TAYLOR COUNTY LEARNING CENTER



A JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM 2022-2023

MEMORANDUM of UNDERSTANDING

ALLISON A. STAFFORD CHIEF JUVENILE PROBATION OFFICER 889 SOUTH 25TH STREET ABILENE, TEXAS 79602

TAYLOR COUNTY LEARNING CENTER (JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM) WYLIE ISD

(August 2022- July 2023)

Taylor County, Texas has a population greater than 125,000 and therefore, the Taylor County Juvenile Board (hereinafter "Juvenile Board") and the Wylie Independent School District located within Taylor County (hereinafter "Parties") adopt this Memorandum of Understanding (hereinafter "MOU") to operate a Juvenile Justice Alternative Education Program at the Taylor County Learning Center (hereinafter the "TCLC") in compliance with the Texas Education Code ("TEC"), Section 37.011.

The Parties agree that the TCLC is a cooperative effort between the educational community and the juvenile justice system with the mission of TCLC to enable students to perform at grade level. The primary goals of the TCLC being education, discipline, rehabilitation, and progress toward grade-level performance. The TCLC utilizes an alternative classroom site, which allows continued education despite on-campus law violations. The TCLC balances the educational needs of students with the necessity of maintaining supervision in the community by isolating and educating the few students whose behavior demands much time and distracts other students. The TCLC encompasses all school districts located in whole or in part in Taylor County and is for residents of Taylor County only.

Administration of the Taylor County Learning Center

In consideration of mutual covenants, the **Parties** agree as follows:

- 1. The development and daily administration of the education program will be conducted by the Taylor County Juvenile Probation Department (hereinafter "the Department") in compliance with Texas Juvenile Justice Department (TJJD) standards, the Texas Education Code, and in cooperation with all school districts located within Taylor County.
- 2. The **Department** will operate the Educational Program for the benefit of any school districts located in whole or in part in Taylor County, Texas, for students who reside in the county and who are or were, when expelled, enrolled in a school district located in whole or in part in Taylor County. Space permitting, **School Districts** not located in whole or in part in Taylor County may refer students to the **TCLC** according to the Admission procedures set out in this MOU. The Department will provide:
 - A. All fiscal requirements;

- B. Selection, training, supervision and evaluation of all personnel in the **TCLC**:
- C. Acquisition of educational materials; and,
- D. Supervision, structure and academic instruction as required by TJJD standards.
- 3. The **Wylie Independent School District** with student(s) placed under discretionary expulsion and enrolled in **TCLC** will be charged the base rate of \$125.00 per regular education student per day of attendance and \$140.00 per special education student per day of attendance for the 175 day school year. A base rate of \$62.50 per regular education student per half day of attendance and \$70.00 per special education student per half day of attendance for a maximum of 35 summer school days. During the period for which this Memorandum of Understanding remains in effect, the **TCLC** shall charge and invoice the **Wylie Independent School District** no later than 15 days from the last day of the month for which payment is being requested.
- 4. If the school district is compensated for missed attendance days for discretionary students due to disaster, flood, extreme weather conditions or other calamity, the JJAEP shall be paid for the attendance days missed. The Wylie Independent School District will pay the invoiced amount to Taylor County. All funds paid to Taylor County under terms of this agreement will be expended on the TCLC. In the event that remote education is necessary, The Wylie Independent School District will provide the expelled student with whatever technology devices as needed to continue his/her education during their expulsion at the TCLC.
- 5. Taylor County will provide staff as follows:
 - A. A minimum of two State Certified Teachers, Educational Director, and additional teachers sufficient to meet the state criteria of 1 teacher to 24 students:
 - B. Adequate supervision staff;
 - C. Para-educator(s) to assist students in daily academic instruction;
 - D. A Caseworker for at least each 50 students;
 - E. A nurse, as required, will be provided through arrangements with Abilene ISD on a shared basis;
 - F. Administrative staff to ensure program compliance.

Expulsions to the Taylor County Learning Center

The **Taylor County Learning Center** will serve students who have been charged and expelled under 37.007, TEC, Expulsion for Serious Offenses as follows:

Refer to the attached Juvenile Justice Alternative Education Offense Codes from TJJD. If changes are made, a new offense code will be sent.

