AMERICA'S PUBLIC SCHOOLS: CHOICE IS A PANACEA

For America's public schools, the last decade has been the worst of times and the best of times. Never before have the public schools been subjected to such savage criticism for failing to meet the nation's educational needs--yet never before have governments been so aggressively dedicated to studying the schools' problems and finding the resources for solving them.

The signs of poor performance were there for all to see during the 1970s. Test scores headed downward year after year. Large numbers of teenagers continued to drop out of school. Drugs and violence poisoned the learning environment. In math and science, two areas crucial to the nation's success in the world economy, American students fell far behind their counterparts in virtually every other industrialized country. Something was clearly wrong.

During the 1980s a growing sense of crisis fueled a powerful movement for educational change, and the nation's political institutions responded with aggressive reforms. State after state increased spending on schools, imposed tougher requirements, introduced more rigorous testing, and strengthened teacher certification and training. And, as the decade came to an end, creative experiments of various forms--from school-based management to magnet schools--were being launched around the nation.

We think these reforms are destined to fail. They simply do not get to the root of the problem. The fundamental causes of poor academic performance are not to be found in the schools, but rather in the institutions by which the schools have traditionally been governed. Reformers fail by automatically relying on these institutions to solve the problem--when the institutions are the problem.

The key to better schools, therefore, is institutional reform. What we propose is a new system of public education that eliminates most political and bureaucratic control over the schools and relies instead on indirect control through markets and parental choice. These new institutions naturally function to promote and nurture the kinds of effective schools that reformers have wanted all along.

Schools and Institutions

Three basic questions lie at the heart of our analysis. What is the relationship between school organization and student achievement? What are the conditions that promote or inhibit desirable forms of organization? And how are these conditions affected by their institutional settings?

Our perspective on school organization and student achievement is in agreement with the most basic claims and findings of the "effective schools" literature, which served as the analytical base of the education reform movement throughout the 1980s. We believe, as most others do, that how much students learn is not determined simply by their aptitude or family background--although, as we show, these are certainly influential--but also by how effectively schools are organized. By our estimates, the typical high school student
tends to learn considerably more, comparable to at least an extra year's worth of study, when he or she attends a high school that is effectively organized rather than one that is not.

Generally speaking, effective schools--be they public or private--have the kinds of organizational characteristics that the mainstream literature would lead one to expect: strong leadership, clear and ambitious goals, strong academic programs, teacher professionalism, shared influence, and staff harmony, among other things. These are best understood as integral parts of a coherent syndrome of organization. When this syndrome is viewed as a functioning whole, moreover, it seems to capture the essential features of what people normally mean by a team--principals and teachers working together, cooperatively and informally, in pursuit of a common mission.

How do these kinds of schools develop and take root? Here again, our own perspective dovetails with a central theme of educational analysis and criticism: the dysfunctions of bureaucracy, the value of autonomy, and the inherent tension between the two in American public education. Bureaucracy vitiates the most basic requirements of effective organization. It imposes goals, structures, and requirements that tell principals and teachers what to do and how to do it--denying them not only the discretion they need to exercise their expertise and professional judgment but also the flexibility they need to develop and operate as teams. The key to effective education rests with unleashing the productive potential already present in the schools and their personnel. It rests with granting them the autonomy to do what they do best. As our study of American high schools documents, the freer schools are from external control the more likely they are to have effective organizations.

Only at this late stage of the game do we begin to part company with the mainstream. While most observers can agree that the public schools have become too bureaucratic and would benefit from substantial grants of autonomy, it is also the standard view that this transformation can be achieved within the prevailing framework of democratic control. The implicit assumption is that, although political institutions have acted in the past to bureaucratize, they can now be counted upon to reverse course, grant the schools autonomy, and support and nurture this new population of autonomous schools. Such an assumption, however, is not based on a systematic understanding of how these institutions operate and what their consequences are for schools.

**Political Institutions**

Democratic governance of the schools is built around the imposition of higher-order values through public authority. As long as that authority exists and is available for use, public officials will come under intense pressure from social groups of all political stripes to use it. And when they do use it, they cannot blithely assume that their favored policies will be faithfully implemented by the heterogeneous population of principals and teachers below--whose own values and professional views may be quite different from those being imposed. Public officials have little choice but to rely on formal rules and
regulations that tell these people what to do and hold them accountable for doing it.

