Item 20:
Consider and Take Appropriate Action on Petition for Adoption of Rule Change Concerning 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to consider a citizen petition on 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area), filed pursuant to Texas Government Code, §2001.021. The petitioner requests an amendment to 19 TAC §233.14 that would allow individuals holding a bachelor's degree only to become eligible to teach Law Enforcement/Criminal Justice. The SBEC must either deny the petition or direct the Texas Education Agency (TEA) staff to initiate rulemaking proceedings.


EFFECTIVE DATE: None.


BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: Section 233.14, shown in Attachment II, establishes the requirements for career and technical education certificates requiring experience and preparation in a skill area. Currently, Marketing, Health Science, and Trade and Industrial Education teachers must have a required number of years of qualified work experience and preparation to obtain certification.

A citizen has submitted to the SBEC a petition, shown in Attachment III, requesting that the SBEC allow a person with a bachelor's degree or higher in the subject area (with no work experience) to be eligible for teacher certification and get into the classroom.

In accordance with the Texas Government Code, §2001.021, the SBEC may deny the petition or direct the TEA staff to initiate rulemaking proceedings.

FISCAL IMPACT: None.

PUBLIC AND STUDENT BENEFIT: None.

PROCEDURAL AND REPORTING IMPLICATIONS: None.
LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: None.

PUBLIC COMMENTS: None.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: Discussion of proposed revisions to Chapter 233, Categories of Classroom Teaching Certificates, is presented as a separate item in this agenda.

ASSOCIATE COMMISSIONER'S RECOMMENDATION: I recommend that the State Board for Educator Certification:

Direct Texas Education Agency staff to initiate the rulemaking process.

Staff Members Responsible: Marilyn Cook, Director
Educator Certification

Tim Miller, Director
Educator Preparation

Laura Moriarty, Director
Legal Services for Educator Leadership and Quality

Attachments: I. Statutory Citations
II. Text of 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)
III. Petition to Amend 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)
ATTACHMENT I

Statutory Citations Relating to Consideration of Petition for Adoption of Rule Change Concerning 19 TAC Chapter 233, Categories of Classroom Teaching Certificates, §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area)

Texas Education Code, §21.003, Certification Required (excerpt):
(a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

Texas Education Code, §21.031, Purpose:
(a) The State Board for Educator Certification is established to recognize public school educators as professionals and to grant educators the authority to govern the standards of their profession. The board shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.
(b) In proposing rules under this subchapter, the board shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state.

Texas Education Code, §21.041, Rules; Fees (excerpt):
(b) The board shall propose rules that:
   (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
   (2) specify the classes of educator certificates to be issued, including emergency certificates;
   (3) specify the period for which each class of educator certificate is valid;
   (4) specify the requirements for the issuance and renewal of an educator certificate;
   (6) provide for special or restricted certification of educators, including certification of instructors of American Sign Language;

Texas Education Code, §21.044, Educator Preparation (excerpts):
(e) In proposing rules under this section for a person to obtain a certificate to teach a health science technology education course, the board shall specify that a person must have:
   (1) an associate degree or more advanced degree from an accredited institution of higher education;
   (2) current licensure, certification, or registration as a health professions practitioner issued by a nationally recognized accrediting agency for health professionals; and
   (3) at least two years of wage earning experience utilizing the licensure requirement.
(f) The board may not propose rules for a certificate to teach a health science technology education course that specify that a person must have a bachelor's degree or that
establish any other credential or teaching experience requirements that exceed the requirements under Subsection (e).

(g) Each educator preparation program must provide information regarding:

(1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;

(2) the effect of supply and demand forces on the educator workforce in this state;

(3) the performance over time of the educator preparation program;

(4) the importance of building strong classroom management skills; and

(5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H.

Texas Education Code, §21.048, Certification Examinations (excerpt):

(a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner shall require a satisfactory level of examination performance in each core subject covered by the examination.

Texas Education Code, §21.050, Academic Degree Required for Teaching Certificate; Internship:

(a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.

(b) The board may not require more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate. The board shall provide for a minimum number of semester credit hours of internship to be included in the hours needed for certification. The board may propose rules requiring additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education.

