

Office of the Adequate Education Suruhanu
 126 Ricardo J. Bordallo Governor's Complex, Adelup
 P.O. Box 2950 Hagatna, Guam 96932



Telephone: (671) 475-9130 · Fax: (671) 477-4826
 Email: educationsuruhanu@guam.gov
 Web Address: www.guamlegislature.com

Dominic S. Terlaje
 Education Suruhanu

30-09-1070
 Office of the Speaker

September 2, 2009

Judith Taitano Perez, Ed. D.

MEMORANDUM

Date: _____
 Time: _____
 Received by: *[Signature]* 9/2/09

2009 SEP -3 PM 1:59

TO: Director, Department of Public Works

FROM: Education Suruhanu

SUBJECT: Request for documentation concerning public school student transportation scheduling and/or routing

Buenas Mr. Perez:

This is a follow up to an earlier correspondence addressed to the Superintendent of Education and delivered to Mr. Frank Taitano, DPW Bus Operations Superintendent. (See Exhibit A attached). The subject of the correspondence involved a complaint filed with my office reporting that bus services were not being provided in the complainant's particular area for a student who is attending the Adacao Elementary School District.

Essentially, the complaint states that there is no bussing service for the area where the student lives and the complainant is questioning the absence of any such bussing services for that particular area. In addition, the complainant expressed concern for the safety of such a young child having to walk to school from their home and because of the amount of vehicle traffic in the area. The complainant also stated that a representative from the Department of Public Works informed the complainant that their home was within walking distance from Adacao Elementary and thus, bussing services would not be provided.

As you may know, P.L. 28-45 § 4 (12) (n) states that "public schools must provide regular, timely school bus transportation to and from the school for the child's attendance are as established by 17 GCA § 6102 for every child in accordance with polices adopted by the Education Policy Board (The Board). The Policy established by the Board is Policy 605, Student Transportation-Scheduling and Routing. (See Exhibit B attached). Policy 605 indicates that students who live within one-fourth of a mile from the school loading point will not receive bussing services. As such, it would be reasonable to conclude, according to Policy 605, that bussing services would be provided to students who may live beyond one-fourth of a mile from the school loading point and who are within the Adacao School District.

In addition, as part of the investigation into the matter, I am respectfully requesting that the Department of Public Works (DPW) including but not limited to DPW's Bus Operations Division, provide my office with a copy or copies of all documents with reference to or written policies, procedures, and/or guidelines, that are currently in effect, and that are related to DPW's public school student transportation, scheduling, and/or routing for the pick-up and/or drop off points of public school students in general, and in particular, for the Adacao Elementary School District. Please provide such requested documentation to my office within 10 days of receipt of this correspondence.

Although I do not have the ability to accurately measure the distance from the complainant's home to the school loading point, I am respectfully requesting that DPW determine the distance from the complainant's home to the school loading point in order to assist in determining whether or not the


complainant's home is within one-fourth of a mile from the school loading point. For purposes of the investigation, 728 Carnation Road, Latte Heights, may be used as a point of reference in determining the distance from the complainant's home to the school. The complainant indicated that their home is not within the main Latte Heights housing area, but rather, in an area located adjacent to such housing area.

If it is determined that the child's home is within one-fourth of a mile from the school loading point such that bussing services will not be provided, then I recommend that DPW consider providing bussing services to the area based on the hazards inherent in situations where children walk to Adacao Elementary School such as the inclement weather that Guam often experiences at any given time to include extreme humidity, heat, and/or heavy rains. In addition, consideration should be given to the amount and nature of the vehicle traffic within the surrounding area as there are several homes located near the Adacao Elementary School. Furthermore, consideration should be given for the safety of the children who walk as there is a portion of Route 26 where the students travel that has no sidewalk and that the path currently traveled by the children is rather close to vehicle traffic. Lastly, consideration should be given because of the young age of such children who may have to walk to Adacao Elementary and who would be required to negotiate various streets and/or road crossings in order to get to Route 26 and eventually to the school. I did visit the Latte Heights area and I was not aware of any signage in the area that would alert drivers of the presence of school students. Whether or not bussing services are provided in any particular area, I recommend that DPW install appropriate signage including but not limited to student crossing lights, street signs, and any other appropriate signage and such signage should be placed in conspicuous and appropriate areas.