These pressures for bureaucracy are so substantial in themselves that real school autonomy has little chance to take root throughout the system. But they are not the only pressures for bureaucracy. They are compounded by the political uncertainty inherent in all democratic politics: those who exercise public authority know that other actors with different interests may gain authority in the future and subvert the policies they worked so hard to put in place. This knowledge gives them additional incentive to embed their policies in protective bureaucratic arrangements--arrangements that reduce the discretion of schools and formally insulate them from the dangers of politics.

These pressures, arising from the basic properties of democratic control, are compounded yet again by another special feature of the public sector. Its institutions provide a regulated, politically sensitive setting conducive to the power of unions, and unions protect the interests of their members through formal constraints on the governance and operation of schools--constraints that strike directly at the schools' capacity to build well-functioning teams based on informal cooperation.

The major participants in democratic governance--including the unions--complain that the schools are too bureaucratic. And they mean what they say. But they are the ones who bureaucratized the schools in the past, and they will continue to do so, even as they tout the great advantages of autonomy and professionalism. The incentives to bureaucratize the schools are built into the system.

Market Institutions

This kind of behavior is not something that Americans simply have to accept, like death and taxes. People who make decisions about education would behave differently if their institutions were different. The most relevant and telling comparison is to markets, since it is through democratic control and markets that American society makes most of its choices on matters of public importance, including education. Public schools are subject to direct control through politics. But not all schools are controlled in this way. Private schools--representing about a fourth of all schools--are subject to indirect control through markets.

What difference does it make? our analysis suggests that the difference is considerable and that it arises from the most fundamental properties that distinguish the two systems. A market system is not built to enable the imposition of higher-order values on the schools, nor is it driven by a democratic struggle to exercise public authority. Instead, the authority to make educational choices is radically decentralized to those most immediately involved. Schools compete for the support of parents and students, and parents and students are free to choose among schools. The system is built on decentralization, competition, and choice.

Although schools operating under a market system are free to organize any way they want, bureaucratization tends to be an unattractive way to go. Part of the reason is that
virtually everything about good education--from the knowledge and talents necessary to produce it, to what it looks like when it is produced--defies formal measurement through the standardized categories of bureaucracy.

The more basic point, however, is that bureaucratic control and its clumsy efforts to measure the unmeasurable are simply unnecessary for schools whose primary concern is to please their clients. To do this, they need to perform as effectively as possible, which leads them, given the bottom-heavy technology of education, to favor decentralized forms of organization that take full advantage of strong leadership, teacher professionalism, discretionary judgment, informal cooperation, and teams. They also need to ensure that they provide the kinds of services parents and students want and that they have the capacity to cater and adjust to their clients' specialized needs and interests, which this same syndrome of effective organization allows them to do exceedingly well.

Schools that operate in an environment of competition and choice thus have strong incentives to move toward the kinds of "effective-school" organizations that academics and reformers would like to impose on the public schools. Of course, not all schools in the market will respond equally well to these incentives. But those that falter will find it more difficult to attract support, and they will tend to be weeded out in favor of schools that are better organized. This process of natural selection complements the incentives of the marketplace in propelling and supporting a population of autonomous, effectively organized schools.

Institutional Consequences

No institutional system can be expected to work perfectly under real-world conditions. Just as democratic institutions cannot offer perfect representation or perfect implementation of public policy, so markets cannot offer perfect competition or perfect choice. But these imperfections, which are invariably the favorite targets of each system's critics, tend to divert attention from what is most crucial to an understanding of schools: as institutional systems, democratic control and market control are strikingly different in their fundamental properties. As a result, each system structures individual and social choices about education very differently, and each has very different consequences for the organization and performance of schools. Each system puts its own indelible stamp on the schools that emerge and operate within it.

What the analysis in our book suggests, in the most practical terms, is that American society offers two basic paths to the emergence of effective schools. The first is through markets, which scarcely operate in the public sector, but which act on private schools to discourage bureaucracy and promote desirable forms of organization through the natural dynamics of competition and choice.

The second path is through "special circumstances," -- homogeneous environments free of problems -- which, in minimizing the three types of political pressures just discussed, prompt democratic governing institutions to impose less bureaucracy than they otherwise would. Private schools therefore tend to be effectively organized because of the way
their system naturally works. When public schools happen to be effectively organized, it is in spite of their system -- they are the lucky ones with peculiarly nice environments.

