

Proposed Rule
LSA Document #22-325

DIGEST

Adds [511 IAC 6-7.1-10](#), [511 IAC 6-7.1-11](#), [511 IAC 6-7.1-12](#), and [511 IAC 7-32-93.5](#), and amends [511 IAC 7-40-3](#), [511 IAC 7-43-4](#), and [511 IAC 7-43-7](#), concerning the alternate diploma for students with significant cognitive disabilities and other certificates or similar lesser credentials, to update the regulatory language, and to account for recently enacted legislation. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[511 IAC 6-7.1-10](#); [511 IAC 6-7.1-11](#); [511 IAC 6-7.1-12](#); [511 IAC 7-32-93.5](#); [511 IAC 7-40-3](#); [511 IAC 7-43-4](#); [511 IAC 7-43-7](#)

SECTION 1. [511 IAC 6-7.1-10](#) IS ADDED TO READ AS FOLLOWS:

[511 IAC 6-7.1-10](#) Alternate diploma for students with significant cognitive disabilities

Authority: [IC 20-19-2-8](#); [IC 20-30-10](#); [IC 20-32-4-14](#)

Affected: [IC 20-32](#)

Sec. 10. (a) The definitions in [511 IAC 7-32](#) apply throughout this section.

(b) This section applies only to a student with a significant cognitive disability for whom a case conference committee has determined that the alternate diploma is appropriate, as indicated in the student's individualized education program, and that has taken the alternate assessment.

(c) To earn an alternate diploma, a student to whom this section applies must complete the following:

(1) A minimum of forty (40) high school credits, applied units, or a combination of high school credits and applied units.

(2) At least one (1) of the following activities aligned with the student's transition goals:

(A) Complete an industry-recognized certification, one (1) year certificate, or state approved alternative.

(B) Complete a project based or work based learning experience as determined by the CCC.

(C) Earn a work ethic certificate.

(D) Participate in part-time employment or other work related activities as determined by the CCC.

(3) Beginning with the cohort of students who expect to graduate during the 2022-2023 school year, develop a transition portfolio that demonstrates the work experience, credentials, or work certificates the student completed during high school.

(d) Thirty-three (33) of the credits or applied units a student must complete shall be earned in the courses of study specified in subsection (e), and seven (7) of the credits or applied units a student must complete shall be earned from elective courses in these and other approved areas of study.

(e) The thirty-three (33) required credits or applied units consist of the following:

(1) English/language arts	8 credits/applied units
(2) Social studies	4 credits/applied units
(3) Mathematics	4 credits/applied units
(4) Science	4 credits/applied units
(5) Health and wellness	1 credit/applied unit
(6) Physical education I and II, adapted as necessary	2 credits/applied units
(7) Employability	10 credits/applied units

(f) Courses that may be counted toward the required credits and applied units set forth in subsection

(d) are subject to the following provisions:

(1) English/language arts credits and applied units must include a balance of the following:

- (A) Literature.
- (B) Composition.
- (C) Vocabulary.
- (D) Speech or communication, or both.

(2) Social studies credits and applied units must include a balance of the following:

- (A) U.S. history.
- (B) U.S. government.
- (C) Geography.
- (D) Economics.

(3) The mathematics requirement is subject to the following:

(A) Mathematics credits and applied units must include a balance of the following:

- (i) Number sense.
- (ii) Expressions.
- (iii) Computation.
- (iv) Data analysis.
- (v) Statistics.
- (vi) Probability.
- (vii) Equations and inequalities.
- (viii) Personal finance.

(B) A student is required to take a mathematics or applied mathematics course each year the student is enrolled in high school.

(4) Science credits and applied units must include a balance of the following:

- (A) Physical science.
- (B) Earth science.
- (C) Life science.
- (D) Engineering and technology.

(5) Employability credits and applied units must include a balance of the following:

- (A) Job exploration.
- (B) Work based or project based learning experiences.
- (C) Employability skills related to the following:
 - (i) Mindsets.
 - (ii) Self-management.
 - (iii) Learning strategies.
 - (iv) Social skills.
 - (v) Workplace skills.
- (D) An introduction to postsecondary options, including an investigation into opportunities for enrollment in the following:
 - (i) Postsecondary programs.
 - (ii) Workplace readiness training programs meant to develop employability and independent living skills.
 - (iii) Instructional programs designed to teach self-advocacy.

