

APPROVED  
18-2007

Rockville, Maryland  
July 26, 2007

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Thursday, July 26, 2007, at 7:30 p.m.

Present: Mrs. Nancy Navarro, President  
in the Chair  
Mr. Steve Abrams  
Mr. Christopher Barclay  
Ms. Shirley Brandman  
Ms. Sharon Cox  
Dr. Judy Docca  
Mr. Ben Moskowitz  
Mrs. Patricia O'Neill  
Dr. Jerry Weast, Secretary/Treasurer

Absent: None

# or ( ) indicates student vote does not count. Four votes needed for adoption.

RESOLUTION NO. 398-07 Re: **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously:

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article* of the *Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct a closed session on July 26, 2007, in Room 114 from 5:00 to 6:00 p.m and in Room120 from 6:30 to 7:30 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Human Resources Appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on July 26, 2007, to acquit its administrative functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

Resolved, That the meeting continue in closed session until the completion of business.

Re: **PLEDGE OF ALLEGIANCE**

“I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

RESOLUTION NO. 399-07 Re: **APPROVAL OF THE AGENDA**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Ms. Brandman, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its agenda for July 26, 2007.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. John Lafferty	Northwood High School

Regarding Mr. Lafferty’s testimony on Northwood High School, staff agreed to provide a response to the Board on how these issues will be remedied.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented that it was gratifying and encouraging for MCPS to receive international recognition for its efforts to improve opportunities for students. A May 2007 study published by the Organization for Economic Cooperation and Development (OECD), an international policy institute located in France, featured MCPS in its description of school reform initiatives in the United States and described the “encouraging results” of MCPS efforts. The study, titled *Economic Survey of the United States*, included a description of the MCPS initiative of using the rigorous standards and expectations of the Advanced Placement program—along with backmapping—to reinforce and align academic improvements in both elementary and secondary schools. These elements are at the core of the Board of Education’s strategic plan for MCPS and have resulted in substantial improvements in student performance over time.

Mr. Barclay stated that the Audit Committee had a meeting to address the Independent Activity Fund. It was a productive and informative meeting, and there are some controls that need to be tightened up in terms of reporting and accounting for the funds.

Dr. Docca stated that she attended a meeting for the Association for the Study of African

American Life and History. Students are doing a history project, and they want to tour historically black colleges in the area.

Ms. Cox mentioned that she was invited by the National Society of School Psychologists to participate in a panel discussion on school safety issues, mental health, and threat assessment.

Mr. Abrams thanked Mr. Barclay and staff for the Audit Committee meeting that clarified issues. He complimented staff for hiring an external auditor to review the matter. The Policy Committee received a concern about the purchase of textbooks, over which the Audit Committee might have joint jurisdiction. The Audit Committee was satisfied that issue was not before the committee based on use of school funds.

Mrs. O'Neill commented on the Annual Report because of concerns received from the community regarding the need and the color production. She noted that the school system is required by state law to provide an annual report. She asked staff about the cost of the report. Staff replied that the cost is 51 cents per copy. It is not printed on glossy paper and is produced in-house.

Ms. Brandman reported that the Walter Johnson High School has a "Best Buddies" chapter which was awarded the standing of best in the world.

RESOLUTION NO. 400-07            Re:    **AWARD OF CONTRACT—CLARKSBURG HIGH SCHOOL STADIUM**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted unanimously:#

WHEREAS, A single bid was received on June 28, 2007, for the Clarksburg High School stadium lighting project; and

WHEREAS, The single bid exceeds the estimated cost for the stadium lighting project; and

WHEREAS, State procurement statutes allow local education agencies to negotiate for a lower cost if there is only a single bidder for a project; and

WHEREAS, The contractor, Dalton Electric Service, Inc., agreed to explore ways to reduce the cost of the stadium lighting work and negotiate a price that is lower than their bid; and

WHEREAS, The value engineering resulted in a change in the scope of this work and Dalton Electric Service, Inc. has agreed to lower its total bid price by \$22,500; and

WHEREAS, The reduction in price will allow the project to be completed within allocated funds; and

