


10-2011

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## Recommended Citation

HEMMER, LYNN and BAKER, CANDACE (2011) "FEDERAL ACCOMMODATION POLICY IN PRACTICE: IMPLICATIONS FOR A SUBSTANTIVE PROCESS," *Administrative Issues Journal*: Vol. 1 : Iss. 2 , Article 9.  
Available at: <https://dc.swosu.edu/aij/vol1/iss2/9>

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# FEDERAL ACCOMMODATION POLICY IN PRACTICE: IMPLICATIONS FOR A SUBSTANTIVE PROCESS

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*The design of governmental regulations creates an assumption that policy implementation is linear in nature and is unproblematic (Dorey, 2005). As states, local education agencies (LEAs), and eventually school leaders and teachers engage in the policy implementation process, it becomes evident that this hierarchal dissemination of policy results in various interpretations and actions (Spillane, 1996, 2002). In the 1997 Individuals with Disabilities Education Act (IDEA) and the 2001 No Child Left Behind (NCLB) Act, the legislative language clearly states that students with disabilities are to participate in assessments with accommodations as described on their Individualized Education Plan (IEP). Research suggests that teachers continue to have difficulty discriminating between accommodations and modifications and between learning strategies and accommodations (Bruininks et al., 1994; Ysseldyke et al., 2001), as well as choosing accommodations that benefit students (Fletcher et al., 2006; Fuchs, Fuchs, Eaton, Hamlett, & Karns, 2000; Helwig & Tindal, 2003). It may be that state-level guidance for policy implementation is addressed at the procedural level, while the IEP teams need guidance on the substantive level of accommodation assignments. This paper draws on policy implementation literature in general and accommodation policy literature specifically to understand the relationship between how states and districts approach accommodations policy and the resulting impact on the decision-making process used by the IEP team to assign accommodations. The authors make suggestions for considering a framework for a professional development experience addressing accommodation assignments. The authors' suggestions seek to improve the substantive consideration between policy and practice to enhance the decision-making process used by IEP teams.*

*Key Words: policy implementation, administrative roles, special education, professional development*

The design of governmental regulations creates an assumption that policy implementation is linear in nature and is unproblematic (Dorey, 2005), once received by the state and, once again, at the local level. As states, local education agencies (LEAs), and eventually school leaders and teachers engage in the implementation process, it becomes evident that this hierarchal dissemination of policy results in various interpretations and actions. This implementation process is important to consider in the wake of federal education policies that call for all students, including students with disabilities, to learn and achieve high standards (Individuals with Disabilities Education Act [IDEA], 1997; Individuals with Disabilities Education Improvement Act [IDEIA], 2004; No Child Left Behind [NCLB], 2002).

The legislative language in the 1997 Amendments to Individuals with Disability Education Act (IDEA) and the NCLB (2001) clearly states that students with disabilities are to participate in assessments with accommodations as described on their Individualized Education Plan (IEP). More specifically, the legislative policy stated in the IDEA amendments of 1997 says, "State[s] must develop, disseminate information on and promote the use of appropriate accommodations to increase the number of students who are tested against academic achievement standards for the grade in which a student is enrolled." With regard to local efforts, once this policy is received, the major task of district and school leaders is to ensure that educator practices are aligned with official policy (Davis, 1984; Parker & Bradley, 2000; Schein, 1993). What is often not considered, but is extremely important in the policy process, is an educator's knowledge, capacity, and commitment to enact new practices derived from policy (Spillane, 1999).

Research is beginning to yield results concerning accommodations use and their resulting effect on scores (Shriner & DeStefano, 2007). However, there is less research devoted to systematic accommodation decision-making by IEP team members. Considering that it is the IEP team that decides which assessment the student will participate in and which accommodations the student will receive, this area of study bears further investigation. Research already



recognizes that without clear policy direction, and guidelines, and support and accountability, the local setting in which state-level policy is to operate (as directed by federal policy) may induce weak links between intent and outcome (Christensen, 2000), resulting in variations among accommodation assignment procedures (Ketterlin-Geller, Alonzo, Braun-Monegan, & Tindal, 2007). The long-term effect of these inconsistencies and variations may not surface for some time. As such, this connection between policy and the decision-making process to assign appropriate accommodations must be examined to prevent the policy from being unintentionally neutralized or transformed in the process of dissemination.