1. Mandatory Expulsion Offense: A student must be expelled from a school if the student on school property or while attending a school-sponsored or school-related activity on or off school property commits a mandatory offense, verified by a report

generated by the local law enforcement. Students expelled under mandatory expulsion offenses may be 10 years of age through 18 years of age or older (under the compulsory attendance requirements) or out of jurisdiction of the juvenile court. These students must be served by the JJAEP and the length of expulsion may be up to 180 school days.

However, if a student is expelled from the ISD under the **Mandatory Expulsion Law provision** (Sec. 37.007. EXPULSION FOR SERIOUS OFFENSES) and as outlined in the Texas Family Code Section 52.041 (d)(1)(2)(3)(4)(5), one or more of the following occurs:

- A determination was made under Family Code Section 53.01 that the person referred to juvenile court was not a child as that term is defined by Family Code Section 51.02(2);
- A determination was made that no probable cause existed to believe the child engaged in delinquent conduct or conduct indicating a need for supervision;
- A determination was made that no deferred prosecution or formal court proceedings will be initiated against the child;
- The court or the jury finds that the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case has been dismissed with prejudice; or
- The child was adjudicated but no disposition was or will be ordered by the court, The student will be referred back to their home district and their Student Code of Conduct and in accordance with the requirements of this MOU.
- 2. Discretionary Expulsions Title 5 Felony Offenses: A student 10 years of age through 18 years of age (under the compulsory attendance requirements) who commits a Title 5 Felony offense off campus, verified by a police report generated by local law enforcement, may be expelled to TCLC for up to 180 school days.
- 3. Discretionary Expulsions Offense Related: A student may be expelled for up to 90 successful days for offenses while on school property or school-related activity on or off school property. Students expelled under discretionary expulsion offenses may be 10 years of age through 18 years of age (under the compulsory attendance requirements). Sec. 37.007. EXPULSION FOR SERIOUS OFFENSES. A student may be expelled for up to 90 successful days if the student, engages in serious offenses as listed below while on school property or school related activity on or off school property:
 - (1) conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
 - (2) conduct that constitutes the offense of:
 - (A) public lewdness under Section 21.07, Penal Code;
 - (B) indecent exposure under Section 21.08, Penal Code;
 - (C) criminal mischief under Section 28.03, Penal Code;
 - (D) personal hazing under Section 37.152; or

- (E) harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.
- 4. Removal of Registered Sex Offenders: TCLC will also serve a student 10 years of age through 18 years of age who has been ordered by the court to register as a sex offender. This student may only be removed once per offense for a minimum of one semester (90 days). At the completion of one semester, the school district's board of trustees shall convene a committee to review the student's placement. This committee shall be made up of a classroom teacher from the student's home campus, student's parole or probation officer or other representative of the juvenile probation department, instructor from the alternative education program student is assigned, school district designee selected by the board of trustees, and a counselor employed by the school district. The committee by majority vote shall determine and recommend to the school board whether the student should be returned to the regular classroom. The committee shall use the following to determine the student's placement:
 - a. Does the student's presence threaten the safety of the other students or teacher;
 - b. Will the student's placement be detrimental to the educational process;
 - c. Or is this placement in the best interests of the district's students?

The Board of Trustees using the above guidelines may overrule the committee. If the recommendation is for the student to remain in TCLC, the Board will meet to review the student's placement before the beginning of each school year. If a registered sex offender is removed from Wylie Independent School District and placed at TCLC, payment will be made as a discretionary expulsion.

Admission to Taylor County Learning Center

The Parties agree to comply with the following admission procedures. The steps are mandatory for a student's admission into the **TCLC**.