(c) A person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under Section 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

Texas Education Code, §22.0831, National Criminal History Record Information Review of Certified Educators (excerpt):

(f) The board may propose rules to implement this section, including rules establishing:

(1) deadlines for a person to submit fingerprints and photographs in compliance with this section; and

(2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of a certificate or refusal to issue a certificate.
Texas Government Code, §2001.021, Petition for Adoption of Rules, as amended by House Bill 763, 84th Texas Legislature, Regular Session, 2015:

(a) An interested person by petition to a state agency may request the adoption of a rule.

(b) A state agency by rule shall prescribe the form for a petition under this section and the procedure for its submission, consideration, and disposition. If a state agency requires signatures for a petition under this section, at least 51 percent of the total number of signatures required must be of residents of this state.

(c) Not later than the 60th day after the date of submission of a petition under this section, a state agency shall:
   (1) deny the petition in writing, stating its reasons for the denial; or
   (2) initiate a rulemaking proceeding under this subchapter.

(d) For the purposes of this section, an interested person must be:
   (1) a resident of this state;
   (2) a business entity located in this state;
   (3) a governmental subdivision located in this state; or
   (4) a public or private organization located in this state that is not a state agency.

19 TAC §250.20, Petition for Adoption of Rules or Rule Changes.

(a) Any interested person may petition for the adoption, amendment, or repeal of a rule of the State Board for Educator Certification (SBEC) by filing a petition on a form provided in this subsection. The petition shall be signed and submitted to the designated Texas Education Agency (TEA) office. The TEA staff shall evaluate the merits of the proposal to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.

   Figure: 19 TAC §250.20(a)

(b) In accordance with the Texas Government Code, §2001.021, the TEA staff must respond to the petitioner within 60 calendar days of receipt of the petition.

   (1) Where possible, the recommendation concerning the petition shall be placed on the SBEC agenda, and the SBEC shall act on the petition within the 60-calendar-day time limit.

   (2) Where the time required to review the petition or the scheduling of SBEC meetings will not permit the SBEC to act on the petition within the required 60 calendar days, the TEA staff shall respond to the petitioner within the required 60 calendar days, notifying the petitioner of the date of the SBEC meeting at which the recommendation will be presented to the SBEC for action.

(c) The SBEC will review the petition and the recommendation and will either direct the TEA staff to begin the rulemaking process or deny the petition, giving reasons for the denial. The TEA staff will notify the petitioner of the SBEC's action related to the petition.

(d) Without limitation to the reasons for denial in this subsection, the SBEC may deny a petition on the following grounds:

   (1) the SBEC does not have jurisdiction or authority to propose or to adopt the petitioned rule;
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(2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the SBEC, or other law;

(3) the SBEC determines that a different proceeding, procedure, or act more appropriately addresses the subject matter of the petition than initiating a rulemaking proceeding; or

(4) the petitioner is inappropriately using the opportunity to file a rulemaking petition under this section, as evidenced by filing a petition:

   (A) before the fourth anniversary of the SBEC’s having previously considered and rejected a similar rule on the same subject matter; or

   (B) to amend a rule proposed or adopted by the SBEC that has not yet become effective.

(e) If the SBEC initiates rulemaking procedures in response to a petition, the rule text which the SBEC proposes may differ from the rule text proposed by the petitioner.
ATTACHMENT II
Text of 19 TAC

Chapter 233. Categories of Classroom Teaching Certificates

Statutory Authority: The provisions of this Chapter 233 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.048(a), 21.050, and 22.0831(f), unless otherwise noted.


(a) All individuals seeking a career and technical education certificate specified in this section must have the required number of years of qualified work experience and preparation in a skill area approved in accordance with the provisions of subsection (h) of this section prior to issuance of the certificate and assignment in a Texas school.

(b) Marketing Education: Grades 8-12. The Marketing Education: Grades 8-12 certificate may be issued no earlier than September 1, 2005. A candidate must meet the requirements for a Marketing Education: Grades 8-12 certificate by August 31, 2017. All applications must be complete and received by the Texas Education Agency (TEA) by October 30, 2017. The holder of the Marketing Education: Grades 8-12 certificate is eligible to teach all marketing education courses in Grades 8-12. A candidate for the Marketing Education: Grades 8-12 certificate must:

(1) hold a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board (THECB); and

(2) have two years of full-time wage-earning experience in a marketing occupation as specified in subsection (h) of this section.