(g) A student may satisfy the requirement set forth in subsection (c)(1) through enrollment in any combination of the following:

- (1) General education courses for credit.
- (2) Modified general education courses in which noncredit applied units are earned.
- (3) Special education courses in which noncredit applied units are earned.

(Indiana State Board of Education; [511 IAC 6-7.1-10](#))

SECTION 2. [511 IAC 6-7.1-11](#) IS ADDED TO READ AS FOLLOWS:

[511 IAC 6-7.1-11](#) Limitation on number of students receiving alternate diploma; graduation rate

Authority: [IC 20-19-2-8](#); [IC 20-32-4-14](#)

Affected: [IC 20-26-13](#); [IC 20-31-8](#)

Sec. 11. (a) A student with a significant cognitive disability to whom section 10 of this rule applies

shall be granted an alternate diploma upon completing the requirements set forth in section 10 of this rule.

(b) Notwithstanding any other rule, not more than one percent (1%) of a school's or a school corporation's graduation cohort that receives an alternate diploma under this rule shall count as having graduated for purpose of determining the school's or the school corporation's graduation rate under [IC 20-26-13](#) or [511 IAC 6.2-10](#).

(Indiana State Board of Education; [511 IAC 6-7.1-11](#))

SECTION 3. [511 IAC 6-7.1-12](#) IS ADDED TO READ AS FOLLOWS:

[511 IAC 6-7.1-12](#) Authority to award locally developed certificates

Authority: [IC 20-19-2-8](#); [IC 20-26-3](#)

Affected: [IC 20-26-3](#); [IC 20-26-13](#); [IC 20-32-4](#)

Sec. 12. (a) Nothing in this rule shall be construed as limiting a school corporation's authority under [IC 20-26-3](#) to award a locally developed certificate, such as a certificate of completion, to a student who does not meet the graduation requirements set forth in [IC 20-32-4](#).

(b) A locally developed certificate is not considered an Indiana diploma or an alternate diploma, and a student awarded a locally developed certificate is not considered a graduate for purposes of determining a school corporation's or school's graduation rate under [IC 20-26-13](#) or [511 IAC 6.2-10](#) unless that student has met the graduation requirements set forth in [IC 20-32-4](#).

(Indiana State Board of Education; [511 IAC 6-7.1-12](#))

SECTION 4. [511 IAC 7-32-93.5](#) IS ADDED TO READ AS FOLLOWS:

[511 IAC 7-32-93.5](#) "Student with the most significant cognitive disability" defined

Authority: [IC 20-19-2-8](#); [IC 20-19-2-16](#)

Affected: [IC 20-19-2](#); [IC 20-35](#)

Sec. 93.5. "Student with the most significant cognitive disability" means a student:

- (1) who falls within one (1) or more of the existing categories of disability identified in [511 IAC 7-41](#); and
- (2) whose cognitive impairments and adaptive behavior may prevent them from attaining grade level and age appropriate achievement standards, even with substantial adaptations and modifications of instruction.

(Indiana State Board of Education; [511 IAC 7-32-93.5](#))

SECTION 5. [511 IAC 7-40-3](#) IS AMENDED TO READ AS FOLLOWS:

[511 IAC 7-40-3](#) Educational evaluations; in general

Authority: [IC 20-19-2-8](#); [IC 20-19-2-16](#)

Affected: [IC 20-19-2](#); [IC 20-32-4-14](#); [IC 20-33-2-28.5](#); [IC 20-35](#)

Sec. 3. (a) This rule applies to educational evaluation procedures that enable a student's CCC to determine:

- (1) whether the student is eligible for special education and related services; and
- (2) if eligible, the special education and related services necessary to meet the educational needs of the student.

(b) These procedures do not apply to the following:

- (1) A test or other evaluation that is administered to all students unless, before administration of the test or evaluation, consent is required from parents of all students.

