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Dominic Terlaje
 Education Suruhanu

August 19, 2009

MEMORANDUM

TO: Superintendent of Education
 FROM: Education Suruhanu
 SUBJECT: Benavente Middle School Complaint

30-09-1031
 Office of the Speaker
 Judith T. Won Pat, Ed. D.
 Date 8/24/09
 Time 4:22
 Received by *J.T.*

26
 PM 2:30

Dear Dr. Bretania-Underwood:

On August 17, 2009, the office received a complaint from a parent of a student who attends the Vicente Benavente Middle School (VBMS). The complaint indicated that while the parent was attending a school assembly, the VBMS Administration reported that there were only three school aides assigned to the school at the start of the 2009-2010 school year. The parent was concerned that that the school may not have sufficient personnel for the amount of students attending VBMS.

The Office of the Education Suruhanu (the OES) investigates complaints pursuant to Public Law 28-45 concerning possible violations of any of the 14 Points as provided for under the Every Child is Entitled to an Adequate Public Education Act. After reviewing the information contained in the complaint, it was determined that the issue concerning the number of school aides assigned to the school meets the criteria under the 14 Points as it may present a possible safety concern for the school in terms of providing proper supervision of the campus.

During the course of my investigation, I met with the VBMS Principal and she indicated that an announcement was made at a school assembly indicating that there were only three school aides assigned to the school. In addition, the Principal stated that she communicated with GDOE Deputy Superintendent Educational Support and Community Learning and requested for additional personnel to be assigned to the school to in order to ensure adequate coverage of the campus is provided. In addition, the Principal also communicated with a Lagu district board member, Ms. Cepeda, concerning such matter.

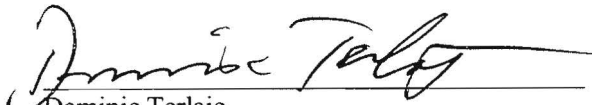
In response to the Principal's request for additional personnel, five GDOE employees were assigned to the school. On or about August 7, 2009, the Superintendent's office assigned three GDOE school aides to work at VBMS beginning August 10, 2009. In addition, the Principal stated that the fourth individual has recently been assigned to VBMS and is currently working at the school. However, the Principal indicated that the fifth individual who has been assigned to the school has been out sick and that such individual is scheduled to report to work as soon as possible. Based on the assignment of the additional personnel, VBMS now has a total of eight school aides. Although one of the newly assigned personnel is temporarily unavailable, the Principal stated that adequate coverage of the campus is currently being provided by designating various other school employees such custodians, school clerical staff, and administrators to conduct supervision as necessary. Furthermore, the Principal stated that the school refers to the GDOE Proposed Adequate Staffing Level as necessary for guidance in the event the school experiences a shortage of any particular personnel.

Based on the investigation into this matter, I concluded that there is no violation of P.L. 28-45 at this time as a result of additional personnel being assigned to the school as of October 10, 2009. In addition, the school has procedures in place to ensure adequate coverage of the campus is provided as necessary. However, I strongly recommend that each school have policies and procedures actively in place and followed to monitor student safety on campus, in order to avoid claims of negligence when students are injured on campus. In addition GDOE must make reasonable efforts to supervise students throughout the school day, and, at a minimum, should station school officials/personnel in hallways during passing times, breaks, lunch, and/or school activities. Furthermore, I recommend that GDOE engage in training with its employees, contractors, or vendors about proper student supervision.

Please provide my office a copy of GPSS/GDOE's current policy and/or procedure for the following:

1. Monitoring and/or supervision of student safety on campus.
2. Shortage of staff, faculty, other personnel at the school on any given day.
3. The recommended ratio of adults to students for the particular grade level supervision.

Respectfully submitted,


Dominic Terlaje

Cc: Honorable Speaker Judith T. Won Pat, Ed.D., 30th Guam Legislature
Arlene Unpingco, GDOE Deputy Superintendent
Fred Nishihira, GDOE Legal Counsel
Bruce Williams, GDOE Safety Officer
Beth Perez, VBMS Principal
Chairman, Guam Education Policy Board