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December 1, 2009

MEMORANDUM

TO: Superintendent of Education
FROM: Education Suruhanu
SUBJECT: FQ Sanchez Elementary School

30-09-1436
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: Nov 31, 09
Time: 6:24 AM
Received by: [Signature]

Dear Dr. Bretania Underwood:

My office received a complaint from a parent of a student who attends the FQ Sanchez Elementary School (FQ). The complaint raises two issues. The first issue concerns the FQ School Nurse being assigned one day out of the week to provide nursing services to the Southern High School. The second issue concerns one of the teachers at the school being assigned to teach two different grade levels (the 2nd and 3rd grade class), in the same classroom and at the same time.

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 complaint, it was determined that both issues contained in such complaint meet the criteria under the 14 Points.

A. FQ Sanchez assigned school nurse required to report to Southern High one day out of the week.

During the course of my investigation, I met with the FQ Sanchez Assistant Principal who confirmed that on November 9, 2009, the Superintendent issued a memorandum to the school informing the FQ Sanchez Principal that the FQ Sanchez Nurse is to report to the Southern High School each Monday to perform nursing services for Southern High because such school does not currently have an assigned school nurse. In addition, I have recently been informed by Ms. Toni Santos, Administrator for DOE Personnel Services Division, that there is an open and continuous announcement for a school health counselor and that three individuals previously applied for such position but none of the applicants were willing to take a referral to Southern High.

P.L. 28-45 § 4 (12) (d) requires public schools to provide a certified school health counselor (School Nurse). Although DOE currently has an interim rotation schedule with five other schools to provide nursing services to Southern High, the law does not provide for any exceptions to the above-mentioned requirement. As such, requiring the FQ Sanchez nurse or any other public school nurse to report to Southern High would result in the absence of the school nurse at the other school—in this case, FQ Sanchez, even if only for one day out of the week. Such action even on a temporary basis would result in non compliance with the law each time an assigned school nurse is required to leave their assigned school to report to Southern High.

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B. One teacher assigned to teach both the 2nd and 3rd grade class.

FQ Sanchez has a student population of approximately 56 students and there are currently five teachers assigned to teach at the school. The different grade levels at the school consists of the following: One kindergarten class, one 1st grade class, one 2nd grade class, one 3rd grade class, one 4th grade class, and one 5th grade class, for a total of six different grade levels. The Assistant Principal indicated that currently FQ Sanchez lacks a certified teacher for one of the above-mentioned grade levels, and as such, one of the assigned teachers at the school has been providing instruction to two different grade levels. The Assistant Principal indicated that his office was instructed to combine the 2nd and 3rd grade class and that such classes be taught by one teacher. In addition, it was also discovered that the school has not yet submitted to the Superintendent's office a request to fill the vacant teaching position at the school. As such, I strongly recommended that the Assistant Principal prepare and submit such request immediately.

During the course of the investigation I also met with the teacher assigned to teach both the 2nd and 3rd grade classes. Both classes report to the assigned teacher's classroom where the teacher provides instruction to both classes throughout the school day. The teacher indicated that although the subject matter may be the same, the levels of learning are different between the two grade levels, thus instruction time has to be divided between what is taught to the 2nd grade class and what is taught to the 3rd grade class. The teacher also indicated that as a result of having to teach two different grade levels, instruction time is divided between the two different grade levels making it difficult to concentrate on any one particular grade level subject matter. The teacher stated that she would generally provide instruction to the 3rd grade class and after providing the instruction she would assign the 3rd grade class to perform seat work. While the 3rd grade students are performing seat work, the teacher would then provide instruction to the 2nd grade students and after such instruction, she would assign such students to perform seat work. However, the teacher stated that she would often have to interrupt instruction being provided to one grade level in order to address concerns or questions raised from the other grade level. The teacher indicated that this procedure occurs on a daily basis but that she continues to press on for the students benefit. Please be advised that such method of "back and forth" instruction to two different grade levels in one classroom must not continue.

P.L. 28-45 § 4 (12) (a) requires a certified teacher for every class. In other words, in this case, there should be one certified teacher for the 2nd grade class and there should be one certified teacher for the 3rd grade class—not one teacher for both classes. In order to come into compliance with the law, a certified teacher must be assigned to cover one of the two grade levels currently being taught by one teacher. Please be advised that at this time, the law does not provide for any exceptions to such requirement. Therefore, I strongly recommend that DOE immediately assign a certified teacher to teach either the 2nd or 3rd grade class at FQ Sanchez so that each and every class has a certified teacher.

Respectfully submitted,



Dominic Terlaje

cc: Honorable Speaker Judith T. Won Pat, Ed.D., 30th Guam Legislature
Chairman, Guam Education Policy Board
FQ Sanchez Administration (via email)