



May 6, 2010

To: Honorable Felix P. Camacho, Governor of Guam
Honorable Judith T. Won Pat, Speaker, 30th Guam Legislature
Dr. Nerissa Bretania Underwood, Superintendent of Education
Chairman, Guam Education Policy Board

From: Education Suruhanu

Subject: April 2010 Report.

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Notes from the Education Suruhanu.

Each month the Office of the Education Suruhanu (the OES) provides a report summarizing its activities. The Education Suruhanu investigates any complaints of a person alleging violations of any of the Fourteen (14) Points of the Every Child is Entitled to an Adequate Public Education Act, P.L. 28-45. After completing an investigation, the Education Suruhanu informs the complainant of the conclusion or recommendation in writing and if appropriate, any action taken or to be taken by GDOE. In addition, the Education Suruhanu is authorized to perform inspections of the public schools to ensure compliance with the Fourteen (14) Points. The Education Suruhanu may perform such inspections on its own or with the assistance of various Government of Guam Regulatory Agencies including but not limited to the Department of Public Health and Social Services (DPHSS), the Guam Fire Department (GFD), and the Guam Environmental Protection Agency (GEPA). When working to fulfill the obligations of the office, the Education Suruhanu acts independently, informally, and neutrally. It is the role of the office to approach its duties as a neutral fact finder rather than as an advocate. The information in this report highlights the activities of April 2010.

Complaint Report.

Issue	Status	Conclusion/Recommendation	Action taken
Complaint that GDOE employee who terminated their employment with GDOE has not yet received a personnel action.	Complaint not accepted.	The issue did not meet the criteria under the 14 Points.	N/A

Issue	Status	Conclusion/Recommendation	Action taken
<p>Anonymous complaint reporting that an individual serving as an Assistant Administrator at the LBJ Elementary School is not a certified professional administrator.</p>	<p>Complaint accepted. Case Closed.</p>	<p>During the investigation into the matter we found that the Superintendent detailed Mrs. Garcia to serve as an Assistant Administrator for the both the LBJ and Tamuning schools sometime in February 2010. However, Mrs. Garcia is not a certified professional administrator. Instead, Mrs. Garcia is a school guidance counselor who holds a Masters in Counseling. According to the School Principal, Mrs. Garcia is currently working towards obtaining a professional administrator's certificate. As such I informed the Superintendent that GDOE was not in compliance with P.L. 28-45 § 4 (12) (b) which requires public schools to provide certified professional administrators. In addition, there are currently no exceptions to such requirement.</p> <p>GDOE's response: The Superintendent responded stating that GDOE is not in violation of the law because the school does have a certified administrator in Ms. Reyes, the School Principal. In addition, GDOE stated that their rules and regulations § 904.506 allow the detail assignment of an individual to serve as a school administrator.</p> <p>Although GDOE's rules and regulations may allow for detail assignments of individuals to serve as a school administrator, the law requires schools to provide certified professional administrators. Because Mrs. Garcia does not possess a professional administrator certificate and because she is serving as a school administrator, GDOE is not in compliance with the law.</p>	<p>None at this time. The Superintendent indicated that GDOE is not in violation of the law on the basis that Ms. Reyes, the School Principal for both LBJ and Tamuning is a certified administrator.</p>
<p>Anonymous complaint reporting that the A/C unit in the Untalan cafeteria and in room 43 is not in good working order.</p>	<p>Complaint accepted. Case closed.</p>	<p>During the course of my investigation, I met with the cafeteria supervisor who indicated the cafeteria A/C unit was not working for about a week but that the unit was recently repaired. I found that the cafeteria A/C units appeared to be working properly and the temperature appeared to be adequate.</p> <p>The A/C unit in room 43 A/C is not working properly and the room temperature was inadequate. School administration confirmed that the A/C unit has been inoperable for approximately 4 months. The Principal indicated that the A/C unit was working for a short time after the November 2009 inspection but shortly after such inspection, the A/C unit went down and has been down since then. The School Principal indicated that a work request was submitted to DOE Maintenance as required and that follow-ups have been performed. However, as of April 20, 2010, room 43 did not have a properly working A/C unit.</p>	<p>The cafeteria A/C unit was repaired on April 19, 2020.</p> <p>Room 43 A/C problem has not yet been addressed.</p>

