



Office of the Adequate Education Suruhanu (Ombudsman)
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 Page Address: www.guamlegislature.com



September 7, 2010

TO: Superintendent of Education
FROM: Education Suruhanu
SUBJECT: Reports of various classes exceeding the maximum class size

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AM 9:57
30-16-0774

Judith T. Won Pat, Ed. D.
Date: 9/9/10
Time: 9:57 AM
Received by: [Signature]

Hafa Ådai Dr. Bretania Underwood:

Our office recently visited the Agueda Johnston and Jose Rios Middle Schools concerning a report that several classes at each school are exceeding the maximum class size for various classes. As you may know, public schools are required to provide a certified teacher in every class in a ratio established by relevant collective bargaining agreements (RCBA). P.L. 28-45 § 4 (12) (a). The current RCBA states that the maximum class size for middle schools shall not be any larger than 28 students for a regular classroom and that such maximum amount applies to the 5 periods of instruction in either a 6 or 7 period day. Regular classrooms consist of classes such as Language Arts, Math, Reading, Social Studies, and Science (collectively referred to as Regular Classes). Non-regular classes would consist of classes such as Art, Consumer Family Science, Industrial Arts, Music (Band/Chorus), P.E., and Remedial classes (collectively referred to as Non-regular Classes). For the Non-regular Classes, the maximum class size varies anywhere from 20 to 28 students.

At Agueda Johnston, there are a total of approximately 36 Regular Classes among 17 different teacher's classrooms at different periods that exceed the maximum size of 28 students. According to school officials, there may also be an issue with the maximum class size of 15 students for Chamorro classes on the basis that a total of approximately 17 different Chamorro classes exceed 15 students in any such class. At Jose Rios, there are a total of approximately 103 Regular Classes among 29 different teacher's classrooms at different periods that exceed the maximum size of 28 students. In addition, the various Non-regular Classes such as Art (maximum class size 24), Band/Chorus, & P.E., (maximum class size 28), are also experiencing an excess in the maximum class size. However, for Non-regular Classes such as Band/Chorus and P.E., enrollment may be greater than 28 provided the teacher requests the larger class size in writing with justification and the Principal and department chairperson concur. Please be advised that for the various Regular Classes that exceed 28 students, there are generally one to four students above the maximum.

Because several different classes exceed the maximum class size allowed for any such class, GDOE is not in compliance with P.L. 28-45 § 4 (12) (a) concerning the student/teacher ratio as established by the RCBA and as such, GDOE must come into compliance with the law immediately. Please be advised that there are currently no exceptions in the law that would allow for a Regular Class to exceed the maximum class size of 28. Because not all classes in all the schools were assessed, I would strongly recommend that each school submit to your office, an accurate listing of any and all classes that exceed their maximum class size according to the RCBA so that your office can timely address any such issues.

It has also come to my attention that the sudden increase in class size this school year may have been caused by an unexpected increase in the student population for certain areas. Although it is unfortunate that such unexpected increase has caused some classes to exceed their maximum size, I would encourage

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GDOE to take the necessary steps to adequately prepare all schools to accommodate the almost certain immediate increase in the student population as result of the military build-up and the overall population growth.

Section 13 of P.L. 28-45, Department of Education Appropriation states:

I Liheslaturan Guåhan shall annually appropriate from the General Fund or any other funds determined to be appropriate by *I Liheslaturan Guåhan* to the Guam Public School System all amounts necessary to provide an adequate public educational system as required by Section 29(b) of the Organic Act, as amended, and to that end provide an adequate Public Education for all Public School students as those terms are defined in 1 GCA §715.

If the construction of additional permanent classrooms such as fast track classrooms, hiring additional teachers, hiring other necessary school personnel, and purchasing equipment and supplies are necessary to adequately address the increase in the student population immediately or in the immediate future, I would strongly recommend that GDOE officials contact the appropriate parties immediately to discuss and rectify any such issues as soon as possible.

Another issue that GDOE should consider is the occupancy load for any such classroom especially in a classroom that exceeds the maximum class size of 28. The School Sanitation Code requires 20 sq. ft. of spacer per child at the Middle School grade level and I have also been informed that the Guam Fire Department (GFD) also requires 20 sq. ft. of space per as well. However, GFD may also consider various other factors in determining the occupancy load for a room such as student desks, the teacher's desk, cabinets, tables, design of the room, exits, and/or the distance between the student desks. As a precautionary measure, I would recommend that GDOE contact the proper regulatory authorities to determine whether or not a school's classroom may be exceeding its occupancy load. Exceeding the maximum occupancy load of a classroom may present various health and safety issues. In the event that any classroom may be found to exceed its occupancy load, GDOE must address and rectify it immediately.

Please submit to my office, in writing, the action GDOE is taking or will be taking to come into compliance with P.L. 28-45 § 4 (12) (a). If you have questions, please do not hesitate to contact our office.

Si Yu'os Ma'åse',



Dominic Terlaje

cc:
Honorable Speaker, 30th Guam Legislature
Honorable Senator B.J. Cruz, Vice Speaker (via email)
Honorable Senator Ben Pangelinan (via email)
GEPB (via email)
Pat Mason, Deputy Attorney General (via email)