second preceding  
437 year or months two (2) and three (3) of the preceding year,  
438 whichever is greater, for fiscal year 2007, 2008 or 2009, as the  
439 case may be. For fiscal year 2010, allocation of funds shall be  
440 based on months two (2) and three (3) ADA.

441 (3) If sufficient funds are not available to fully fund the  
442 MAEP for any of the fiscal years 2007, 2008 or 2009, school  
443 districts experiencing at least three (3) consecutive years of  
444 growth in ADA shall receive an additional allocation of funds to  
445 fund that growth as follows: For fiscal year 2007, \* \* \* for  
446 fiscal year 2008, \* \* \* for fiscal year 2009 \* \* \* and for fiscal  
447 year 2010, that growth shall be funded at one hundred percent  
448 (100%). The State Department of Education shall determine the  
449 percentage change from the prior year of each year of each school  
450 district's average of months two (2) and three (3) ADA for the  
451 three (3) immediately preceding school years of the year for which  
452 funds are being appropriated. For any school district that  
453 experiences a positive growth in the average of months two (2) and  
454 three (3) ADA each year of the three (3) years, the average  
455 percentage growth over the three-year period shall be multiplied  
456 times the school district's average of months two (2) and three  
457 (3) ADA for the year immediately preceding the year for which MAEP  
458 funds are being appropriated. For fiscal year 2007, \* \* \* for

459 fiscal year 2008, \* \* \* for fiscal year 2009 \* \* \* and for fiscal  
460 year 2010, one hundred percent (100%) of the resulting amount  
461 shall be added to the school district's average of months two (2)  
462 and three (3) ADA for the year immediately preceding the year for  
463 which MAEP funds are being appropriated to arrive at the ADA to be  
464 used in determining a school district's MAEP allocation. The  
465 district's ADA shall be computed and currently maintained in  
466 accordance with regulations promulgated by the State Board of  
467 Education.

468         **SECTION 3.** This act shall take effect and be in force from  
469 and after its passage.