(c) Marketing: Grades 6-12. The Marketing: Grades 6-12 certificate may be issued no earlier than September 1, 2014. The holder of the Marketing: Grades 6-12 certificate is eligible to teach all marketing courses in Grades 6-12. A candidate for the Marketing: Grades 6-12 certificate must:

(1) hold a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and

(2) have two years of full-time wage-earning experience in a marketing occupation as specified in subsection (h) of this section.

(d) Health Science Technology Education: Grades 8-12. A standard Health Science Technology Education: Grades 8-12 certificate shall be based on experience and academic preparation in the skill area. A candidate must meet the requirements for a standard Health Science Technology Education: Grades 8-12 certificate by August 31, 2017. All applications must be complete and received by the TEA by October 30, 2017.

(1) The standard Health Science Technology Education: Grades 8-12 certificate shall require the following:

(A) an associate or more advanced degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB;

(B) current licensure, certification, or registration by a nationally recognized accrediting agency as a health professions practitioner; and

(C) approval, by the certification officer of an approved educator preparation program (EPP), of two years of wage-earning experience using the licensure requirement described in subparagraph (B) of this paragraph.

(2) The standard Health Science Technology Education: Grades 8-12 certificate curricula shall be based on the standards approved by the State Board for Educator Certification. A candidate for this certificate must pass the appropriate certification examinations.
Health Science: Grades 6-12 certificate. The standard Health Science: Grades 6-12 certificate may be issued no earlier than September 1, 2014. A standard Health Science: Grades 6-12 certificate shall be based on experience and academic preparation in the skill area.

(1) The standard Health Science: Grades 6-12 certificate shall require the following:

(A) an associate or more advanced degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB;

(B) current licensure, certification, or registration by a nationally recognized accrediting agency as a health professions practitioner; and

(C) approval, by the certification officer of an approved EPP, of two years of full-time wage-earning experience using the licensure requirement described in subparagraph (B) of this paragraph.

(2) The standard Health Science: Grades 6-12 certificate curricula shall be based on the standards approved by the State Board for Educator Certification. A candidate for this certificate must pass the appropriate certification examinations.

Trade and Industrial Education: Grades 8-12 certificate. A standard Trade and Industrial Education: Grades 8-12 certificate shall be based on academic preparation and experience in the skill areas to be taught and completion of specified pedagogy and professional responsibilities training. A candidate must meet the requirements for a standard Trade and Industrial Education: Grades 8-12 certificate by August 31, 2016. All applications must be complete and received by the TEA by October 30, 2016.

(1) The standard Trade and Industrial Education: Grades 8-12 certificate shall require the following academic preparation and wage-earning experience.

(A) Option I. An individual must:

(i) hold a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and

(ii) have three years of full-time wage-earning experience within the past eight years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 8-12 certificate. Up to 18 months of the wage-earning experience can be met through a formal documented internship.

(B) Option II. An individual must:

(i) hold an associate degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and

(ii) have three years of full-time wage-earning experience within the past eight years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 8-12 certificate.

(C) Option III. An individual must:

(i) hold a high school diploma or the equivalent; and

(ii) have five years of full-time wage-earning experience within the past eight years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 8-12 certificate.
(2) The standard Trade and Industrial Education: Grades 8-12 certificate shall require current licensure, certification, or registration by a nationally recognized accrediting agency based on a recognized test or measurement. If the licensure, certification, or registration is not based on a recognized test or measurement, then passing the appropriate National Occupational Competency Testing Institute (NOCTI) assessment is required. A cosmetology teacher must hold a current cosmetology instructor license issued by the Texas Department of Licensing and Regulation.

(3) An individual must complete one year of creditable classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title (relating to Commissioner’s Rules on Creditable Years of Service), on an emergency permit or probationary certificate in the specific area of trade and industrial education.