- 1. Notification of the expulsion hearing shall be given to the **TCLC** with 48-hour prior notice of an expulsion hearing being set. Notification shall be hand delivered, via Fax, by telephone call, or by e-mail.
- 2. A representative of the Wylie Independent School District shall deliver to the TCLC a copy of the order expelling a student, student academic transcript including two years of discipline records, a STAAR/EOC Summary Sheet, immunization records, withdrawal grades, home language survey, copy of birth certificate and social security card, and all special education documentation including: the Manifestation Determination Annual Review Dismissal (ARD), STAAR test accommodations, and Individual Education Plan (IEP) per Chapter

- 37.004 of the TEC. Such delivery shall be made no later than the day of the expulsion hearing.
- 3. Transportation to TCLC will be provided by the parent/guardian. In the case that the parent/guardian cannot provide private transportation, students may ride City Link Transit System of Abilene at their own expense.
- Wylie Independent School District will give notice of ARD committee meetings to the TCLC, and a Department representative will be allowed to attend the Manifestation Determination Review and all ARD meetings while the student is enrolled at TCLC. TCLC is to receive updated ARD materials for each ARD meeting conducted while the student is enrolled at TCLC. If needed, TCLC staff may request an ARD. Wylie Independent School shall provide special education students with the same level of supplemental support as mandated by ARD at any time within the previous semester of school, including but not limited to aides, interpreters, ancillary curriculum, counseling services, speech therapy, and copies of their supplemental aides. Copies of the Manifestation Determination Review, most recent Annual ARD, and most recent evaluation of eligibility for special education services must be provided to TCLC before the student may enrolled in TCLC. Any special education student who requires additional supplemental support in the form of teacher's aides, interpreters, counselors, speech therapists, these school officials must attend the required training and pass all background checks as it relates to Taylor County Learning Center employees, and volunteers.
- 4. Wylie Independent School District will give notice to TCLC of a student who is non-English speaking or who speaks English as a second language. TCLC will provide ESL (English as a Second Language) and instruction appropriate to address the student's needs, as determined by a language proficiency assessment committee (LPAC). Copies of the LPAC determinations must be provided to TCLC before the student may enroll in TCLC.
- 5. Wylie Independent School District will give notice to TCLC of a student who is eligible for services under Section 504 of the Rehabilitation Act of 1973. TCLC will provide services and instruction appropriate to address the student's needs, as determined by a Section 504 committee. Copies of Section 504 eligibility determinations must be provided to TCLC before the student may enroll in TCLC.
- If a child moves into the county and was expelled from another public school, Wylie Independent School District will determine whether to uphold such expulsion. In such cases, if the Wylie Independent School

- **District** upholds the expulsion, the child will be admitted to the **TCLC** on the same terms and conditions as other students.
- 7. For mandatory expulsions and Title 5 Felony discretionary expulsions, the length of expulsion may extend to 180 school days as agreed upon by Wylie Independent School District and TCLC. For all other discretionary expellable offenses including serious misbehavior expulsions, the length of expulsion may not exceed the 90 successful day agreement between Wylie Independent School District and TCLC. The expulsion hearing committee may, with the agreement of the TCLC Facility Administrator, reduce the number of days a student is expelled. The home school district will set the number of successful days expelled on an individual basis.
- Expulsion to the TCLC is structured for students to successfully complete the program in the number of days the expulsion hearing committee set for the student. Students may earn points by exhibiting positive behavior and work ethics to reduce their expulsion by no more than 10% of the number of days expelled from Wylie Independent School District. For example, if a student is expelled for 90 days, they have the opportunity to earn points to return to school 9 days early. Students who do not progress due to poor performance or behavior will result in extended days of assigned expulsion until such time the student completes all requirements satisfactorily, not to exceed the maximum length of placement allowed by law or determined by the District to be appropriate under the circumstance Texas Education Code Section 37.009(h) The period of an expulsion may not exceed 180 days unless, after a review, the district determines that: (1) the student is a threat to the safety of other students or to district employees; or (2) extended placement is in the best interest of the student.

Taylor County Juvenile Probation Department

- 1. Upon notification to the **Department** of a scheduled expulsion hearing, the **Department** will assign a **Department Representative** to be present at the hearing. If the child is expelled, the **Department Representative** will inform the juvenile and the parents of action to be taken by the **Department**.
- 2. If the student is already under court supervision, the Juvenile Court will decide whether to amend the conditions of probation or incorporate attendance to the **TCLC** as a condition of release from detention.
- 3. If the student is not under prior court supervision, the Court Officer may refer the case to the Juvenile Prosecutor who will give prompt notice of

the deferred prosecution or file a petition alleging the student is in need of supervision or has engaged in delinquent conduct. If a petition is filed, the Juvenile Prosecutor may recommend, with the disposition order, an order to participate in the **TCLC**.