The paramount concern here is for the safety of the children. I realize that DPW may be struggling with various issues that may prevent or hinder the ability to provide bussing services to all areas in the Adacao Elementary School District. However, I do appreciate any assistance you may provide in this matter. I look forward to your response to the concerns and issues presented.

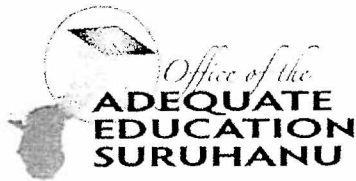
Thank you for your attention to this matter. If you have questions, please feel free to contact my office.

Respectfully Yours,


Dominic Terlaje

Attachment: Exhibits.

Cc: Honorable Speaker Judith T. Won Pat, Ed.D., 30th Guam Legislature
Nerissa Bretania Underwood, GDOE Superintendent
Frank Taitano, DPW Bus Operations Superintendent
Evangeline Chang, GDOE School Principal
Chairman, Guam Education Policy Board
Bruce Williams, GDOE Safety Officer



Office of the Adequate Education Suruhanu
 126 Ricardo J. Bordallo Governor's Complex, Adelup
 P.O. Box 2950 Hagatna, Guam 96932

Telephone: (671) 475-9130 · Fax: (671) 477-4826

Email: educationsuruhanu@guam.gov
 Web Address: www.guamlegislature.com



Dominic Terlaje
 Education Suruhanu

August 21, 2009

MEMORANDUM

TO: Superintendent of Education
 FROM: Education Suruhanu
 SUBJECT: Bus Route/Transportation Adacao

Judith T. Won Pat, Speaker
 Date: 8/24/09
 Time: 9:32
 Received by: *J. Camacho*

FILE

Ronald Mayo
CEO

8/24/09 8:37
 GUAM DEPARTMENT OF EDUCATION
 Office of the Superintendent
 Rec'd by: *[Signature]*
 Date/Time: AUG 24 2009

Dear Dr. Bretania-Underwood:

I received a complaint from a parent concerning the bus route/transportation for the Adacao Elementary District. The complaint indicates that there is no bus service along a road that is located just before the main entrance into the Latte Heights housing area. In addition, the parent believes her home is quite a distance from the school and that bussing should be provided. Furthermore, the parent indicated that walking to school may present safety concerns because her child would have to walk from their home through several streets in the area and eventually along Route 26—the road that leads to Adacao Elementary. The parent is especially concerned that her child would have to walk a portion of the way along Route 26 where there is no sidewalk and which is quite near to vehicles that frequently travel along such Route. In fact, the school has taken measures by placing several orange cones alongside the curved portion of Route 26 and school aides and/or other school personnel have been assigned to escort students through that portion of the road to and from school. Please be advised, that the School Administration has informed Mr. Bruce Williams of their safety concerns for the students who will not be offered bussing services. The Principal indicated that GDOE is currently addressing some of the safety concerns for the students who walk. However, the school has not yet received a time frame in which any such corrective measures will be made.

P.L. 28-45 § 4 (12) (n) provides that public schools must provide regular, timely school bus transportation to and from the school for the child's attendance area as established by 17 GCA § 6102 for every child in accordance with *policies adopted by the Education Policy Board*. The policy established by the Board concerning this matter is Board Policy 605, Student Transportation-Scheduling and Routing. That policy in part states that the last stop for pick-up or the first stop for unloading shall be: For grades Head Start/Preschool through 5th – at a point approximately one-fourth (1/4) of a mile from the school loading point and each pick-up/drop off point shall be approximately one-fourth (1/4) of a mile apart. Board Policy 605 also states that considerations shall be given to hazards inherent in situations where children walk to school including but not limited inclement weather and the amount and nature of the vehicular traffic on the roads or streets along which the children walk. Moreover, 605 also states that GDOE and DPW's Supervisor of Transportation, may make recommendations to modify Board Policy 605 where the health and safety of the children are endangered.