- (2) A screening of students by a teacher or a specialist to determine appropriate instructional strategies for curriculum implementation.
- (3) A review of existing data regarding a student.
- (4) The collection of progress monitoring data when a student participates in a process that assesses the student's response to scientific, research based interventions described in section 2 of this rule.

(c) The public agency shall establish, maintain, and implement written procedures regarding initial evaluations and reevaluations, including a description of the following:

- (1) The way in which a parent or the public agency may request an initial educational evaluation.
- (2) The methods used to assign a multi-disciplinary team to conduct educational evaluations.
- (3) The procedures used for reevaluations.

(d) When referrals for ~~any~~ a student from birth through the school year in which the student becomes twenty-two (22) years of age are made directly to the Indiana School for the Deaf, the Indiana School for the Blind and Visually Impaired, or any other state operated school by other than the designated representative of the student's public school corporation of legal settlement, the following procedures shall be implemented:

- (1) The state operated school **staff** shall refer the person making the contact back to the public school corporation of legal settlement.
- (2) The referral, evaluation, and CCC meeting described in section 4 of this rule shall be the responsibility of the public school corporation of legal settlement.

(e) The public agency must establish, maintain, and implement procedures to ensure the following:

- (1) Assessments and other evaluation materials are as follows:
 - (A) Provided and administered in the:
 - (i) student's native language or other mode of communication; and
 - (ii) form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
 - (B) Selected and administered so as not to be discriminatory on a racial or cultural basis.
 - (C) Used for the purposes for which the assessments or measures are valid and reliable.
 - (D) Administered as follows:
 - (i) By trained and knowledgeable personnel.
 - (ii) In accordance with ~~any~~ instructions provided by the producer of the assessments.
 - (E) Technically sound instruments that may assess the relative contributions of cognitive and behavioral factors, in addition to physical or developmental factors.
- (2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those ~~designed~~ **designed** to provide a single general intelligence quotient.
- (3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure.
- (4) The student is assessed or information is collected in all areas related to the suspected disability, including, if appropriate, the following:
 - (A) Development.
 - (B) Cognition.
 - (C) Academic achievement.
 - (D) Functional performance or adaptive behavior.
 - (E) Communication skills.
 - (F) Motor and sensory abilities, including vision or hearing.
 - (G) Available educationally relevant medical or mental health information.
 - (H) Social and developmental history.
- (5) Assessments of students with disabilities who transfer from one (1) public agency to another public agency in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, consistent with section 5(c)(2) of this rule, to ensure prompt completion of full evaluations.
- (6) Assessment tools and strategies provide relevant information that directly assists the CCC in determining the special education and related ~~service~~ **services** needs of the student.
- (7) Educational evaluations are sufficiently comprehensive to identify all of the student's special education and related ~~service~~ **services** needs whether or not commonly linked to the disability category in which the student has been classified.

(f) In conducting the educational evaluation, the multi-disciplinary team must use a variety of assessment tools and strategies, as required in [511 IAC 7-41](#), to gather relevant functional, developmental, and academic information about the student, including information provided by the parent, to assist the CCC in determining the following:

- (1) Whether the student is eligible for special education and related services.
- (2) The content of the student's individual educational program, including information related to enabling the student to be involved in and progress in the general education curriculum (or for an early childhood student, to participate in appropriate activities).

(g) The public agency must evaluate a student with a disability in accordance with the requirements of this rule and [511 IAC 7-41](#) before a CCC can determine that the student is no longer a student with a disability, except when termination of the student's eligibility is due to:

- (1) graduation with: ~~a high school~~
 - (A) **an Indiana diploma** as defined in [511 IAC 6-7.1-1](#)(e); or
 - (B) **an alternate diploma under [511 IAC 6-7.1-10](#)**;
- (2) exceeding the age eligibility under this article; or
- (3) a parent's revocation of consent for special education and related services in accordance with [511 IAC 7-42-15](#).