Issue	Status	Conclusion/Recommendation	Action taken
Anonymous complaint reporting that an FBLG student was allegedly bullied by another FBLG student while on campus.	Complaint accepted. Case closed.	I found that the School Principal is currently addressing the matter by investigating the incident, meeting with all the students involved and with their parents. The Principal indicated that he has already discussed the matter with the parents of the alleged victim. I found that the Principal discussed FBLG's prevention and intervention against bullying with the alleged victim's parents immediately after the incident. The Principal indicated that the parents of the alleged victim were satisfied with the Principal's actions concerning this matter. I recommended that the students involved in the incident be separated as much as possible and that the students involved be closely monitored.	The Principal discussed the matter with all the parties involved and with their parents. The Principal counseled the students involved in the matter and has taken the necessary disciplinary action for those involved. The Principal will be closely monitoring the students involved. The school handbook discusses the issue of bullying and the bullying is discussed during student orientation, staff development sessions, and school wide assemblies.
A/C unit in room 1 at the Agana Heights Elementary school is not in good working order.	Complaint accepted. Case closed.	I found that the room temperature measured approximately 86 °F with a relative humidity of 70% with no students present at the time at approximately 12:00 noon. I found that the school administration submitted a work request reporting the problem and the follow ups were conducted. In addition, I found that the A/C had not been working properly for approximately one month before the complaint was filed with my office.	GDOE A/C maintenance personnel addressed and repaired the problem on or about April 26, 2010.
Anonymous complaint requesting that our office investigate a Department of Corrections employee for alleged misconduct.	Complaint not accepted.	The issue did not meet the criteria under the 14 Points.	N/A

School inspection report.

A. Pursuant to 17 GCA Chapter 11, the OES along with various government of Guam regulatory agencies conducted inspections of the following schools to ensure compliance with the 14 Points. The Department of Public Health issues demerit points based on the discrepancies/violation discovered during the inspection for the school building and for the cafeteria. In addition, Public Health issues a letter grade based on the total number of demerit points issued. The Guam Fire Department and the Guam Environmental Protection Agency do not issue demerit points or a letter grade but they do issue an inspection report detailing any discrepancies/violations discovered during the inspection.

1. Machananao Elementary School: Public Health issued a letter grade (“A”) for the school building and a letter grade (“A”) for the Cafeteria. The various regulatory agencies noted the following discrepancies/violations.

- a. Dark stains on various classroom floors and walls.
 - b. Paint peeling throughout various hallway awnings.
 - c. Cafeteria air blowers in disrepair.
2. Jose Rios Middle School: Public Health issued a letter grade (“A”) for the school building and a letter grade (“B”) for the Cafeteria. The total demerit score for the cafeteria resulted in a letter grade (“A”) but DPHSS downgraded the “A” to a “B” because of a repeat violation for failing correct an issue previously cited in the February 2009 inspection. The various regulatory agencies noted the following discrepancies/violations.
- a. Rodent droppings in electrical room number 8.
 - b. Gym ceiling insulation in disrepair or missing.
 - c. Paint peeling on the ceiling of various rooms and hallway awnings.
 - d. A/C unit in room 4 B not working properly.
 - e. Cafeteria restroom toilet leaking at the bottom of the bowl and at the flush handle.
 - f. Paint peeling from ceiling of the cafeteria restroom facility. **Note: Repeat violation from the February 2009 inspection.**
 - g. Secondary containment for used cooking oil not provided.
 - h. Debris and vegetation collecting within the concrete swale.
 - i. Down spout not covered and needs cleaning.
3. Maria A. Ulloa Elementary School. Public Health issued a letter grade (“A”) for the school building and a letter grade (“A”) for the cafeteria. The various regulatory agencies noted the following discrepancies/violations.
- a. Rodent droppings in electrical room 8.
 - b. Dark stains on various classroom floors.
 - c. Wire being used to secure various ceiling light fixture shields to the light fixture.
 - d. Various A/C units in disrepair.
 - e. Rodent droppings in cafeteria employee locker room.
 - f. Window screen missing in the dining area.
 - g. Walk in chill unit in disrepair.
 - h. Used cooking oil container not in proper location.
 - i. Storm water drain inlet located between room 105 & 35 needs to be cleaned/maintained.
 - j. Air condition drain water pipe at room 11, 302, and at the library leaking water or not properly draining into the ground.
 - k. Fire alarm system not operational.
 - l. Roof downspout near room 307 is in disrepair.
 - m. Exposed electrical wiring throughout campus, missing receptacle covers, and various electrical wiring not within conduit.
 - n. Fire extinguishers signs posted without extinguisher available.
 - o. Ceiling tiles missing.
 - p. Overgrown vegetation within the LPG storage tank.