This paper draws on the theoretical work of policy implementation literature in general and accommodation policy literature, specifically. In addition to information from the professional literature, the authors connect theoretical implications to the practical implementations realized in our previous administrative experiences as a school psychologist and a district administrator charged with accommodation policy implementation. Through this applied aspect of delivering accommodation policy, the authors describe the most salient manifestations of one state's policy implementation process. This particular ensemble provides an opportunity to discuss the ways in which agency is constructed at the various levels of administering policy to result, eventually, in accommodation assignments for students with disabilities.

The implementation of accommodation policies underscores the key role state and local education agencies have in the process. This paper proposes that the apparent linear design of federal accommodation policy is challenged on multiple role and responsibility fronts that arise from environments and organizations (Nakamura & Smallwood, 1980), state agencies, local schools and districts (Firestone, 1989; Spillane, 1996, 1999), and teachers (Spillane, 2002). The question arises as to how the state policy language that directs school district activity eventually guides the IEP team with its decision-making process. More specifically, how is policy language directing best practices through the state and local education agencies to the IEP team? This nexus between policy and practice is complicated even more since little is known about district activities to build the decision-making capacity of the IEP team to assign appropriate accommodations.

This work is presented in two parts. The first provides an overview of accommodation policy and the local significance of one state's policy dissemination process. This may serve as a starting point to analyze the articulation of federal policies when received by the IEP teams who make accommodation assignments. Along with the overview, the authors discuss the challenges encountered through patterns of interpretation stemming from environmental, organizational, and individual activity that ultimately affect policy implementation. In conclusion, the second part makes suggestions for research to consider a framework for a proposed model of change. These suggestions seek to enhance the technical consideration between policy and practice to improve the decision-making process used by IEP teams.

## ACCOMMODATION POLICY

### Overview

During the 1990s, there was a nationwide push to include more students with disabilities in state accountability exams. Accommodations were first introduced to the National Assessment of Educational Progress (NAEP) tests in 1996. The following year, the Amendments of the IDEA (1997) stated that all students should be provided with appropriate accommodations on all state and district-wide assessments. Several years later, the NCLB (2001) emphasized the need for school districts to report the scores of all students and mandated that students who received special education services be allowed the accommodations set forth on their IEP.

Though the 1997 Amendments to the IDEA and the NCLB mandate that students must participate in assessments with accommodations as described on the IEP, there is little research devoted to examining systematic accommodation decision-making by IEP team members. Research that does exist suggests that teachers have difficulty discriminating between accommodations and modifications (Bruininks et al., 1994; Ysseldyke et al., 2001) and between learning strategies and accommodations (Parker, 2006), as well as choosing accommodations that benefit students (Fletcher et

al., 2006; Fuchs, Fuchs, Eaton, Hamlett, & Karns, 2000; Helwig & Tindal, 2003). Complicating matters further, individual states decide whether specific accommodations are permissible for students on their state accountability exams that may or may not be permissible on the NAEP testing. Lazarus, Thurlow, Lail, and Christensen (2009) found that a large number of teachers, both general and special, did not know which accommodations in their state might result in disallowing a student's score. It is our interpretation that state-level guidance for policy implementation may be addressed at the procedural level, while the IEP teams need guidance on the substantive level of accommodation assignments.

Researchers have been studying the effects of accommodations on assessments for some time. As early as 1998, Hollenbeck, Tindal, and Almond stated that it was important to assess teacher knowledge of accommodations because their survey found that 1) teacher knowledge of allowable accommodations was limited, 2) few teachers agreed on whether a strategy was an accommodation, and 3) accommodation knowledge was no greater for special educators than general educators (p. 81). In 2001, Ysseldyke et al. found that teachers were confused by the terms *accommodations* and *modifications*, lacked understanding of the relationship between instructional and assessment accommodations, and had a tendency to overuse unwarranted accommodations. Fuchs and Fuchs (2001) also found that teachers overused accommodations by recommending the same accommodations for a large number of students. Helwig and Tindal (2003) further found that teachers predicted with only about 50% accuracy those students who would benefit from a read-aloud accommodation. More recently, Ketterlin-Geller et al. (2007) found that teachers often recommended accommodations for assessment even though the accommodations were not listed on the IEP.