(h) The public agency must provide ~~the a~~ student with a summary of performance, as required in [511 IAC 7-43-7](#), under ~~any either~~ of the following circumstances:

- (1) A student graduates with: ~~a high school~~
 - (A) **an Indiana diploma** as defined in ~~[511 IAC 6-7.1-1](#)~~ **[511 IAC 6-7.1-1](#)(e)**; or
 - (B) **an alternate diploma under [511 IAC 6-7.1-10](#)**.
- ~~(2) A student leaves high school with a certificate of completion.~~
- ~~(3)~~ **(2)** A student exceeds the age eligibility for special education and related services under this article.

(i) A public agency may provide a student with a summary of performance when the:

- (1) student withdraws from high school after an exit interview is conducted; and
- (2) student's parent and principal consent to the withdrawal;

as specified in [IC 20-33-2-28.5](#)(b).

(Indiana State Board of Education; [511 IAC 7-40-3](#); filed Jul 14, 2008, 1:24 p.m.: [20080813-IR-511080112FRA](#); filed Dec 3, 2009, 1:50 p.m.: [20091230-IR-511090057FRA](#); readopted filed Nov 6, 2014, 3:23 p.m.: [20141203-IR-511140382RFA](#); filed Mar 18, 2019, 2:33 p.m.: [20190417-IR-511180153FRA](#); readopted filed Dec 1, 2020, 1:48 p.m.: [20201230-IR-511200548RFA](#))

SECTION 6. [511 IAC 7-43-4](#) IS AMENDED TO READ AS FOLLOWS:

[511 IAC 7-43-4](#) Transition individualized education program

Authority: [IC 20-19-2-8](#); [IC 20-19-2-16](#)

Affected: [IC 20-19-2](#); [IC 20-30-4](#); [IC 20-30-10-2](#); [IC 20-32-4-14](#); [IC 20-35](#); [IC 22-4.1-2](#)

Sec. 4. (a) The CCC must develop a transition IEP that will be in effect when the student:

- (1) enters into grade 9; or
- (2) becomes fourteen (14) years of age;

whichever occurs first, or earlier if determined appropriate by the CCC.

(b) This section does not apply to a student:

- (1) convicted as an adult under state law; and
- (2) incarcerated in an adult prison;

if the student's eligibility under this article will end because of the student's age, before the student will be eligible to be released from prison based on consideration of the student's sentence and eligibility for early release.

(c) The review and revision of a transition IEP must be in accordance with this section and [511 IAC 7-42-9](#).

(d) Notice of a CCC meeting to develop or revise a transition IEP must be in accordance with [511 IAC 7-42-2](#).

(e) The members of the CCC who must participate in the development or revision of a transition IEP are specified in [511 IAC 7-42-3\(d\)\(2\)](#), which states that the public agency must invite:

- (1) the student, and, if the student does not attend, the public agency must take other steps to ensure that the student's preferences and interests are considered; and
- (2) to the extent appropriate, and with the consent of the parent (or student of legal age as defined in [511 IAC 7-32-91](#)), a representative of ~~any~~ a participating agency (other than the public agency) likely to be responsible for providing or paying for transition services.

(f) When developing or revising a student's transition IEP, a CCC must consider the general and special factors described in [511 IAC 7-42-6\(b\)](#) and [511 IAC 7-42-6\(c\)](#).

(g) A general education teacher of the student, as a member of the CCC, must, to the extent appropriate, participate in the development or revision of a student's transition IEP, including ~~the determination of~~ **determining** the following:

- (1) Appropriate positive behavioral interventions and supports and other strategies for the student.
- (2) Supplementary aids and services, program modifications, and support for school personnel consistent with subsection (h)(8).

(h) A transition IEP must contain the following:

(1) A statement of the student's present levels of academic achievement and functional performance, including the following:

- (A) How the student's disability affects the student's involvement and progress in the general education curriculum.
- (B) Information from age appropriate transition assessments of:
 - (i) strengths;
 - (ii) preferences; and
 - (iii) interests.

(2) Appropriate measurable postsecondary goals, based upon age appropriate transition assessments that are related to:

- (A) training;
- (B) education;
- (C) employment; and
- (D) where appropriate, independent living skills.

