

Office of the Adequate Education Suruhanu (Ombudsman)
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September 8, 2010

TO: Superintendent of Education
FROM: Education Suruhanu
SUBJECT: Complaint that air conditioning units in room 29 at Untalan are not working and other noted discrepancies.

Office of the Adequate Education Suruhanu
Date: 9/10/10
Time: 4:11
Received by: [Signature]
36-10-0794

Hafa Ådai Dr. Bretania Underwood:

On September 3, 2010, our office received a complaint that room 29 at the Untalan Middle School is without any working air conditioning (A/C). On September 8, 2010, at approximately 12:30 in the afternoon, our office conducted an investigation into the complaint and found that both A/C units in room 29 were inoperable. At the time we visited the room, no students were present. However, the teacher was present and indicated that the classroom is being used to provide instruction to students under the current conditions and that the room is very warm and uncomfortable. The teacher indicated that the problem was reported on or about August 31, 2010. Using an environmental quality meter, the room temperature measured approximately 88 °F with a relative humidity of approximately 66%. In addition, the teacher had a thermometer which measured the room temperature at approximately 87 °F. Although windows were opened and four floor fans were in operation, the ventilation and/or air circulation of the room was quite poor and the room was very warm and uncomfortable. Such conditions are unacceptable and must be addressed and rectified immediately in order to provide a comfortable learning environment. It is also important that such ventilation problems be addressed immediately to prevent any possible health or safety issues that may be associated with warm room temperatures, high humidity and/or poor air ventilation. If a comfortable temperature cannot be maintained and/or the ventilation cannot be improved in such classroom, the class should be re-located to a more suitable environment.

Section 4 (12) (f) of Public Law 28-45, the Every Child is Entitled to an Adequate Public Education Act (the Act), requires air conditioned or properly ventilated classrooms in which the sensible air temperature is no greater than 78° F. In addition, § 4 (12) (1) of the Act requires that public schools provide a healthful, safe, and sanitary learning environment. Furthermore, the School Sanitation Code (the SSC), states that ventilation shall be adequate to provide proper circulation of needed air within a room by either windows or mechanical ventilators. In addition, the SSC also states that when mechanical ventilation is provided, it shall be in clean and in good working order. In order to come into compliance with the law, the conditions in room 29 must be addressed and rectified immediately. Please submit to my office, in writing, the action GDOE is taking or will be taking to rectify this matter and the date when such matter would be rectified.

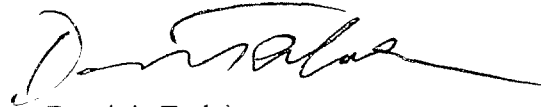
During the course of the investigation, it was also brought to my attention that there are other rooms experiencing very warm temperatures making for an uncomfortable learning environment for the students who occupy such rooms. The other rooms observed to be inadequately ventilated are as follows: a) Room 10—temperature measured approximately 87 °F with a relative humidity of 47%; b) Room 8—temperature measured 88 °F with a relative humidity of 52%; and c) T-10—please be advised that T-10 does not have any working A/C units but the classroom is not being occupied at this time. Although T-10 is currently not being used because of poor ventilation/temperature, GDOE may want to address that classroom as it is my understanding that teacher assigned to T-10 is required to rotate among various other class rooms to perform her teaching duties.

Furthermore, it was also discovered that T-4 which was recently partitioned into two classrooms (T-4 and T-5), may need immediate attention on the basis that the T-5 portion has very soft spots on various parts of the classroom floor. This situation is very similar to situations that occurred with some of the other T building floors noted in past year's inspections and reports. As such, no students should be allowed to occupy T-5 or any of the T buildings where the floors may appear to be soft or sinking. My understanding is that such problem has been reported to GDOE maintenance. Please be advised that the partitioning of the room into the T-4 and T-5 classrooms may not be entirely completed. The wood material used to construct the partition has not been painted or properly sealed. In addition, as a result of the placement of the partition, only the T-5 section of such room has an A/C unit. I would recommend that the remaining issues concerning the partitioning of such room be completed immediately.

Section 4 (12) (1) of the Act requires public schools to provide a healthful, safe, and sanitary learning environment. In addition, the SSC requires floors to be clean and in good repair. The soft spots of the floor in T-5 may present various health and safety concerns and as such, it must be addressed and rectified immediately. A proper assessment should be performed to determine what is causing the soft or sinking spots to occur on such floors. I would strongly recommend that all students be prohibited from entering T-5 or any other classroom that may be experiencing soft or sinking floors. In order to come into compliance with the law, the above noted discrepancies must be addressed and rectified immediately.

Your attention to these matters is appreciated. If you have questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'åse',



Dominic Terlaje

cc:
Honorable Speaker, 30th Guam Legislature
Taling Taitano (via email)
GEPB (via email)
Billy Cruz, (via email)
Untalan Middle School Administration (via email)
Tom Nadeau (via email)