In addition to the general confusion on the part of teachers, state policies regarding assessment accommodations vary across states. According to Lazarus et al. (2009), the National Center on Educational Outcomes (NCEO) has been tracking state policy on accommodations since 1993. The NCEO found that in 1993, only 20 states had accommodation policies in place. Over the years, states became somewhat more consistent, at least in their terminology. By 2001, states were identifying whether accommodations were "okay" or "not okay" for use by students whose scores would be aggregated. However, by 2005, there appeared to be consensual use of the following terms: 1) allowed, 2) allowed, but nonstandard, 3) allowed in certain circumstances, 4) allowed with implications for scoring and/or aggregation, and 5) prohibited (p. 71). State policies also give guidance to schools to use in decision-making about accommodations. By 2003, all 50 states had a policy in place stating that accommodation decisions should be determined by the IEP team (Lazarus et al., 2009).

While states have determined specific criteria to guide the decision-making process (Thurlow, 2007), improving the quality of decision-making for accommodations requires that states also consider how they inform stakeholders of state and federal policy accommodation mandates, as well as contemplate the technical and substantive concerns of policy practice. Educators need practical guidelines for writing appropriate instructional and assessment accommodations and/or modifications since the IEP team is expected to determine the specific accommodations used for the large-scale assessments. Yet, there is no consensus among the states on accommodation approaches and levels of specificity contained in state policy (Pullin, 2007), which would help an IEP team in the decision-making process.

While a number of studies (Fuchs & Fuchs, 2001; Ketterlin-Geller, 2003) suggest data-driven models for making accommodation decisions, this system is not widely disseminated nor necessarily put into practice by states or LEAs, thus forcing educators (i.e., the IEP team) to develop local procedures to meet their responsibility (Ketterlin-Geller et al., 2007). Recently, a few states (e.g., South Carolina, Georgia, South Dakota, and California) have turned to using a web-based application, AccSelPro, released in 2009 by the South Carolina Department of Education (SCDOE), to assist IEP teams in appropriate accommodation assignments (Duesbery, Swaffield, Elsmann, Foster, & Colmer, 2009). Interestingly enough, as was shared by Courtney Foster, who was on the AccSelPro development team, California is currently drafting a professional development manual for teachers based on an AccSelPro web-based application (C. Foster, personal communication, October 4, 2010). Even with these recent state adoptions, a concern still remains regarding the lack of research on the impact of state policy dissemination practices as well as validity studies documenting the efficacy of data-driven models, web-based selection tools, and teacher preparation in the



accommodation decision-making process.

The importance of the relationship between states' production and dissemination of policy, as well as the local administration of policy, has been a topic of discussion for some time. In fact, the first reference attaching significance to policy dissemination activities employed by states is noted in the IDEA (1997). This statutory provision expected states to move beyond basic sharing of information to provide training in current "best practices" (Conroy, Clark, Gable, & Fox, 1999), and for school districts to adopt practices that have been found successful (Gilhool, 1997/98). However, the way in which accommodation policy is operationalized within states and LEAs and finally by the IEP team is still unclear.

Although the scope of this paper is not to suggest generalizable results, our review does support the need to examine current state and district accommodation policy implementation practices. By describing one state's attributes of existing practices used to implement accommodation policy, light may be shed on an often-perceived but undocumented assumption that professional development exists merely by passing accommodation policy through the channels to the IEP team. In turn, this provides the groundwork for a discussion about professional development for the IEP team related to accommodation policy implementation procedures to afford academic access for students with disabilities. Developing an intentional professional development model that focuses on substantive as well as procedural knowledge of accommodation assignment may decrease the amount of IEP team member confusion regarding accommodations that is documented in the professional literature.

## Local Significance

In 2007, the Texas Education Agency (TEA) created a state version of the Accommodations Manual (Thompson, Morse, Sharpe, & Hall, 2005) published by the Council of Chief State School Officers that included state-specific policy and procedures. The manual's purpose, in part, is to provide policy mandates and practical guidance to district and campus-level staff concerning "selecting, administering, and evaluating the use of accommodation in instruction and assessment" (TEA, 2008, p. 6). Accordingly, it is assumed that familiarity with the manual will help district personnel understand the importance of their role and responsibility in helping students achieve "grade-level academic content standards," as well as "learning about accommodations for assessment, selecting accommodations for assessment of individual students, administering assessments using appropriate accommodation, and evaluating and improving accommodation use" (TEA, 2008, p. 6).