WHEREAS, There is limited opportunity for minority vendor participation because of the scope of the work involved in this project, and staff recommends waiving the Minority Business Enterprise goal for this project; and

WHEREAS, Dalton Electric Service, Inc. has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$158,300 contract be awarded to Dalton Electric Service, Inc. for the Clarksburg High School stadium lighting project, in accordance with drawings and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 401-07            Re:    **AWARD OF CONTRACT—CLOVERLY AND STONEGATE ELEMENTARY SCHOOL GYMNASIUM PROJECTS**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Mr. Abrams, the following resolution was adopted unanimously:#

WHEREAS, The following sealed bids were received on June 28, 2007, for the Cloverly and Stonegate elementary schools gymnasium projects:

Bidder	Cloverly Elementary School	Stonegate Elementary School	Combined Bid
Capitol Technology Services, Inc	\$2,183,770	\$1,699,248	\$3,883,018
Keller Brothers, Inc.	1,707,000	2,574,000	4,208,000
R. J. Crowley, Inc.	1,988,700	2,653,700	4,642,400

and

WHEREAS, The low bidder, Capitol Technology Services, Inc., has asked to withdraw its bid due to an error; and

WHEREAS, State procurement statutes give vendors the right to withdraw bids if sufficient evidence is provided to demonstrate that a pricing error was made that would cause an unfair economic burden; and

WHEREAS, The low bidder has provided documentation to support an error in its bid; and

WHEREAS, The combined bid allows a savings of more than \$70,000; and

WHEREAS, The second low bidder, Keller Brothers, Inc., has submitted 4.6-percent

Maryland Department of Transportation-certified Minority Business Enterprise participation, of which 1.9 percent is African American and 2.7 percent is other minority-owned; and

WHEREAS, Keller Brothers, Inc. has submitted a waiver for the balance of the Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the remaining balance of the Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, Keller Brothers, Inc. has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$4,208,000 contract be awarded to Keller Brothers, Inc. for the Cloverly and Stonegate elementary schools gymnasium projects, in accordance with drawings and specifications prepared by Smolen-Emr + Associates Architects.

RESOLUTION NO. 402-07            Re:    **CHANGE ORDER EXCEEDING \$100,000**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted unanimously:#

WHEREAS, A change order proposal has been received for the Richard Montgomery High School modernization project in excess of \$100,000; and

WHEREAS, The project architect, construction staff, and the construction manager, Bovis Lend Lease, Inc., have reviewed the change order to ensure that it complies with the contract specifications and the costs are reasonable; now therefore be it

Resolved, That the Board of Education approve the following change order for the amount indicated:

Activity 1

Project:            Richard Montgomery High School Modernization

Description: Auditorium audio system

Contractor: C. T. Electric Corporation

Amount:          \$346,285

RESOLUTION NO. 403-07            Re:    **TRANSFER OF FUNDS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted unanimously:#

WHEREAS, Staff has identified surplus funds in the following projects:

<u>Project</u>	<u>Amount</u>
Albert Einstein High School Addition	\$1,200,000
Fields Road Elementary School Addition	2,000,000
Sherwood High School Addition	2,500,000
Sligo Creek Elementary School Addition	775,000
Weller Road Elementary School Addition	2,700,000

and

WHEREAS, The following projects need additional funds to award the contracts, replenish contingencies, and complete the projects:

<u>Project</u>	<u>Amount</u>
Current Modernizations	\$3,100,000
Northwood High School	275,000
Planned Life-cycle Asset Replacement	1,080,000
School Gymnasiums	4,720,000

now therefore be it

Resolved, That the Board of Education request the County Council to transfer to the Unliquidated Surplus account funds from the following projects:

<u>Project</u>	<u>Amount</u>
Albert Einstein High School Addition	\$1,200,000
Fields Road Elementary School Addition	2,000,000
Sherwood High School Addition	2,500,000
Sligo Creek Elementary School Addition	775,000
Weller Road Elementary School Addition	2,700,000

and be it further

Resolved, That the Board request the County Council to transfer \$9,175,000 in the Unliquidated Surplus account to the following projects to fund the contract awards and project contingencies:

<u>Project</u>	<u>Amount</u>
Current Modernizations	\$3,100,000
Northwood High School	275,000

Planned Life-cycle Asset Replacement	1,080,000
School Gymnasiums	4,720,000

and be it further

Resolved, That the county executive be requested to recommend approval of the resolution to the County Council.