As part of my inquiry into the matter, I contacted two representatives from the Department of Public Works (DPW), Mr. Frank Taitano, Bus Operations Superintendent, and Mr. George Superales, Dededo Substation Supervisor. Mr. Taitano indicated that he is aware of a parent inquiring into the bus route in the particular area of concern. In addition, Mr. Taitano and Mr. Superales both indicated that busing service is not provided in the area where the parent lives or within the main Latte Heights housing area because of the available walking areas (sidewalks) and that many of the homes within the Latte Heights housing area are within one-fourth (1/4) of a mile from the school. I also met with the School Administration and they indicated that parents have been questioning the lack the availability of bus services for certain particular areas within the Adacao School

Exhibit A

FILE

District. The administration also indicated that some of the areas that are not receiving bussing services—where students live, may be greater than one-fourth (1/4) of a mile from the school. Ms. Chang indicated that Mr. Taitano stated that students who live within approximately one-fourth (1/4) of a mile from the school will not be bused. Such a statement would seem to suggest that students who do live outside one-fourth (1/4) of a mile will be bused. Such may be the case with the parent who filed the complaint with my office because she believes that her home is more than one-fourth (1/4) of a mile from school but yet, there is no bussing service for that area. The parent also informed me that Mr. Frank Taitano stated that bussing service is not available to her area. The parent also expressed her concern for the safety of her child in possibly having such a young child walk from her home to the school at such distance.

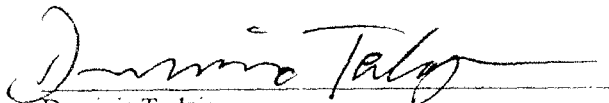
In an effort to determine the distance from the entrance of Latte Heights housing area, I measured the distance from the stop sign located at the main entrance into Latte Heights, which is located just as you reach the top of Machehe Hill. (The parent's home is located along the road located just before you reach the main entrance into the Latte Heights housing area.) I set the odometer on my car to zero and drove through Latte Heights housing area to the school loading point. The distance measured was approximately 1.1 miles. However, a more accurate measurement should be taken in order to properly identify any appropriate and/or necessary pickup/drop off point for students within the Adacao School District.

Based on the distance measured, there may be a violation of P.L. 28-45 § 4 (12) (n) for failing to provide bussing services for areas that are at a distance greater than one-fourth (1/4) of a mile from school as established by Board Policy 605. Although Board Policy 605 mentions that particular attention is given to a factor such as the availability of walking areas (sidewalks), Board Policy 605 along with the statements made by the DPW representatives, indicate that bussing services shall be provided in an area that is beyond one-fourth (1/4) of a mile from school whether or not sidewalks are available.

Please be advised that GDOE is responsible for ensuring that bus service is provided to the students within the Adacao District on a proper basis as established Board Policy 605 according to P.L. 28-45 § 4 (12) (n). Therefore, I strongly recommend that the necessary personnel from GDOE contact the necessary parties from DPW to review their bussing route for students within the Adacao School district and ensure that any and all areas that are not within one-fourth (1/4) of a mile from the Adacao's loading point but within the Adacao School District, begin receiving bussing services. In addition, the parents should be well informed of any such pick-up/drop off points that may be designated. Furthermore, I strongly urge GDOE to address the safety issues raised by the School Administration concerning the students who walk to school and rectify any such issues immediately.

Your immediate attention to these matters is recommended. Please provide my office, within in 10 days of receipt of this letter, the action taken or action to be taken to rectify these matters. If you have any questions, please do not hesitate to contact my office.