As we show in our book, the power of these institutional forces is graphically reflected in our sample of American high schools. Having cast our net widely to allow for a full range of noninstitutional factors that might reasonably be suspected of influencing school autonomy, we found that virtually all of them fall by the wayside. The extent to which a school is granted the autonomy it needs to develop a more effective organization is overwhelmingly determined by its sectoral location and the niceness of its institutional environment.

Viewed as a whole, then, our effort to take institutions into account builds systematically on mainstream ideas and findings but, in the end, puts a very different slant on things. We agree that effective organization is a major determinant of student achievement. We also agree that schools perform better the more autonomous they are and the less encumbered they are by bureaucracy. But we do not agree that this knowledge about the proximate causes of effective performance card be used to engineer better schools through democratic control. Reformers are right about where they want to go, but their institutions cannot get them there.

The way to get schools with effective organizations is not to insist that democratic institutions should do what they are incapable of doing. Nor is it to assume that the better public schools, the lucky ones with nice environments, can serve as organizational models for the rest. Their luck is not transferable. The way to get effective schools is to recognize that the problem of ineffective performance is really a deep-seated institutional problem that arises from the most fundamental properties of democratic control.

The most sensible approach to genuine education reform is therefore to move toward a true institutional solution -- a different set of institutional arrangements that actively promotes and nurtures the kinds of schools people want. The market alternative then becomes particularly attractive, for it provides a setting in which these organizations take root and flourish. That is where "choice" comes in.

**Educational Choice**

It is fashionable these days to say that choice is "not a panacea." Taken literally, that is obviously true. There are no panaceas in social policy. But the message this aphorism really means to get across is that choice is just one of many reforms with something to contribute. School-based management is another. So are teacher empowerment and professionalism, better training programs, stricter accountability, and bigger budgets. These and other types of reforms all bolster school effectiveness in their own distinctive ways -- so the reasoning goes --and the best, most aggressive, most comprehensive approach to transforming the public school system is therefore one that wisely combines them into a multifaceted reformist package.

Without being too literal about it, we think reformers would do well to entertain the
notion that choice is a panacea. of all the sundry education reforms that attract attention, only choice has the capacity to address the basic institutional problem plaguing America's schools. The other reforms are all system-preserving. The schools remain subordinates in the structure of public authority -- and they remain bureaucratic.

In principle, choice offers a clear, sharp break from the institutional past. In practice, however, it has been forced into the same mold with all the other reforms. It has been embraced half-heartedly and in bits and pieces -- for example, through magnet schools and limited open enrollment plans. It has served as a means of granting parents and students a few additional options or of giving schools modest incentives to compete. These are popular moves that can be accomplished without changing the existing system in any fundamental way. But by treating choice like other system-preserving reforms that presumably make democratic control work better, reformers completely miss what choice is all about.

Choice is not like the other reforms and should not be combined with them. Choice is a self-contained reform with its own rationale and justification. It has the capacity all by itself to bring about the kind of transformation that reformers have been seeking to engineer for years in myriad other ways. Indeed, if choice is to work to greatest advantage, it must be adopted without these other reforms, since they are predicated on democratic control and are implemented by bureaucratic means. The whole point of a thoroughgoing system of choice is to free the schools from these disabling constraints by sweeping away the old institutions and replacing them with new ones. Taken seriously, choice is not a system-preserving reform. It is a revolutionary reform that introduces a new system of public education.

A Proposal for Real Reform

The following outline describes a choice system that we think is equipped to do the job. offering our own proposal allows us to illustrate in some detail what a full-blown choice system might look like, as well as to note some of the policy decisions that must be made in building one. More important, it allows us to suggest what our institutional theory of schools actually entails for educational reform.

Our guiding principle in the design of a choice system is this: public authority must be put to use in creating a system that is almost entirely beyond the reach of public authority. Because states have primary responsibility for American public education, we think the best way to achieve significant, enduring reform is for states to take the initiative in withdrawing authority from existing institutions and vesting it directly in the schools, parents, and students. This restructuring cannot be construed as an exercise in delegation. As long as authority remains "available" at higher levels within state government, it will eventually be used to control the schools. As far as possible, all higher-level authority must be eliminated.