As is true with many states, the TEA takes several steps to disseminate the policy information to key stakeholders. For instance, each fall semester, the TEA posts its accommodation manual online at the state agency website. Shortly thereafter, the accommodation team from TEA provides a video conference information session using a PowerPoint along with a question-and-answer forum to convey information to the intended audience of district special education directors and test coordinators, as well as to other relevant federal program directors. These conferences are video streamed through the state's 20 educational service centers, and the PowerPoint is eventually posted on the TEA website. An additional means to disseminate accommodation policy information is through the annual Texas Assessment Conference, held in December. The conference is intended for district personnel responsible for administering state-mandated assessments. These methods of dissemination infer that once the policy is received by these district-level personnel, they in turn will proceed accordingly to inform the teachers and IEP teams at the school level.

From a practitioner's perspective, there is much evidence to support the dissemination of accommodation policy by the TEA. However, there is no guarantee as to how the information will be delivered to the teachers, much less how the teachers will be trained to ensure that a quality decision-making process is utilized. As a past district test coordinator and a member of the Texas Statewide Network of Assessment Personnel (TSNAP), this researcher became aware that districts throughout the state developed their own version of staff development to disseminate accommodation policy information. For example, it was shared through our TSNAP meetings, that some districts opted to forward the TEA accommodation PowerPoint to their campus test coordinators. These campus test coordinators, though, may or may not have forwarded the information to the special education teachers. Other districts chose to conduct brief



campus staff meetings with grade- or content-specific general and special education teachers. Oftentimes, these meetings would occur after the children were released from school and would last for an hour. In large districts, it could take up to three months to visit with each school. Also, there was no guarantee that all teachers in attendance were aware of the accommodation manual, much less knowledgeable enough to make appropriate decisions regarding accommodations for their students. Further challenges arose within teacher groups. Some teachers questioned the legitimacy of offering accommodations to a student on a state assessment. Others would attempt to include blanket accommodations on a state assessment without the benefit of knowing whether the accommodation was appropriate for the individual student, or even valid.

As a district test coordinator, this researcher observed that, as teachers became familiar with the accommodation policy, it was not unusual for many to request an accommodation that needed the TEA approval for use on a state assessment. As stated by the TEA, it is the district test coordinator's responsibility to verify appropriateness and rationale for the accommodation before sending the request to the TEA. At these times, it seemed that teachers struggled to merge the official accommodation policy and procedures with their decision-making process for the task of completing the IEP recommendation.

The above scenarios contribute to our understanding of how and why policy knowledge is constructed and practice is implemented. As Thurlow (2007) pointed out, states have made their accommodation policies, manuals, and handbooks readily available via state websites. However, to improve the quality of decision-making for accommodations, research must also consider the venue of how stakeholders receive, process, and then apply the information. Ensuring that accommodations policy is extended to teacher practice should produce important results for student outcomes.

## PATTERNS OF INTERPRETATION

Providing the appropriate accommodations to an individual is based on policy implementation derived in part from the IDEA, the IDEIA, the NCLB, and state policy and procedures. Much has been written concerning policy compliance at the various hierarchical stages, the role of political and economic conditions, leadership dispositions, and institutional resources to explain implementation (Lester & Stewart, 2000). In addition, policymakers go about creating policy to effect change, but they give minimal attention to the social forces and organizational conditions that ultimately reshape the policy (Hill & Celio, 1998; Tyack & Cuban, 1995). In addition, the final level of policy compliance is often mediated by local actors (Brouillette, 1996; Datnow, 2000; Goggin, Bownman, Lester, & O'Toole, 1990; Lester & Stewart, 2000), such as teachers.

As indicated earlier, the implementation of accommodation policy rests heavily on the teachers to mediate. These individuals are positioned to wield considerable agency and power based on how they make sense of policy and how they act in relation to policy in contextual situations. Furthermore, personnel charged with implementing policy are assumed to have the necessary capabilities, values, and attitudes to equally meet policy expectations. As evidenced in other policy studies (Pentz, Mares, Schinke, & Rohrbach, 2004), achieving policy outcome is based on the given information at hand and not necessarily on all relevant information.