**RESOLUTION NO. 404-07      Re:    HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Abrams, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 27, 2007:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Rebecca Amani-Dove	Assessment Specialist	Coordinator of Special Initiatives

**RESOLUTION NO. 405-07      Re:    HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Abrams, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 27, 2007:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Paulina Masick	Instruction Specialist	Supervisor, Special Education

**Re:    FY 2007 OPERATING BUDGET YEAR-END FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, stated that at the end of each fiscal year, MCPS typically requests transfers among state categories to align budgeted appropriation with actual expenditures. These transfers are subject to approval by the County Council. For FY 2007, MCPS does not require any transfers among state categories. Nevertheless, it is incumbent to report to the Board of Education financial results by state category and the reasons for surpluses in each of the categories.

Overall, the MCPS Operating Budget ended FY 2007 with an expenditure surplus of \$9,165,000. Additionally, revenue was \$3,110,000 greater than budgeted, so that the total savings in local contribution was \$12,275,000. The County Council assumed \$7.3 million of savings from FY 2007 to fund the FY 2008 Operating Budget.

The FY 2007 expenditure surplus was due in part to lower-than-anticipated enrollment. This permitted holding teacher and supporting services positions in reserve, which resulted in savings of approximately \$4,000,000. The surplus also was the result of savings in tuition for special education students in nonpublic placement. Additionally, some positions in schools and offices remained vacant at the end of the fiscal year.

During the past fiscal year, staff closely monitored revenue and expenditures. Coordinated by the Office of the Chief Operating Officer, monitoring is led by the Department of Management, Budget, and Planning (DMBP) and the Department of Financial Services. With the assistance of the Office of Information and Organizational Systems and the Office of Human Resources, DMBP closely monitors expenditures. This financial monitoring process is extremely careful, comprehensive, and detailed. Primary and secondary account managers review each of their accounts on a monthly basis and report expenditure projections for the rest of the fiscal year. DMBP staff reviews and analyzes these projections using quantitative models, as well as knowledge of previous expenditure patterns and changing circumstances.

The Board of Education received detailed financial status reports throughout the past year. Each month, beginning in November, the Board discussed the financial status report at its public meetings. These reports were transmitted to the county executive, the county's Office of Management and Budget, and the County Council. The Education Committee of the County Council periodically reviewed the monthly financial report. Final FY 2007 expenditures are in line with the trends indicated in the monthly reports. The following is a summary of the results in each of the categories in which actual expenditures through June 30, 2007, differed from the appropriations:

Category 1, Administration, reflected a surplus of \$112,000. The surplus is a result of greater-than-budgeted lapse and turnover savings.

Category 2, Mid-level Administration, reflected a surplus of \$83,000. The surplus is a result of greater-than-budgeted lapse and turnover savings and using temporary part-time employees to fill some vacancies.

Category 3, Instructional Salaries, reflected a surplus of \$6,889,000. The surplus is primarily due to actual enrollment being less than projected (\$4,000,000). Teacher and paraeducator positions that were held in reserve to address large classes were not allocated based on this lower than projected enrollment. Staff development expenditures also were lower than anticipated. There were savings due to lower attendance than forecast at some training sessions, as well as an increase in the number of teachers who chose to take courses for credit rather than for stipend pay (\$1,500,000). Costs of short-term substitute teachers were lower than anticipated (\$1,000,000). Teacher vacancies filled with long-term substitutes resulted in savings in position accounts (\$500,000).



Category 4, Textbooks and Instructional Supplies, reflected a surplus of \$237,000. The projected surplus is due to lower-than-projected enrollment. As a result, allocations of textbooks and instructional supplies were reduced.

Category 5, Other Instructional Costs, reflected a surplus of \$28,000. The surplus is primarily the result of lower-than-anticipated school copier expenditures. In addition, there are small offsetting surpluses and deficits in a variety of accounts.