(3) Documentation regarding whether the student will pursue: a:

- (A) ~~high school~~ **an Indiana** diploma as defined in [511 IAC 6-7.1-1\(e\)](#); or
- (B) ~~certificate of completion~~ **an alternate diploma under 511 IAC 6-7.1-10**.

(4) The transition services, as defined at [in 511 IAC 7-32-100](#), needed to assist the student in reaching postsecondary goals, including the individuals and agencies identified for implementing the transition services.

(5) If appropriate, based upon the transition services identified in subdivision (4), documentation that the CCC reviewed information, and the public agency presented written information to the parent and student, regarding available adult services provided through state and local agencies and other organizations to facilitate student movement from the public agency to adult life. Adult services may include, but are not limited to, services provided by the following:

- (A) A vocational rehabilitation services program.
- (B) The department of workforce development.
- (C) The Social Security Administration.
- (D) The bureau of developmental disabilities services.
- (E) A community mental health center.
- (F) A community rehabilitation program.
- (G) An area agency on aging.

(6) The following:

- (A) A statement of measurable annual goals, including academic and functional goals designed to support and align with the student's postsecondary goals, that meet:
 - (i) the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum; and
 - (ii) each of the student's other educational needs that result from the student's disability.
- (B) For students who participate in alternate assessments aligned to alternative academic achievement

standards, a description of benchmarks or short term objectives.

(7) A description of the following:

(A) How the student's progress toward meeting the postsecondary and annual goals described in subdivision (6) will be measured.

(B) When periodic reports on the progress the student is making toward meeting the postsecondary and annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

(8) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to do the following:

(A) Advance appropriately toward attaining the postsecondary and annual goals.

(B) Be involved in and make progress in the general education curriculum in accordance with subdivision (1) and participate in extracurricular and other nonacademic activities.

(C) Be educated and participate with other students with disabilities and nondisabled students in the activities described in this article.

(9) An explanation of the extent, if any, to which the student will not participate with nondisabled students in:

(A) the general education environment; and

(B) extracurricular and other nonacademic activities.

(10) A statement regarding the student's participation in statewide or local assessments of student achievement, including the following:

(A) ~~Any~~ Individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student consistent with [511 IAC 7-36-10](#).

(B) If the CCC determines, in accordance with [511 IAC 7-36-10\(g\)](#) and [511 IAC 7-36-10\(h\)](#), that the student must take an alternate assessment of student achievement, instead of a particular statewide or local assessment, a statement:

(i) that the criteria for the alternate assessment have been met;

(ii) of why the alternate assessment selected is appropriate for the student; and

(iii) documenting that the public agency informed the parent that the student's performance will be measured against grade level aligned alternate academic achievement standards.

(11) The projected date for initiation of services and modifications described in subdivision (8) and the anticipated length and frequency, location, and duration of services and modifications.

(12) Courses of study to achieve postsecondary goals.

(13) A statement of the student's need for extended school year services consistent with [511 IAC 7-36-4\(c\)](#) and [511 IAC 7-36-4\(d\)](#).

(14) Identification of the placement in the least restrictive environment as described in [511 IAC 7-42-10](#).

(15) Beginning not later than one (1) year before the student becomes eighteen (18) years of age, a statement that the student and the parent have been informed that parent's rights under this article will transfer to the student at eighteen (18) years of age in accordance with section 5 of this rule.

(16) Written notes documenting the meeting of the CCC, including the following:

(A) The date and purpose of the meeting.

(B) The names and titles of the participants.

(C) The issues discussed during the meeting.

(i) Nothing in this section must be construed to require:

(1) that additional information be included in a student's transition IEP beyond what is explicitly required in this article; or

(2) the CCC to include information under one (1) component of the student's transition IEP that is already contained under another component of the student's transition IEP.

(j) The public agency must give the parent a copy, at no cost, of the student's transition IEP. The copy may be:

(1) provided to the parent at the conclusion of the CCC meeting; or

(2) mailed to the parent at a later date.

If mailed, the copy must be received by the parent ~~no~~ **not** later than ten (10) business days after the date of the CCC meeting.

