

Dominic Terlaje
Education Suruhanu

March 12, 2010

To: Superintendent of Education
From: Education Suruhanu
Subject: MU Lujan Elementary School Inspection

30-10-0235
1:30 PM
3/15/10
10:15 PM
epm

Dear Dr. Bretania Underwood:

An inspection of the MU Lujan Elementary School campus occurred on March 10, 2010. As a result of the inspection, DPHSS issued a letter grade "B" for the school building with a total of ten (10) demerits.¹ In addition, DPHSS issued a letter grade "A" for the Cafeteria with a total of two (2) demerits.

P.L. 28-45 § 4 (12) (1) of the Adequate Public Education Act (the Act), requires Public Schools to provide a healthful, safe, and sanitary learning environment. However, the Act does not provide for a time frame to come into compliance for the noted discrepancies/violations. As such, GDOE should rectify such discrepancies/violations immediately. In addition, Title 10 G.C.A. Chapter 21 states that violations identified in a DPHSS inspection report must be corrected within a specific time frame. When an inspection yields a demerit score of 20 or less, all violations of two (2) or four (4) demerit points must be corrected within a period of time not to exceed 30 days. See 10 G.C.A. § 21107 (2) (a). However, when one (1) or more six (6) demerit point items are in violation, regardless of the total demerit score, such item or items must be corrected within a period of time not to exceed ten (10) days. See 10 GCA § 21107 (2) (c).

The school building received a demerit score of ten (10) and the cafeteria received a demerit score of two (2) therefore, the two (2) and/or four (4) demerit point items listed in the respective DPHSS inspection reports must be corrected within 30 days from the date of the inspection. However, because there is a six (6) demerit point item listed on school building inspection report, that item must be corrected within ten (10) days from the date of the inspection. In an effort to address that particular discrepancy, I requested in writing, that the Director of DPHSS determine whether or not a serious health hazard or discomfort will occur that would affect the occupants of MU Lujan as a result of the school failing to meet the minimum required number of urinals as provided for under the regulations. In other words, according to the regulations, because the MU Lujan Elementary school building was in

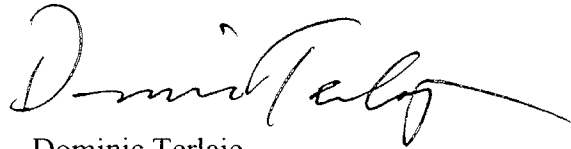
¹ The School building received a letter grade "B" instead of an "A" because a repeat violation was issued for failure to meet the minimum required number of urinal resulting in a downgrade of the actual letter grade received for the March 10, 2010 inspection.

existence before the regulations were adopted, the school shall be deemed acceptable provided the Director determines no serious health hazard or discomfort will occur.

I strongly recommend that GDOE address all discrepancies/violations identified in the inspection reports and rectify them immediately in order to come into compliance with the various regulatory agency codes, with the various provisions of the Fourteen (14) Points of the Act, and/or with any other applicable laws or rules. Because not all the school's classrooms or school's facilities were inspected, GDOE is highly encouraged to assess all other classrooms and school facilities in order to identify any other discrepancies and perform the necessary corrective action.

Please submit to my office in writing, GDOE's plan to rectify each of the discrepancies/violations identified in any such inspection report, including but not limited to the action taken or to be taken to rectify the discrepancy/violation and the date when such discrepancy/violation was rectified or would be rectified. Please provide such information immediately.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dominic Terlaje", with a long, sweeping horizontal stroke extending to the right.

Dominic Terlaje

Attachment: Inspection Reports

cc:

Honorable Speaker, 30th Guam Legislature
Chairman, GEPB
Billy Cruz, GDOE Facilities and Maintenance Manager (via email)
MU Lujan Elementary School Principal (via email)

Government of Guam
Office of the Education Suruhanu (OES)
School Inspection Report

PUBLIC LAW 28-45: 14 POINTS COMPLIANCE

School Representative: Daisy Ramirez, Principal
Date of Inspection: March 10, 2010
Weather Condition: Sunny and warm
Student Population: Males: 373 / Females: 325
School building received a letter grade "B" with 10 demerits. (The School building received a letter grade "B" instead of an "A" because of a repeat violation. The Cafeteria received a letter grade "A" with 2 demerits.
School was built before 1983.

School: **MU Lujan Elementary**

Location/ Room No. / Bldg.	14 Points (a-n)	Type of Citation: PH=DPHSS F=Fire Dept E=EPA S=Suruhanu	Date Cited	D e m e r i t s	Description of Finding	Comments	Recommendations
Room 129	1	PH & S	3/10/10	2	Observed paint peeling throughout ceiling.	P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The Department of Public Health and Social Services (DPHSS) School Sanitation Code (the SSC) requires school walls and ceilings to be light in color, have a flat finish, and be clean and in good repair.	Address and rectify immediately in order to come into compliance with the law. Painting services should be performed as necessary.
Rooms 115 & 211	1	PH & S	3/10/10	2	Observed air conditioning unit not in good working order.	P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The SSC requires school equipment to be kept clean and in good repair.	Address and rectify immediately in order to come into compliance with the law. Repair, replace or remove equipment found to be in disrepair or not working as necessary.
Campus	1	PH & S	3/10/10	6	Ratio for urinals not met. Observed two urinals provided for male students with a male student population of 373, a number of 12 total urinals are required in order to meet the ratio of one for each 30 males.	Repeat violation. P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The SSC requires a minimum of one urinal for each 30 males. Based on the school's population for this school year, 12 urinals are required. An additional 10 urinals are required in order to satisfy the SSC. However, there are approximately 39 water closets at various locations throughout the school classrooms and campus. (DPHSS noted in the inspection report that based on the inspection, the 10 "A" issued for the school building shall be downgraded to a 10 "B" as per Supervisor Ronald Carandang.	Address and rectify as soon as possible. Based on §4717 of Title 26 GAR, I have recommended that the Director of DPHSS consider determining that I am respectfully requesting that the Director or designated representative determine that the schools in existence before the regulations were adopted in 1983 be deemed acceptable where any such school fails to meet the urinal to male student population ratio. However, the school must still provide a sufficient amount of water closets based on the male student population.
Cafeteria	1	PH & S	3/10/10	2	Observed equipment and utensils stored on crates that have an accumulation of dark stains	Possible safety issue. P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The Eating and Drinking Establishment Rules (the EDER) requires equipment and utensils shall be stored at least 6 inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. properly installed and maintained.	Address and rectify immediately in order to come into compliance with the law. Ensure that any such items are properly stored at all times according to the EDER to prevent the possibility of any contamination before use.