What we propose, more specifically, is that state leaders create a new system of public
education with the following properties.

The Supply of Schools

The state will be responsible for setting criteria that define what constitutes a "public school" under the new system. These criteria should be minimal, roughly corresponding to the criteria many states now use in accrediting private schools -- graduation requirements, health and safety requirements, and teacher certification requirements. Any educational group or organization that applies to the state and meets these minimal criteria must then be chartered as a public school and granted the right to accept students and receive public money.

Existing private schools will be among those eligible to participate. Their participation should be encouraged, because they constitute a supply of already effective schools. Our own preference would be to include religious schools too, as long as their sectarian functions can be kept clearly separate from their educational functions. Private schools that do participate will thereby become public schools, as such schools are defined under the new choice system.

School districts can continue running their present schools, assuming those schools meet state criteria. But districts will have authority over only their own schools and not over any of the others that may be chartered by the state.

Funding

The state will set up a Choice office in each district, which, among other things, will maintain a record of all school-age children and the level of funding -- the "scholarship" amounts -- associated with each child. This office will directly compensate schools based on the specific children they enroll. Public money will flow from funding sources (federal, state, and district governments) to the Choice Office and then to schools. At no point will it go to parents or students.

The state must pay to support its own Choice office in each district. Districts may retain as much of their current governing apparatus as they wish -- superintendents, school boards, central offices, and all their staff. But they have to pay for them entirely out of the revenue they derive from the scholarships of those children who voluntarily choose to attend district-run schools. Aside from the governance of these schools, which no one need attend, districts will be little more than taxing jurisdictions that allow citizens to make a collective determination about how large their children's scholarships will be.

As it does now, the state will have the right to specify how much, or by what formula, each district must contribute for each child. Our preference is for an equalization approach that requires wealthier districts to contribute more per child than poor districts do and that guarantees an adequate financial foundation to students in all districts. The state's contribution can then be calibrated to bring total spending per child up to whatever dollar amount seems desirable; under an equalization scheme, that would mean a larger
state contribution in poor districts than in wealthy ones.

While parents and students should be given as much flexibility as possible, we think it is unwise to allow them to supplement their scholarship amounts with personal funds. Such "add-one" threaten to produce too many disparities and inequalities within the public system, and many citizens would regard them as unfair and burdensome.

Complete equalization, on the other hand, strikes us as too stifling and restrictive. A reasonable trade-off is to allow collective add-one, much as the current system does. The citizens of each district can be given the freedom to decide whether they want to spend more per child than the state requires them to spend. They can then determine how important education is to them and how much they are willing to tax themselves for it. As a result, children from different districts may have different-sized scholarships.

Scholarships may also vary within any given district, and we strongly think that they should. Some students have very special educational needs -- arising from economic deprivation, physical handicaps, language difficulties, emotional problems, and other disadvantages -- that can be met effectively only through costly specialized programs. State and federal programs already appropriate public money to address these problems. Our suggestion is that these funds should take the form of add-one to student scholarships. At-risk students would then be empowered with bigger scholarships than the others, making them attractive clients to all schools--and stimulating the emergence of new specialty schools.

Choice Among Schools

Each student will be free to attend any public school in the state, regardless of district, with the student's scholarship--consisting of federal, state, and local contributions--flowing to the school of choice. In practice most students will probably choose schools in reasonable proximity to their homes. But districts will have no claim on their own residents.

To the extent that tax revenues allow, every effort will be made to provide transportation for students who need it. This provision is important to help open up as many alternatives as possible to all students, especially the poor and those in rural areas.

To assist parents and students in choosing among schools, the state will provide a Parent Information Center within its local Choice office. This center will collect comprehensive information on each school in the district, and its parent liaisons will meet personally with parents in helping them judge which schools best meet their children's needs. The emphasis here will be on personal contact and involvement. Parents will be required to visit the center at least once, and encouraged to do so often. Meetings will be arranged at all schools so that parents can see firsthand what their choices are.

The Parent Information Center will handle the applications process in a simple fashion. Once parents and students decide which schools they prefer, they will fill out applications
to each, with parent liaisons available to give advice and assistance and to fill out the applications themselves (if necessary). All applications will be submitted to the Center, which in turn will send them out to the schools. Schools will make their own admissions decisions, subject only to nondiscrimination requirements. This step is absolutely crucial. Schools must be able to define their own missions and build their own programs in their own ways, and they cannot do that if their student population is thrust on them by outsiders.