(k) ~~Any~~ **A** member of the CCC may submit a written opinion regarding the transition IEP. The written opinion must:

(1) be submitted to the public agency not later than ten (10) business days after the date of the CCC meeting; and

(2) remain with the student's educational records.

(l) If a participating agency, other than the public agency, fails to provide the transition services described in a transition IEP, the public agency must reconvene the CCC to identify alternative strategies to meet the transition objectives for the student set out in the transition IEP.

(m) Nothing in this article relieves ~~any~~ a participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for ~~any~~ a transition service that the agency would otherwise provide to students who meet the eligibility criteria of that agency.

(Indiana State Board of Education; [511 IAC 7-43-4](#); filed Jul 14, 2008, 1:24 p.m.: [20080813-IR-511080112FRA](#); readopted filed Nov 6, 2014, 3:23 p.m.: [20141203-IR-511140382RFA](#); filed Mar 18, 2019, 2:33 p.m.: [20190417-IR-511180153FRA](#); readopted filed Dec 1, 2020, 1:48 p.m.: [20201230-IR-511200548RFA](#))

SECTION 7. [511 IAC 7-43-7](#) IS AMENDED TO READ AS FOLLOWS:

[511 IAC 7-43-7](#) Summary of performance

Authority: [IC 20-19-2-8](#); [IC 20-19-2-16](#)

Affected: [IC 20-19-2](#); [IC 20-32-4-14](#); [IC 20-33-2-28.5](#); [IC 20-35](#)

Sec. 7. (a) A public agency must provide a student with a summary of the student's academic achievement and functional performance, which must include recommendations on how to assist the student in meeting the student's postsecondary goals, when a student:

(1) graduates with: ~~a high school~~

(A) an Indiana diploma as defined in [511 IAC 6-7.1-1](#)(e); **or**

(B) an alternate diploma under [511 IAC 6-7.1-10](#);

~~(2) leaves high school with a certificate of completion; or~~

~~(3) (2) exceeds the age eligibility for special education and related services under this article; or~~

(3) leaves high school with a certificate or credential issued under [511 IAC 6-7.1-12](#).

(b) A public agency may provide a student with a summary of performance when the student withdraws from high school after:

(1) an exit interview is conducted; and

(2) the student's parent and principal consent to the withdrawal as specified in [IC 20-33-2-28.5](#)(b).

(c) Leaving high school with ~~a certificate of completion~~ **an alternate diploma, a certificate or credential issued under [511 IAC 6-7.1-12](#)**, or withdrawal from high school as described in [IC 20-33-2-28.5](#) does not extinguish a student's eligibility for special education and related services.

(d) A summary of performance should include, but not be limited to, the following items:

(1) Basic demographic information about the student.

(2) Postsecondary goals that:

(A) take into account the student's educational program; and

(B) reflect the:

(i) interests;

(ii) preferences; and

(iii) strengths;

of the student.

(3) A summary of the student's academic achievement and functional performance. Information that can be used to prepare the summary includes, but is not limited to, the following:

(A) An academic transcript.

(B) Academic assessment results.

(C) Assessments of functional skills or adaptive behavior that explain a student's ability to:

(i) live;

(ii) work; and

(iii) access the community.

(D) Workforce readiness assessments, career exploration internships, cooperative education experiences, or workforce credentials. ~~under [IC 20-32-4-4](#)(a)(6)(A).~~

- (4) Recommendations to assist the student in meeting postsecondary goals, including accommodations, modifications, or assistive technology utilized by the student and identified by the student as particularly helpful or necessary to meet academic or functional goals, or both.

(Indiana State Board of Education; [511 IAC 7-43-7](#); filed Jul 14, 2008, 1:24 p.m.: [20080813-IR-511080112FRA](#); readopted filed Nov 6, 2014, 3:23 p.m.: [20141203-IR-511140382RFA](#); filed Mar 18, 2019, 2:33 p.m.: [20190417-IR-511180153FRA](#); readopted filed Dec 1, 2020, 1:48 p.m.: [20201230-IR-511200548RFA](#))

[Notice of Public Hearing](#)

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