- 4. The **TCLC** shall make tours of the **TCLC** facility available for those youth deemed appropriate by the Alternative Education Program (AEP). These youth will be those who are considered "at risk" of being expelled from the DAEP.
- 5. Upon completion of the student's expulsion, TCLC and Wylie Independent School District will work together to provide the student an opportunity to have a successful transition back to their home campus. For Special Education students, the home campus diagnostician will be notified and an ARD will be scheduled before the return of the student. TCLC staff will notify the home school at least two weeks in advance of the projected return date of the student. Wylie Independent School District may send a representative to TCLC to visit with the student before the return to school. A transition exit plan will be reviewed and signed with the parent and student and a copy will be given to the parent and student. Copies of the plan will be emailed to the home school, Special Education Department if needed, and student services office. All grades accrued while at TCLC will be sent to the home school. TCLC will notify the Taylor County Juvenile Department of the student's withdrawal from TCLC. A copy of the transition exit plan will be provided to the Taylor County Juvenile Department.

Joint Efforts to Control Student Population

In order to meet and remain in compliance with state standards, the overall student population must be forty-four (44) students or less. It is in all parties' best interest to cooperate to keep the student population below forty-four (44) students. If the overall student population reaches forty-four (44), the TCLC and the Wylie Independent School District will cooperate to return students to referring districts as needed. Also, Summer School at TCLC will be open only to students who were expelled to attend summer school or in other extenuating circumstances as requested by the district if adequate funding is available to TCLC.

The Parties agree that each student will be bound to the TCLC Student Code of Conduct that outlines expectations and disciplinary actions for violations.

This Agreement shall remain in effect for the duration of the 2022-2023 school year, including summer school.

The **Parties** agree to meet as necessary to discuss the progress of the **TCLC** and revise this agreement to address any needs.

The **Wylie Independent School District** will adopt a student code of conduct in accordance with the TEC, Sec. 37.007. EXPULSION FOR SERIOUS OFFENSES.

The TCLC will operate a minimum of seven (7) hours per day and no less than one hundred eighty (180) days per year unless permission for waiver of this requirement is obtained from the appropriate state agency. The students will adhere to the TCLC holiday schedule and Abilene ISD/Taylor County/home district inclement weather days. Current plans are for classes to start at 8:00 a.m. and end at 3:00 p.m. Classes will begin on August 17, 2022.

The Juvenile Board shall develop, adopt and enforce written operational policies and procedures for the TCLC that will conform to the TJJD's standards for Juvenile Justice Alternative Education Programs (JJAEPs).

TCLC will offer instruction in English Language Arts, Math, Science, Social Studies, and self-discipline classes. Academic electives and High School equivalency classes will be presented based on individual need.

The Probation Officer/Case Manager and Facility Administrator at TCLC will address truancy and excessive tardiness with student and / or parent conferences, issue warning letters, make home visits, refer truancy to the home district truant officer, or file truancy with appropriate officials. TCLC will defer to the student's home district truancy plan and will communicate regularly with the truant officer. TCLC will, within two working days, report truancy to the appropriate enforcement agency. TCLC Probation Officer/Case Manager and Facility Administrator will monitor all truancy issues.

This Agreement contains the entire agreement of the Parties with respect to the matters contained herein and may not be modified except by the mutual written agreement of the Parties hereto.

This Agreement shall be construed in accordance with the laws of the State of Texas, and all obligations created hereunder shall be performed in Taylor County, Texas.

Any notice provided for under the terms of this Agreement by either Party to the other shall be in writing and delivered by registered or certified mail, return receipt requested, properly addressed to the entity or by securing a receipt from the receiving party for the notice.

Time sensitive notices may be sent by fax, e-mail, or by telephone with the prior consent of the person being notified. Any Party may change the address to which

notice may be sent to that Party by giving notice of such change to the other Parties in accordance with the provisions of this Agreement.

The individuals executing the Agreement on behalf of the respective Parties below represented to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so on behalf of the Party for which his/her signature appears, that there are no other Parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the Party for whom the individual is signing this Agreement and that each individual affixing his/her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

This Agreement shall refer to and be binding upon the herein listed entities and their successors and assigns. All participants in expulsion hearings are required to follow the guidelines established by the MOU.