Schools must be free to admit as many or as few students as they want, based on whatever criteria they think relevant—intelligence, interest, motivation, special needs—and they must be free to exercise their own, informal judgments about individual applicants.

Schools will set their own "tuitions." They may choose to do so explicitly, say, by publicly announcing the minimum scholarship they are willing to accept. They may also do it implicitly by allowing anyone to apply for admission and simply making selections, knowing in advance what each applicant's scholarship amount is. In either case, schools are free to admit students with different-sized scholarships, and they are free to keep the entire scholarship that accompanies each student they have admitted. That gives all schools incentives to attract students with special needs, since these children will have the largest scholarships. It also gives schools incentives to attract students from districts with high base-level scholarships. But no school need restrict itself to students with special needs, nor to students from a single district.

The application process must take place within a framework that guarantees each student a school, as well as a fair shot at getting into the school he or she most wants. That framework, however, should impose only the most minimal restrictions on the schools.

We suggest something like the following. The Parent Information Center will be responsible for seeing that parents and students are informed, that they have visited the schools that interest them, and that all applications are submitted by a given date. Schools will then be required to make their admissions decisions, within set time, and students who are accepted into more than one school will be required to select one as their final choice. Students who are not accepted anywhere, as well as schools that have yet to attract as many students as they want, will participate in a second round of applications, which will work the same way.

After this second round, some students may remain without schools. At this point, parent liaisons will take informal action to try to match up these students with appropriate schools. If any students still remain unassigned, a special safety-net procedure—a lottery, for example—will be invoked to ensure that each is assigned to a specific school.

As long as they are not "arbitrary and capricious," schools must also be free to expel students or deny them readmission when, based on their own experience and standards, they believe the situation warrants it. This authority is essential if schools are to define and control their own organizations, and it gives students a strong incentive to live up to
their side of the educational "contract."

**Governance and organization**

Each school must be granted sole authority to determine its own governing structure. A school may be run entirely by teachers or even a union. It may vest all power in a principal. It may be built around committees that guarantee representation to the principal, teachers, parents, students, and members of the community or it may do something completely different.

The state must refrain from imposing any structures or requirements that specify how authority is to be exercised within individual schools. This includes the district-run schools: the state must not impose any governing apparatus on them either. These schools, however, are subordinate units within district government -- they are already embedded in a larger organization -- and it is the district authorities, not the schools, that have the legal right to determine how they will be governed.

More generally, the state will do nothing to tell the schools how they must be internally organized to do their work. The state will not set requirements for career ladders, advisory committees, textbook selection, in-service training, preparation time, homework, or anything else. Each school will be organized and operated as it sees fit.

Statewide tenure laws will be eliminated, allowing each school to decide for itself whether or not to adopt a tenure policy and what the specifics of that policy will be. This change is essential if schools are to have the flexibility they need to build well-functioning teams. Some schools may not offer tenure at all, relying on pay and working conditions to attract the kinds of teachers they want, while others may offer tenure as a supplementary means of compensating and retaining their best teachers.

Teachers, meantime, may demand tenure in their negotiations (individual or collective) with schools. And, as in private colleges and universities, the best teachers are well positioned to get it, since their services will be valued by any number of other schools. School districts may continue to offer districtwide tenure, along with transfer rights, seniority preference, and whatever other personnel policies they have offered in the past. But these policies apply only to district-run schools and the teachers who work in them.

Teachers will continue to have a right to join unions and engage in collective bargaining, but the legally prescribed bargaining unit will be the individual school or, as in the case of the district government, the larger organization that runs the school. If teachers in a given school want to join a union or, having done so, want to exact financial or structural concessions, that is up to them. But they cannot commit teachers in other schools, unless they are in other district-run schools, to the same things, and they must suffer the consequences if their victories put them at a competitive disadvantage in supplying quality education.

The state will continue to certify teachers, but requirements will be minimal,
corresponding to those that many states have historically applied to private schools. In our view, individuals should be certified to teach if they have a bachelor's degree and if their personal history reveals no obvious problems. Whether they are truly good teachers will be determined in practice, as schools decide whom to hire, observe their own teachers in action over an extended period of time, and make decisions regarding merit, promotion, and dismissal.