Category 6, Special Education, reflected a surplus of \$854,000. The surplus is a result of a lower-than-anticipated number of students referred to nonpublic programs (\$300,000) and higher-than-anticipated lapse and turnover savings (\$550,000), largely due to long-term substitute teachers being hired to fill some full-time teacher vacancies.

Category 7, Student Personnel Services, reflected a surplus of \$1,000.

Category 8, Health Services, reflected a surplus of \$1,000.

Category 9, Student Transportation, reflected a surplus of \$587,000. The surplus is the result of lower-than-anticipated costs for bus parts and other supplies and materials (\$400,000) and from lower-than-anticipated personnel costs (\$200,000).

Category 10, Operation of Plant and Equipment, reflected a surplus of \$112,000. The surplus resulted from lower-than-budgeted costs for natural gas, heating oil, and electricity due to warmer-than-normal winter weather.

Category 11, Maintenance of Plant, reflected a surplus of \$193,000. The surplus resulted from higher-than-budgeted lapse and turnover savings in maintenance positions and lower-than-anticipated non-position salary expenditures (\$500,000). This surplus was partially offset by higher-than-budgeted emergency contractual maintenance (\$300,000).

Category 12, Fixed Charges, reflected a surplus of \$63,000. The surplus resulted from lower-than-anticipated social security payments (\$250,000). The projected surplus is partially offset by the increased cost of reimbursements for employee tuition expenses (\$190,000).

MCPS also experienced a surplus in revenue for FY 2007, totaling \$3,110,000. The reasons for the surplus in revenue include the following:

- State reimbursement for nonpublic placement of special education students (\$900,000)
- State reimbursement for out-of-county living arrangements (\$600,000)
- An increase in federal Impact Aid (\$42,000)

- An increase resulting from retroactive federal reimbursement under the Hurricane Katrina and Hurricane Rita Grant (\$268,000)
- Additional investment income (\$800,000)
- Additional tuition income (\$400,000)
- Additional fee income (\$100,000)

**Re: DISCUSSION**

Ms. Cox thanked staff for its careful planning and management. She asked about Category 2 and temporary part-time to fill vacancies. Does that have implications for the next budget? Staff replied that it depended on the circumstances and is an operational issue.

**Re: COMPREHENSIVE MASTER PLAN UPDATE**

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mrs. O'Neill, the following resolution was placed on the table:

WHEREAS, The General Assembly enacted Senate Bill 856, *The Bridge to Excellence in Public Schools Act* on April 4, 2002, and on May 6, 2002, Governor Parris N. Glendening signed the Act into law; and

WHEREAS, The Act requires local school systems to submit annual updates of their five-year comprehensive master plans to the Maryland State Department of Education by October 15 of each year, to include prior year revenues and expenditures with the annual update; and

WHEREAS, On July 17, 2007, the Board of Education approved *Our Call to Action: Pursuit of Excellence*—The Strategic Plan for the Montgomery County Public Schools 2006–2011; and

WHEREAS, The strategic plan for the Montgomery County Public Schools contains goals and strategies to promote academic excellence among all students, and to eliminate performance gaps among identified subgroups of students; and

WHEREAS, The strategic plan for the Montgomery County Public Schools incorporates and imbeds the five goals of the *No Child Left Behind Act* and six focus areas of the *Bridge to Excellence in Public Schools Act*; and

WHEREAS, The strategic plan is the cornerstone of the Montgomery County Public Schools Comprehensive Master Plan; and

WHEREAS, The Montgomery County Public Schools *Bridge to Excellence in Public Schools Act*—Comprehensive Master Plan fulfills all of the required components, including strategies and supporting documentation; now therefore be it

Resolved, That the Board of Education tentatively approve the updated Montgomery County Public Schools *Bridge to Excellence in Public Schools Act*—Comprehensive Master Plan and will take final action on the Master Plan prior to October 15, 2007; and be it further

Resolved, That the Montgomery County Public Schools staff submit the Comprehensive Master Plan to the county executive and County Council on or before August 15, 2007, as required by the Education Article of the Annotated Code of Maryland.