Although teachers have historically understood the need to accommodate a student's disability during instruction, it was federal policy that introduced the assignment of accommodations to the assessment process. This then provided a formal mechanism to articulate forms of accommodations prescribed for an assessment context. While the advent of policy generated a standardization of accommodation assignments, it did not fulfill the substantive need of IEP team members to make appropriate accommodation assignments. With this in mind, it is important to understand the influences that may surround a teacher's decision-making process in choosing appropriate accommodations. For example, Coburn (2001) and Youngs (2007) suggested that when practitioners attempt to transform policy into practice, policy can set conditions of understanding, but the meaning behind the policy may not necessarily be followed. Furthermore, a teacher's knowledge of policy may conflict with the subtle micro-decision-making processes and dynamics that teachers encounter in their attempt to formulate appropriate accommodations for students (Smit, 2005). In turn, a teacher may experience competing constructs of knowledge between policy interpretation and



recognizing student needs, thus negating policy intent. As such, the authors suggest essential considerations of how collective and individual interpretations of policies shape learning opportunities must be considered.

The Accommodations Manual (Thompson et al., 2005) provides states with an implementation framework to guide them in developing their own accommodation manual with state-specific information and policy. While the teachers contextualize the mediation of policy, it must be reiterated that accommodation policy mandates are created and passed down from an external environment of state and federal agencies. As with any implementation of policy, though, there are certain responsibilities and tasks that must be fulfilled in order to achieve an objective, which in this case is ensuring that the appropriate accommodation is afforded to the student. How well policy is written, and/or how well policy guidelines and goals are articulated contributes to the implementation process as well. Scholars (Madsen, 1994; Peckover, Hall, & White, 2009; Spillane, Reiser, & Reimer, 2002) have examined the interface of policy and practice for many years, noting that policy written as a deliberate plan of action is assumed to guide decisions to achieve rational outcomes. However, as pointed out by Hope and Pigford (2002), the responsibilities and tasks needed for policy implementation are hardly a simple or passive practice.

Matters are further complicated by the uncertainty of how to achieve a policy goal. Cohen, Moffitt, and Goldin (2007) describe this uncertainty as a dual edge—one that may enable policy and the other that may “inhibit the capability that practitioners need if they are to respond in ways that are consistent with policy aims” (p. 529). For example, Madsen (1994) describes the role of the state department of education in implementing a state’s Excellence in Education Act (EEA). From her study, she found that the policy goals of EEA were severely hindered, if not compromised, due to ambiguity that extended across multiple components of the policy, i.e., funding, administrative direction and responsibility, and lastly, interpretations. These kinds of ambiguities influence the implementation process, creating concrete contradictions between policy aim and actual outcome.

This struggle in policy implementation is further contextualized by barriers sustained through legislative policy and administrative action. It is our interpretation of current literature that educators, in general, are required to provide reasonable accommodations in instruction and assessment for students with IEPs but are asked to do so without the benefit of a research-based decision-making tool for the IEP team. The need for teachers to develop professionally by adding specialized knowledge (such as appropriate and valid accommodation assignment) is not unfamiliar to teachers. Though as evidenced by the NCLB requirement for “highly qualified” teachers, this need has resulted in a greater discussion among policymakers, practitioners, and academia. Several studies, such as Mullens, Murnane, and Willett (1996) and, more recently, Goldschemidt and Phelps (2009), analyzed the relationship between teachers’ pre-institute knowledge, general intelligence, content-specific knowledge, in order to develop professional development models to result in increased student achievement. According to these studies, direct measures of teacher content and pedagogical knowledge are related to student performance. This further substantiates the importance of understanding the role a teacher’s knowledge of accommodations plays in student achievement. Extending these findings to this study, it may be that there is a relationship between the teacher’s knowledge of accommodation assignment and student performance.

As evidenced with the emerging accommodation policy, there is an expectation that teachers acquire new capabilities in the decision-making process to determine the appropriate accommodations. Thus, according to Cohen et al. (2007), if “practitioners cannot readily acquire new competencies[,] they are unlikely to deliver on policy” (p. 527). The decision-making process for choosing the appropriate accommodations is not simply an intuitive process. It requires practitioners to engage in learning how to use accommodations, how they might best fit the needs of a student, and whether each assigned accommodation is valid to ultimately result in higher student achievement.

