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Dominic Terlaje  
Education Suruhanu

March 15, 2010

To: Superintendent of Education  
From: Education Suruhanu  
Subject: DL Perez Elementary School Inspection

36-10-0236  
8:30  
3/16/10

Dear Dr. Bretania Underwood:

An inspection of the DL Perez Elementary School campus occurred on March 12, 2010. As a result of the inspection, DPHSS issued a letter grade "B" for the school building with a total of ten (10) demerits.<sup>1</sup> In addition, DPHSS issued a letter grade "A" for the Cafeteria with a total of ten (10) 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 ten (10) 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 in each of the inspection reports, each six demerit point item must be corrected within ten (10) days from the date of the inspection.

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,

<sup>1</sup> The School building received a letter grade "B" instead of an "A" because a repeat violation was issued for failure to provide self-closing devices resulting in a downgrade of the letter grade received for the March 12, 2010 inspection.

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. **NOTE:** Please be advised that the kitchen fire suppression system expired in February 2010 and has not yet been re-serviced. Failure to re-certify such system immediately could result in negative consequences for the school.

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,



Dominic Terlaje

Attachment: Inspection Reports

cc:

Honorable Speaker, 30<sup>th</sup> Guam Legislature  
Chairman, GEPA  
Billy Cruz, GDOE Facilities and Maintenance Manager (via email)  
DL Perez Elementary School (via email)

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

**PUBLIC LAW 28-45: 14 POINTS COMPLIANCE**

School Representative: Carolyn Camacho, Principal Date of Inspection: March 12, 2010 Weather Condition: Sunny and warm Student Population: Males: 413 / Females: 349 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 10 demerits.	<b>School: DL Perez Elementary</b>
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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
Campus	1	PH & S	3/12/10	2	Observed bare wood throughout P-wing and building and at the L-wing awning.	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.
Campus	1	PH & S	3/12/10	4	Self-closing door devices missing or in disrepair throughout L-wing and various other classrooms.	<b>Repeat violation.</b> P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The SSC requires all entry doors to be self-closing. The SSC requires equipment to be in good repair. <b>NOTE:</b> Based on today's inspection, the school building received a letter grade "B" instead of an "A" because of the repeat violation resulting in the downgrade of such letter grade. The School Principal indicated that several work requests and follow ups were conducted in the school's attempt to address and rectify the problem well in advance of today's inspection.	Address and rectify immediately in order to come into compliance with the law. Repair, replace or remove as necessary. A sufficient inventory of such items should be made available.
Campus	1	PH & S	3/12/10	2	Observed light fixtures throughout various classrooms being held in place with wire.	P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The SSC requires equipment to be in good repair and properly maintained. <b>NOTE:</b> The OES identified and reported this same discrepancy to DOE in February 2009.	Address and rectify immediately. Repair or replace. In the alternative, install light bulb sleeves as necessary.

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Campus	f&l	PH & S	3/12/10	2	A/C units not working properly or in disrepair in various classrooms: 43, 40, 36, 51, 54, 56, 27, 19, 61, 15, 9, 8, and 3. Accumulation of dust also observed in A/C filters and vents.	P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. P.L. 28-45 § 4 (12) (f) requires schools to provide air conditioned or properly ventilated classrooms in which the sensible air temperature is no greater than 78 ° F. The SSC requires that ventilation shall be adequate to provide proper circulation of needed air within a room by either windows or mechanical ventilators. The SSC requires that when mechanical ventilation is provided, it shall be kept clean and in good repair. Public Health considers temperatures above 85 ° F inadequate. In the event a classroom temperature exceeds a specific measurement, Public Health may require the closure of such room until such measures can be taken to improve air circulation so that the room temperature can be adequately maintained. <u>Note</u> : Some students were moved from classrooms that were not properly ventilated.	Address and rectify immediately. All A/C unit filters should be cleaned on a regular and ongoing basis or as necessary. Additional A/C vendors and/or personnel should be provided in order to adequately respond to and address the schools A/C issues. If ventilation cannot be improved or conditions worsen, the students must be removed to a more suitable room.
Cafeteria	l	PH & S	3/12/10	4	Observed walk in chill unit in kitchen in disrepair.	P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The Rules and Regulations Relative to Eating and Drinking Establishments require adequate equipment and facilities for the conduct of sanitary operations. All food products have been moved from chill unit to the freezer and to another chill unit.	DOE should address and rectify reports of this nature immediately so that the school will have sufficient storage space for the necessary food products.

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Cafeteria	1	PH & S	3/12/10	6	Observed that the cafeteria kitchen was without hot water.	P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The Eating and Drinking Establishment Rules requires that hot water be provided for manual cleaning and sanitizing purposes, and for sanitary facilities and controls. Warm water is also required in the kitchen employees restrooms for proper hand washing purposes. DOE maintenance personnel were in the process of repairing the water heater during the inspection but there was no hot water at the time the inspection report was completed.	Running hot water must be provided immediately in order to come into compliance with the law. DOE must respond and repair such discrepancy immediately to ensure that sanitary measures are maintained in the cafeteria. Mechanical ware washing unit shall be used in place of the three compartment manual ware washing sink until hot water is provided.
Cafeteria	1	S	3/12/10	N/A	Observed the kitchen fire suppression system expired in February 2010.	P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The service tag on such system indicates that the system was serviced in August 2009 and that such system expires six months after such date. In other words, the system should have been re-serviced on or before March 1, 2010. DOE indicated that a purchase order has been prepared and that they are working on getting a date when the vendor may respond. However, as of March 15, 2010, the system has not yet been serviced. Failure to re-service such system may result in negative consequences for the school.	The kitchen suppression system must be re-serviced immediately in order to come into compliance with the law. I would recommend that the DOE Safety Office develop a master list of all the cafeterias where the system is installed, log all the necessary and pertinent information for such system, and send reminders to such cafeterias to ensure that such systems are timely serviced.