Re: **DISCUSSION**

The Board members asked questions about the following:

- the reading chart with categories of success
- graduation rates and how the calculation is made
- highly qualified teachers and the house rubric
- systemic impact of chosen data
- resource allocations
- HSA leadership teams
- instructional practices connected to data
- HSA and student mobility
- attendance rates and trigger points for interventions

RESOLUTION NO. 406-07

Re: **COMPREHENSIVE MASTER PLAN UPDATE**

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mrs. O'Neill, by a unanimous vote the following resolution was tentatively approved:

WHEREAS, The General Assembly enacted Senate Bill 856, *The Bridge to Excellence in Public Schools Act* on April 4, 2002, and on May 6, 2002, Governor Parris N. Glendening signed the Act into law; and

WHEREAS, The Act requires local school systems to submit annual updates of their five-year comprehensive master plans to the Maryland State Department of Education by October 15 of each year, to include prior year revenues and expenditures with the annual update; and

WHEREAS, On July 17, 2007, the Board of Education approved *Our Call to Action: Pursuit of Excellence*—The Strategic Plan for the Montgomery County Public Schools 2006–2011; and

WHEREAS, The strategic plan for the Montgomery County Public Schools contains goals and strategies to promote academic excellence among all students, and to eliminate performance gaps among identified subgroups of students; and

WHEREAS, The strategic plan for the Montgomery County Public Schools incorporates and imbeds the five goals of the *No Child Left Behind Act* and six focus areas of the *Bridge to Excellence in Public Schools Act*; and

WHEREAS, The strategic plan is the cornerstone of the Montgomery County Public Schools Comprehensive Master Plan; and

WHEREAS, The Montgomery County Public Schools *Bridge to Excellence in Public Schools Act*—Comprehensive Master Plan fulfills all of the required components, including strategies and supporting documentation; now therefore be it

Resolved, That the Board of Education tentatively approve the updated Montgomery County Public Schools *Bridge to Excellence in Public Schools Act*—Comprehensive Master Plan and will take final action on the Master Plan prior to October 15, 2007; and be it further

Resolved, That the Montgomery County Public Schools staff submit the Comprehensive Master Plan to the county executive and County Council on or before August 15, 2007, as required by the Education Article of the Annotated Code of Maryland.

RESOLUTION NO. 407-07            Re:    **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article of the Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct a closed session on Thursday, August 23, 2007, in Room 120 of the Carver Educational Services Center to meet from 9:00 a.m. to 1:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

Resolved, That such meetings shall continue in closed session until the completion of business.

**RESOLUTION NO. 408-07            Re:    REPORT OF CLOSED SESSION**

On recommendation of the superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously:

On July 17, 2007, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *Education Article § 4-107* and *State Government Article § 10-501, et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on July 17, 2007, from 9:00 to 10:10 a.m. and 1:30 to 2:10 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): T-2007-16, T-2007-17, T-2007-18, 2007-21, 2007-22, 2007-27, and 2007-29.
2. Discussed the Human Resources Monthly Report and Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
3. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
4. Discussed matters of an administrative function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed sessions were Steve Abrams, Aggie Alvez, Christopher Barclay, Steve Bedford, Larry Bowers, Shirley Brandman, Patrick Clancy, Sharon Cox, Judy Docca, Brian Edwards, Roland Ikheloa, Suzann King, Don Kress, Frieda Lacey, Erick Lang, Joe Lavorgna, Jody Leleck, Susan Marks, Ben Moskowitz, Nancy Navarro, Patricia O'Neill, Brian Porter, Glenda Rose, Frank Stetson, Adrian Talley, and Jerry Weast.

**RESOLUTION NO. 409-07            Re:    APPEALS**

On motion of Ms. Brandman seconded by Mr. Abrams, the following resolution was adopted unanimously:

WHEREAS, The Board of Education has met in closed session, and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-503(a) of the *State Government Article*; now therefore be it

Resolved, That the Board of Education hereby decide the following appeals, reflective of the Board members' votes in closed session, the disposition of which will be recorded in the minutes of today's meeting:



A = affirmative; N = negative; O = absent; AB = abstain

**MONTGOMERY COUNTY BOARD OF EDUCATION  
SUMMARY SHEET**

**July 26, 2007**

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