Federal and state policy clearly recognizes that the IEP team is in the best position to determine a student’s assessment accommodations. States, in turn, are to establish and ensure implementation of clear and appropriate guidelines. While federal policy requires states to ensure that general and special educators know how to administer assessments and make use of appropriate accommodations, it rests on states to ensure that this occurs. Activities resulting from these state and national efforts underscore the key role of LEAs in the process, but as evidenced above, local education agencies are left to ponder how best to proceed.

## EFFECTIVE PROFESSIONAL DEVELOPMENT SERIES

A professional development (PD) series for general and special education teachers based on the Accommodations Manual (Thompson et al., 2005), AccSelPro, and data-driven models (Fuchs & Fuchs, 2001; Ketterlin-Geller, 2003) is recommended as a means to improve the knowledge and skills of in-service teachers. It is suggested that the framework of the professional development series include four components: (a) recommendations from the professional literature concerning developing effective PD to engage teachers, (b) reliance on an expert panel to develop valid teacher competencies for accommodation assignment, (c) relevant curriculum resources for the study of the accommodation decision-making process, and (d) policy and procedures. This will permit general and special education teachers to formulate appropriate instructional and assessment accommodations for students who receive special education services.

The recommended accommodation professional development experience relies on the work of Garet, Porter, Desimone, Birman, and Yoon (2001). Their research included a national evaluation of effective professional development. Professional development programs that were funded through the Eisenhower Professional Development Program were used in their study; thus, their model is commonly referred to as the Eisenhower model. Garet et al. suggested that building teacher capacity to affect positive student outcomes requires using an effective professional development model. This model specifies three core features: content focus activities, opportunities for active learning, and coherence between a teacher's experience and state standards and assessments. In addition, Garet et al. described three important structural features of the professional development model that foster the core features—type of activity, duration, and collective participation—all of which are necessary to elicit an optimal professional development experience. More recently, Quick, Holtzman, and Chanely (2009) followed up with a study that examined the relationship between teachers' participation in an effective Eisenhower model professional development program and known instructional practices that are associated with student achievement. They further examined the characteristics of professional development opportunities that school and district personnel value and believe will help teachers improve their practice. Their findings support previous research that documented that "research- and practitioner-identified characteristics of effective professional development do, in fact, appear to be effective in increasing teachers' use of an instructional practice that, in turn, appears to be effective in increasing student achievement" (p. 65). As explained previously, any professional development (from state agencies or school districts) on the accommodation decision-making process has been limited.

Decision-making in many contexts is complex. When combined with policy implementation, the capabilities and knowledge of those charged with the process should not be underestimated. Using professional development to strengthen capabilities and to inform the efforts that manage the decision-making process of the IEP is critical. Improving the knowledge and skills of teachers regarding appropriate accommodations for instruction and assessment should lead to improved accommodation assignments by IEP teams. When IEP teams make valid accommodation assignments that benefit individual student needs, academic outcomes for students with disabilities may be improved. Those students may show an increase in engaged activity for instruction and during assessment. The students may also show increased levels of participation on the state assessment. For example, a student may be able to move from the modified assessment into an accommodated assessment where his or her score will be aggregated with the general population. Results could not only improve teacher practice but may yield information to benefit teacher preparation programs so that teachers entering the field will be equipped to recommend and deliver valid accommodations for students with disabilities.

## CONCLUSIONS

Researchers suggest that teachers have difficulty discriminating between accommodations and modifications and between learning strategies and accommodations, as well as choosing accommodations that benefit students. There is theoretical suggestion that improving the quality of decision-making for accommodations will increase positive outcomes for students with IEPs; however, evidence is lacking. There is no evidence to suggest that state agencies or school districts have implemented an intentional professional development series for accommodation assignments





that includes the structure and features found in an effective professional development design. While several states are moving toward providing key stakeholders with tools (e.g., accommodation manuals, AccSelPro), there is little indication that the application of these tools includes a professional development model that contains a decision-making emphasis. Therefore, the authors recommend that school districts provide professional development experiences based on an intentional design that intersects policy and practice.

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