The schools may, as a matter of strategy, choose to pay attention to certain formal indicators of past or future performance, among them: a master's degree, completion of a voluntary teacher certification program at an education school, or voluntary certification by a national board. Some schools may choose to require one or more of these, or perhaps to reward them in various ways. But that is up to the schools, which will be able to look anywhere for good teachers in a now much larger and more dynamic market.

The state will hold the schools accountable for meeting certain procedural requirements. It will ensure that schools continue to meet the criteria set out in their charters, that they adhere to nondiscrimination laws in admissions and other matters, and that they collect and make available to the public, through the Parent Information Center, information on their mission, their staff and course offerings, standardized test scores (which we would make optional), parent and student satisfaction, staff opinions, and anything else that would promote informed choice among parents and students.

The state will not hold the schools accountable for student achievement or other dimensions that call for assessments of the quality of school performance. When it comes to performance, schools will be held accountable from below, by parents and students who directly experience their services and are free to choose. The state will play a crucial supporting role here in monitoring the full and honest disclosure of information by the schools--but it will be only a supporting role.

**Choice as a Public System**

This proposal calls for fundamental changes in the structure of American public education. Stereotypes aside, however, these changes have nothing to do with "privatizing" the nation's schools. The choice system we outline would be a truly public system--and a democratic one.

We are proposing that the state put its democratic authority to use in creating a new institutional frame work. The design and legitimation of this framework would be a democratic act of the most basic sort. It would be a social decision, made through the usual processes of democratic governance, by which the people and their representatives specify the structure of a new system of public education. This framework, as we set it out, is quite flexible and admits of substantial variation on important issues, all of them matters of public policy to be decided by representative government. Public officials and their constituents would be free to take their own approaches to taxation, equalization, treatment of religious schools, additional funding for disadvantaged students, parent add-one, and other controversial issues of public concern, thus designing choice systems to
reflect the unique conditions, preferences, and political forces of their own states.

Once this structural framework is democratically determined, moreover, governments would continue to play important roles within it. State officials and agencies would remain pivotal to the success of public education and to its ongoing operation. They would provide funding, approve applications for new schools, orchestrate and oversee the choice process, elicit full information about schools, provide transportation to students, monitor schools for adherence to the law, and (if they want) design and administer tests of student performance. School districts, meantime, would continue as local taxing jurisdictions, and they would have the option of continuing to operate their own system of schools.

The crucial difference is that direct democratic control of the schools—the very capacity for control, not simply its exercise—would essentially be eliminated. Most of those who previously held authority over the schools would have their authority permanently withdrawn, and that authority would be vested in schools, parents, and students. Schools would be legally autonomous: free to govern themselves as they want, specify their own goals and programs and methods, design their own organizations, select their own student bodies, and make their own personnel decisions. Parents and students would be legally empowered to choose among alternative schools, aided by institutions designed to promote active involvement, well-informed decisions, and fair treatment.

**Democracy and Educational Progress**

We do not expect everyone to accept the argument we have made here. In fact, we expect most of those who speak with authority on educational matters, leaders and academics within the educational community, to reject it. But we will regard our effort as a success if it directs attention to America's institutions of democratic control and provokes serious debate about their consequences for the nation's public schools. Whether or not our own conclusions are right, the fact is that these issues are truly basic to an understanding of schools, and they have so far played no part in the national debate. If educational reform is to have any chance at all of succeeding, that has to change.

In the meantime, we can only believe that the current "revolution" in public education will prove a disappointment. It might have succeeded had it actually been a revolution, but it was not and was never intended to be, despite the lofty rhetoric. Revolutions replace old institutions with new ones. The 1980s reform movement never seriously thought about the old institutions and certainly never considered them part of the problem. They were, as they had always been, part of the solution—and, for that matter, part of the definition of what democracy and public education are all about.

This identification has never been valid. Nothing in the concept of democracy requires that schools be subject to direct control by school boards, superintendents, central offices, departments of education, and other arms of government. Nor does anything in the concept of public education require that schools be governed in this way. There are
many paths to democracy and public education. The path America has been trodding for the past half-century is exacting a heavy price--one the nation and its children can ill afford to bear, and need not. It is time, we think, to get to the root of the problem.

ILLUSTRATION

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