(4) The holder of a standard or provisional Trade and Industrial Education: Grades 8-12 certificate or Vocational Trades and Industry certificate may be approved for additional trade and industrial education assignments provided he or she meets the required number of years of wage-earning experience as indicated in this subsection. Work experience must be approved according to the provisions of this subsection. The EPP must submit a statement of qualifications to the Texas Education Agency (TEA) within 60 calendar days of approval.

(g) Trade and Industrial Education: Grades 6-12 certificate. The certificate may be issued no earlier than September 1, 2014. A standard Trade and Industrial Education: Grades 6-12 certificate shall be based on academic preparation and experience in the skill areas to be taught and completion of specified pedagogy and professional responsibilities training.

(1) The standard Trade and Industrial Education: Grades 6-12 certificate shall require the following academic preparation and wage-earning experience.

(A) Option I. An individual must:

(i) hold a bachelor's degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and

(ii) have three years of full-time wage-earning experience within the past eight years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 6-12 certificate. Up to 18 months of the wage-earning experience can be met through a formal documented internship.

(B) Option II. An individual must:

(i) hold an associate degree from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the THECB; and

(ii) have three years of full-time wage-earning experience within the past eight years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 6-12 certificate.

(C) Option III. An individual must:

(i) hold a high school diploma or the equivalent; and

(ii) have five years of full-time wage-earning experience within the past eight years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 6-12 certificate.

(2) The standard Trade and Industrial Education: Grades 6-12 certificate shall require current licensure, certification, or registration by a nationally recognized accrediting agency based on a recognized test or measurement. If the licensure, certification, or registration is not based on a
recognized test or measurement, then passing the appropriate NOCTI assessment is required. A cosmetology teacher must hold a current cosmetology instructor license issued by the Texas Department of Licensing and Regulation.

(3) An individual must complete one year of creditable classroom teaching experience, as defined in Chapter 153, Subchapter CC, of this title, on an emergency permit or probationary certificate in the specific area of trade and industrial education.

(4) The holder of a standard or provisional Trade and Industrial Education: Grades 6-12 certificate or Vocational Trades and Industry certificate may be approved for additional trade and industrial education assignments provided he or she meets the required number of years of wage-earning experience as indicated in this subsection. Work experience must be approved according to the provisions of this subsection. The EPP must submit a statement of qualifications to the TEA within 60 calendar days of approval.

(h) Career and technical education certificates. Approval of career and technical education certificates in this section shall be based on prior experience and preparation in a skill area.

(1) Prospective career and technical education teachers shall submit a statement of qualifications detailing prior experience and skill area preparation to the EPP approved to prepare teachers for the career and technical education certificate sought. The certification officer of the EPP shall review the applicant's statement of qualifications to determine whether the applicant meets the appropriate approval criteria specified in this subsection. In the case of an educator who otherwise qualifies for certification by examination in Marketing Education: Grades 8-12 and Marketing: Grades 6-12, the review and approval of required work experience may be performed by a certified school administrator.

(2) Under this subsection, 12 months of wage-earning experience consisting of at least 40 hours per week shall equal one year of full-time experience. Wage-earning experience consisting of less than 40 hours, but at least 20 hours per week, shall be calculated at a 50% rate in determining years of full-time experience. Wage-earning experience consisting of less than 20 hours per week shall not be considered acceptable in determining full-time experience.

(3) Postsecondary and proprietary school teaching experience in the specific occupational area for which the candidate is seeking certification may be counted on a year-for-year basis in lieu of on-the-job experience. Proprietary schools must be accredited or otherwise approved by the Texas Workforce Commission. Recency of experience requirements must be met, as well as current licensure, certification, or registration by a state or nationally recognized accrediting agency.

Statutory Authority: The provisions of this §233.14 issued under the Texas Education Code, §§21.003(a), 21.031, 21.041(b)(1)-(4) and (6), 21.044(e) and (f), 21.048(a), 21.050, and 22.0831(f).