Respectfully Yours,


Dominic Terlaje

Cc: Honorable Speaker Judith T. Won Pat, Ed.D., 30th Guam Legislature
Arlene Unpingco, GDOE Deputy Superintendent
Fred Nishihira, GDOE Legal Counsel
Evangeline Chang, GDOE School Principal
Bruce Williams, GDOE Safety Officer
Chairman, Guam Education Policy Board
Frank Taitano, DPW Bus Operations Superintendent

Dominic Terlaje

From: Dominic Terlaje [dominic.terlaje@guam.gov]
Sent: Friday, August 21, 2009 3:28 PM
To: 'Nerissa Bretania Underwood'; 'nerissa_shafer@yahoo.com'
Cc: 'Speaker Judith T. Won Pat'; 'Frank Torres'; 'arlene unpingco'; Fred Nishihira (shigeru_jr@yahoo.com); 'echang48@hotmail.com'; 'Bruce Williams'; GEPB (jlgkaneshiro@gdoe.net); 'franklin.taitano@dpw.guam.gov'
Attachments: Bus Route Transportation Adacao August 2009.pdf

Attached to this email is a memo concerning the Bus Route /Transportation for the Adacao District.

Please ensure that this email and the attached document are delivered to the intended recipient.

Please acknowledge receipt of this email transmission.

Respectfully Yours,

Dominic S. Terlaje
Office of the Education Suruhanu
126 Ricardo J. Bordallo Governor's Complex, Adelup
P.O. Box 2950 Hagatna, Guam 96932
Tel: 475-9130
Fax: 477-4826
Email: educationsuruhanu@guam.gov
Web Address: www.guamlegislature.com

This email message and any files transmitted with it are confidential and intended solely for the use of the individual to whom they are addressed. It may also be privileged or otherwise protected by work-product immunity or other legal rules. If you have received it by mistake, please let us know by email reply and delete it from your system; you may not copy this message or disclose its contents to anyone. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Exhibit A

Descriptor Term:	Descriptor Code:	Issued Date:
	605	080/7/79
STUDENT TRANSPORTATION - SCHEDULING AND ROUTING	Rescinds: EDD	Issued: 03/29/78

BOARD POLICY

In order that school bus service may be provided on a proper basis and in order to keep the cost of such service at the lowest point commensurate with good service, the following policy is established:

School Attendance

The last stop for pick-up or the first stop for unloading shall be:

For grades Head Start/Preschool through 5th - at a point approximately one-fourth of a mile from the school loading point. In addition, each pick-up/drop-off point shall be approximately one-fourth of a mile apart.

For grades 6 through 12 – at a point approximately three-fourths of a mile from the school loading point. In addition, each pick-up/drop-off point shall be approximately three-fourths of a mile apart.

Every effort shall be made to ensure that children riding buses shall not arrive at school earlier than thirty minutes before the school begins and shall not be required to wait longer than thirty minutes after the school day ends for bus transportation to their homes.

Proper consideration shall be given to the hazards inherent in those situations in which children walk to school. Particular attention is to be given to such factors as inclement weather, the amount and nature of the vehicular traffic on the roads or streets along which the children walk, the width of such roads or streets, the walking areas available for pedestrian traffic, and the street or road crossings which must be negotiated.

Partial implementation of this policy shall take effect during the school year 1993-94. Potentially hazardous areas shall be identified for the partial implementation.

Full implementation of this policy shall take effect by school year 1994-95.

Upon the recommendation of the school principal(s), the Associate Superintendent of Elementary and Secondary, and the Supervisor of Transportation, Public Works Department, the above recommendations may be modified where the health and safety of the children are endangered. As a matter of policy, however, the Board of Education does not approve of the granting of modifications or exceptions in such numbers as to result in the excessive overloading of school buses.

ADOPTED: Board of Education 04/24/73
Amended 08/03/93

Completed by mec

Exhibit B