This Agreement may be executed in a number of identical counterparts, each of which shall be deemed as original for all purposes.

2022-2023 Wylie Independent School District and Taylor County Learning Center Memorandum of Understanding

Approved by the JJAEP Facility Administrator on the day of 2022.
Cindy Duncan JJAEP Facility Administrator
Approved by the Taylor County Chief Juvenile Probation Officer on the 2022. Allison A. Stafford Chief Juvenile Probation Officer
Approved by the Taylor County Juvenile Board on the day of Judge of Judge Thomas Wheeler Juvenile Board Chairman
Approved by Wylie Independent School District on the day of2022.
Authorized Agent



Juvenile Justice Alternative Education Offense Codes

TEXAS
JUVENILE
JUSTICE
DEPARTMENT

2019/20 and 2020/21 School Years

*New items shown in italics

Offense Code	Offense Description	Offense Type
37.007A12A	Unlawful Weapon: Handgun [Penal Code (PC) 46.02 (a)] [Education Code (EC) 37.007 (a)(1)]	Mandatory
37.007A12B	Unlawful Weapon: Location-Restricted Knife [PC 46.02 (a)] [EC 37.007 (a)(1)] (For students who are under the age of 18.)	Mandatory
37.007A12C	Unlawful Weapon: Club [PC 46.02 (a)] [EC 37.007 (a)(1)]	Mandatory
37.007A15A	Prohibited Weapon: Explosive Weapon [PC 46.05 (a)(1)] [EC 37.007 (a)(1)]	Mandatory
37.007A15B	Prohibited Weapon: Machine Gun [PC 46.05 (a)(2)] [EC 37.007 (a)(1)]	Mandatory
37.007A15C	Prohibited Weapon: Short-Barrel Firearm [PC 46.05 (a)(3)] [EC 37.007 (a)(1)]	Mandatory
37.007A15D	Prohibited Weapon: Firearm Silencer [PC 46.05 (a)(4)] [EC 37.007 (a)(1)]	Mandatory
37.007A15F	Prohibited Weapon: Armor-Piercing Ammunition [PC 46.05 (a)(6)] [EC 37.007 (a)(1)]	Mandatory
37.007A15G	Prohibited Weapon: Chemical Dispensing Device [PC 46.05 (a)(7)] [EC 37.007 (a)(1)]	Mandatory
37.007A15H	Prohibited Weapon: Zip Gun [PC 46.05 (a)(8)] [EC 37.007 (a)(1)]	Mandatory
37.007A15I	Prohibited Weapon: Tire Deflation Device [PC 46.05 (a)(9)] [EC 37.007 (a)(1)]	Mandatory
37.007A15J	Prohibited Weapon: Improvised Explosive Device [PC 46.05 (a)(7)] [EC 37.007(a)(1)]	Mandatory
37.007A2A1	Aggravated Assault	Mandatory
37.007A2A2	Aggravated Sex Assault	Mandatory
37.007A2A3	Sex Assault	Mandatory
37.007A2B	Arson	Mandatory
37.007A2C1	Murder	Mandatory
37.007A2C2	Capital Murder	Mandatory
37.007A2C3	Attempted Murder	Mandatory
37.007A2D	Indecency With A Child	Mandatory
37.007A2E	Aggravated Kidnapping	Mandatory
37.007A2F	Aggravated Robbery	Mandatory
37.007A2G	Manslaughter	Mandatory
37.007A2H	Criminally Negligent Homicide	Mandatory
37.007A2I	Continuous Sex Abuse Of A Young Child Or Children (PC 21.02)	Mandatory
37.007A3	Felony Drug	Mandatory
37.007B1D	False Alarm	Discretionary
37.007B1E	Terroristic Threat	Discretionary
37.007B2A1	Misdemeanor Marijuana	Discretionary