Source: The provisions of this §233.14 adopted to be effective June 4, 2006, 31 TexReg 4425; amended to be effective June 22, 2008, 33 TexReg 4670; amended to be effective June 21, 2009, 34 TexReg 3943; amended to be effective October 28, 2010, 35 TexReg 9506; amended to be effective August 12, 2012, 37 TexReg 5766; amended to be effective December 26, 2013, 38 TexReg 9361; amended to be effective May 17, 2015, 40 TexReg 2532.
ATTACHMENT III

Figure: 19 TAC §250.20(a) STATE BOARD FOR EDUCATOR CERTIFICATION

Petition for Adoption of a Rule The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule. Petitions should be signed and submitted to: Office of Educator Leadership and Quality Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494

Name: Affiliation/Organization (if applicable): Oziel Gonzalez
Address: 211 N. Houston Ave.,
Hebrbronville, TX 78361-2113
Telephone:
Date: August 24, 2015

Proposed rule text (indicate words to be added or deleted from the current text): Proposed RULE TEXT is in RED FONT TEXT, words to added and or deleted from current text underlined.

Secondary Trade & Industrial Education Chapter 233.14, Grades 6-12 and Grades 8-12,

(1) The Standard Trade and Industrial Education: Grades 6-12 and Grades 8-12 certificate shall require the following academic preparation or wage earning experience.

Option 1. An individual must:

(i) hold a Bachelor’s Degree or Higher from an accredited institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board (THECB); and including 24 to 32 credit hours of vocational-technical (Trade and Industrial Education) subject area related to the occupational area OR

(ii) hold a Bachelor’s Degree or Higher in any academic subject area plus three years of full-time wage-earning work experience related to the occupational area within the past eight years in one or more approved occupations for which instruction is offered. The experience must be approved by the certification officer of an EPP approved to prepare teachers for the Trade and Industrial Education: Grades 6-12 and Grades 8-12 Certificate. Up to 18 months of the wage-earning experience can be met through a formal documented internship

Statutory authority for the proposed rule action: House Bill 2205, which was passed by the 84th Texas Legislature grants local school districts the power for them to issue CTE Teacher permits to individuals they see qualified to teach. Requirements no longer require work experience in order to obtain a CTE permit. Post-secondary education is qualifying for an individual to obtain a CTE Permit. HB 5 passed in 2013 making it a lot harder for school districts to find qualified individuals to teach in CTE areas. Current
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SBEC CTE Trade & Industrial Teacher Certification Rules have caused a lot of teacher shortages and problems to school districts. TEA has the statutory authority to adopt a rule like the one I propose.

Why is this rule action necessary or desirable? (If more space is required, attach additional sheets.) This rule action is necessary and desirable, because individuals with a Bachelor's degree or higher in the Trade & Industrial subject area to be taught would gain the opportunity to obtain Teacher Certification in a Trade & Industrial Education area, even if they don't possess the working work experience. It's imperative that the TEA hold high standards when it comes for teacher qualifications, especially with post-secondary education. TEA should promote the value of a post-secondary education on its future teachers. Current Trade & Industrial Rules don't allow a person with a bachelor's degree or higher in the subject area (with no work experience) to obtain a teacher certification license and get into the classroom. This proposed rule would alleviate this and allow individuals that are highly qualified to teach and get certification. TEA should consider a range of certification pathways that allow potential teachers various opportunities to demonstrate their teaching and content based qualifications and competencies. There is a CTE teacher shortage in Texas (like in all other areas). Recent Texas Legislation requirements (HB5) make public school districts offer expanded CTE areas. Many other states (e.g. New Mexico) don't require work experience to qualify for a preliminary teaching credential in a CTE (Trade & Industrial Education) area, if the individual has a bachelor's degree or higher in the subject area to be taught. Some states, excluding Texas, have adopted CTE Alternative Baccalaureate Certifications that only require individuals to have a bachelor's degree or higher in an academic CTE (Trade & Industrial Education) area. This proposed rule will modernize current TEA Trade & Industrial Education Teacher Certification Rules. TEA staff should consider and adopt the proposed red font text. Texas Legislators can also take it for consideration in the 85th Texas Legislature Session. SBEC should consider and adopt Paragraph Option 1(i) of the proposed rule, which adds the most important text to Chapter 223.14.

Petitioner's Signature

Oziel Gonzales