4. Southern High School. Public Health issued a letter grade (“C”) for the school building and a letter grade (“A”) for the Cafeteria. The various regulatory agencies noted the following discrepancies/violations.
 - a. Termites and bees nests at various parts of the campus.
 - b. Rubbish and overgrown vegetation throughout the campus and fence line.
 - c. Several classroom doors and restroom doors without self-closing door devices.
 - d. Missing windows in building 3000. Window fixtures throughout the campus not in good repair.
 - e. Broken floor tiles and concrete hallway floors in disrepair.
 - f. Paint peeling and mold buildup throughout the school building walls and ceilings.
 - g. Restrooms in the 6000, 7000, & 8000 wings have leaks in the ceiling.
 - h. Bare wood throughout the campus.
 - i. Base board in disrepair throughout the school buildings.
 - j. Storage room and mop sink room in culinary class not properly organized. Observed broken kitchen equipment within the kitchen area.
 - k. Various student common use restroom facilities were locked during school hours.
 - l. Dust build up in various restroom vents, dust buildup in various classroom A/C vents.
 - m. A/C unit not working in room 3104, in the nurse’s office building. ROTC office A/C unit leaks water.
 - n. Various water fountains in disrepair and various water fountains with buildup of dirt and/or rust.
 - o. Various restrooms without trash containers and with proper cover.
 - p. Various cafeteria dining tables in disrepair.
 - q. Cafeteria base board in disrepair.
 - r. Light shields in cafeteria missing or in disrepair.
 - s. Storm drain inlets not provided with screen.

5. JQ San Miguel Elementary School. Public Health issued a letter grade (“A”) for the school building and a letter grade (“A”) for the Cafeteria. The various regulatory agencies noted the following discrepancies/violations.
 - a. Bare wood and paint peeling throughout school building.
 - b. Two drinking fountains in disrepair.
 - c. Fire alarm system not operational.
 - d. Placement of fire extinguishers in each classroom. Providing fire extinguishers within certain classrooms may present an accessibility issue in the event the classroom with a fire extinguisher is not accessible during school hours.
 - e. Class II Stand Pipe (Fire Hose Cabinets) with in various rooms not in good repair.

6. Astumbo Elementary School. DPHSS Health issued a letter grade (“A”) for the school building and a letter grade (“A”) for the Cafeteria. The various regulatory agencies noted the following discrepancies/violations.
 - a. Overgrown vegetation throughout the campus fence line.

- b. Paint peeling throughout the school buildings exterior walls.
 - c. Annual service date for the fire extinguishers expired.
 - d. Missing light bulbs in the cafeteria kitchen range hood.
 - e. Trash scattered on the ground near the trash bins.
 - f. Stock piling of dried vegetation, old tires, and old wooden pallets along ponding basin fence.
 - g. Missing 1/2 inch screen at various storm drain inlets throughout the campus.
 - h. Pot holes located underneath various playground equipment.
 - i. Evidence of paint being spilled into various storm drain inlets.
7. Adacao Elementary School. DPHSS Health issued a letter grade (“A”) for the school building and a letter grade (“A”) for the cafeteria.
- a. No discrepancies/violations were noted.
8. Ligan Elementary School. DPHSS Health issued a letter grade (“A”) for the school building and a letter grade (“A”). The various regulatory agencies noted the following discrepancies/violations.
- a. Dark stains on various classroom floors.
 - b. Accumulation of dust on the ceiling tiles.
 - c. Food products not transported in hot holding or cold holding containers.

Respectfully submitted this 6th day of May 2010.



Dominic Terlaje