Offense Code	Offense Description	Offense Type
37.007B2A1B	Misdemeanor Controlled Substance	Discretionary
37.007B2A2	Misdemeanor Dangerous Drug	Discretionary
37.007B2A3	Misdemeanor Alcohol	Discretionary
37.007B2B	Glue Or Aerosol Paint	Discretionary
37.007B2CA	Assault On A Teacher	Discretionary
37.007B2CB	Assault On An Employee	Discretionary
37.007B2D	Deadly Conduct	Discretionary
37.007B3A	Non-School Student On Student [EC 37.007 (a)(2)(A)]	Discretionary
37.007B3B	Non-School Student On Student [EC 37.007 (a)(2)(C)]	Discretionary
37.007B3C	Non-School Student On Student [EC 37.007 (a)(2)(F)]	Discretionary
37.007B4	'On or Within 300 Ft' Rule-Mandatory Offense [EC 37.007(b)]	Discretionary
37.007B5	Breach Of Computer/Computer Hacking	Discretionary
37.007C	Serious Misbehavior	Discretionary
37.007D	Retaliation	Mandatory
37.007D(D)	Retaliation	Discretionary
37.007E	Federal Firearm	Mandatory
37.007F	Felony Criminal Mischief	Discretionary
37.309	Registered Sex Offender	Other
PROBCO1	Probation Placement	Other
PROBCO2	Court Order	Other
37.0081A	Title 5 Felony Criminal Homicide (EC 37.0081)	Discretionary
37.0081B	Title 5 Felony Murder (EC 37.0081)	Discretionary
37.0081C	Title 5 Felony Capital Murder (EC 37.0081)	Discretionary
37.0081D	Title 5 Felony Manslaughter (EC 37.0081)	Discretionary
37.0081E	Title 5 Felony Criminal Negligent Homicide (EC 37.0081)	Discretionary
37.0081F	Title 5 Felony Unlawful Restraint (EC 37.0081)	Discretionary
37.0081G	Title 5 Felony Kidnapping (EC 37.0081)	Discretionary
37.0081H	Title 5 Felony Aggravated Kidnapping (EC 37.0081)	Discretionary
37.0081I	Title 5 Felony Unlawful Transport (EC 37.0081)	Discretionary
37.0081J	Title 5 Felony Trafficking Of Persons (EC 37.0081)	Discretionary
37.0081K	Title 5 Felony Indecency With A Child (EC 37.0081)	Discretionary
37.0081L	Title 5 Felony Improper Photography Or Visual Recording (EC 37.0081)	Discretionary
37.0081M	Title 5 Felony Assault (EC 37.0081)	Discretionary
37.0081N	Title 5 Felony Sexual Assault (EC 37.0081)	Discretionary
37.0081O	Title 5 Felony Coercing, Soliciting, Or Inducing Gang Membership (EC 37.0081)	Discretionary
37.0081P	Title 5 Felony Aggravated Assault (EC 37.0081)	Discretionary
37.0081Q	Title 5 Felony Aggravated Sexual Assault (EC 37.0081)	Discretionary
37.0081R	Title 5 Felony Injury To A Child, Elderly Individual, Or Disabled Individual (EC 37.0081)	Discretionary

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Offense Code	Offense Description	Offense Type
37.0081S	Title 5 Felony Abandoning Or Endangering Child (EC 37.0081)	Discretionary
37.0081T	Title 5 Felony Deadly Conduct (EC 37.0081)	Discretionary
37.0081U	Title 5 Felony Terrorist Threat (EC 37.0081)	Discretionary
37.0081V	Title 5 Felony Aiding Suicide (EC 37.0081)	Discretionary
37.0081W	Title 5 Felony Tampering With Consumer Product (EC 37.0081)	Discretionary
37.0081X	Title 5 Felony Harassment By Persons In Certain Correctional Facilities; Harassment Of Public Servant (EC 37.0081)	Discretionary
37.0081Y	Title 5 Felony Aggravated Robbery (EC 37.0081)	Discretionary
DOI	Offense Identified in District of Innovation (DOI) Plans Provided by Sending School District	Discretionary
PC 46.03	Places Weapons Prohibited: Location-Restricted Knife (PC 46.03) (For students who are at least 18 years of age, or for students of any age, if the offense occurs at a restricted location.)	Discretionary
37.0052	Placement or Expulsion of Student Who Has Engaged in Certain Bullying Behavior	Discretionary

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