

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



Handwritten initials

Handwritten file number: 36-10-08

September 21, 2010

Memorandum

TO: Superintendent of Education

FROM: Education Suruhanu

SUBJECT: UPI Elementary School fire extinguishers expired as of May/June 2009.

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 9/22
Time 1:30
Received by [Signature]

Håfa Adai Dr. Bretania Underwood:

My office conducted an inspection of the UPI Elementary School (UPI) on September 20, 2010 noting various discrepancies that pertain to the 14 Points and the various regulatory agency rules and regulations. An inspection report detailing the various discrepancies will be provided accordingly at a later date. However, the purpose of this correspondence is to inform your office of an outstanding violation that was cited in the January 15, 2010 Public Health School Building Inspection Report (SBIR) but that has not been corrected as of September 20, 2010.

As you may know, the Guam Fire Department (GFD) requires fire extinguishers to be serviced annually by a party licensed to perform such service. During the course of the inspection, it was observed that the annual service identification tags on the fire extinguishers at UPI indicate an expiration date of either May or June 2009.¹ In other words, UPI fire extinguishers should have been re-serviced on or before May or June 2009. In addition, GDOE was made aware that UPI's fire extinguishers were expired as a result of the SBIR that was issued to the school and other GDOE officials on January 15, 2010 immediately after the inspection concluded, through our inspection report that was issued to various GDOE officials on or about January 20, 2010, and through a letter from our office dated March 2, 2010 issued to various GDOE officials indicating that UPI was still without properly serviced fire extinguishers. Furthermore, UPI school officials indicated that they have communicated this concern to various GDOE officials since the January 15, 2010 SBIR but to no avail. Such disregard for taking the necessary and proper steps to ensure that UPI was immediately provided properly serviced fire extinguishers after being properly notified is unacceptable, cannot be tolerated, and must be addressed and rectified immediately. I would strongly recommend that your office take the necessary steps to ensure that fire extinguishers are never left to expire for any reason.

As I have recommended to GDOE through our inspection reports provided to various school officials concerning fire extinguishers, GDOE should require their Safety Office develop a master list of all the schools fire extinguishers and log the annual service expiration date or dates in order to assist or provide reminders to school administrators and/or other GDOE officials in advance of the annual service expiration date. In addition, the GDOE Safety Office should coordinate with the various fire extinguisher vendors well in advance of the expiration date of the fire extinguishers or when fire extinguishers may be found to be in disrepair to ensure that a sufficient amount of properly working fire extinguishers are always made available. Proper planning and scheduling must be a priority concerning the availability of properly serviced and/or working fire extinguishers to ensure that student safety is never compromised. Furthermore, the monthly monitoring of the fire extinguishers must be enforced as an effective measure to ensure that all fire extinguishers are properly serviced and/or in good working order.

¹ The identification tags on the various fire extinguishers are punched May or June 2008 and as such, they should have been re-serviced in May or June 2009 as is indicated on the identification tag.

Based on the above, please provide my office with the action GDOE is taking or will take to rectify this matter no later than 5:00 p.m. September 21, 2010. Please feel free to email any such correspondence. Although this may or may not be an isolated incident, I am respectfully requesting that your office provide my office with GDOE's plans to ensure that fire extinguishers at UPI as well as at the other schools will be properly monitored to ensure that they are properly serviced as necessary and in good working order at all times.

Your attention to this most urgent matter is greatly appreciated. If you have questions, please do not hesitate to contact my office.

Best regards,



Dominic Terlaje

Attachments

DPHSS SBIR Inspection report of January 15, 2010
OES inspection report dated January 20, 2010
Letter to Superintendent dated March 1, 2010

cc:

Honorable Speaker, 30th Guam Legislature
GEPB
UPI School Administrator
Bruce Williams, GDOE Safety Administrator
Billy Cruz, GDOE Maintenance Manager
GFD Fire Chief
Office of the Attorney General

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF ENVIRONMENTAL HEALTH

10F2

SCHOOL BUILDING INSPECTION REPORT

REASON	INSPECTION DATE	ESTABLISHMENT NAME
Regular	01/15/2010	UPI Elementary School
Follow-up	INSPECTION TIME	OWNER/OPERATOR
Complaint	9:23 a.m. - 2:10 p.m.	Department of Education
Investigation	TRAVEL TIME	LOCATION
Other (Specify)	HR. MIN.	Y160
	SANITARY PERMIT #	PERMIT CATEGORY STATUS (Circle One)
	90001969	Permanent, Temporary/Current, Expired
		ESTAB. TYPE
		SCHOOL BUILDING

Based on an inspection this day the items listed below identify violations in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified by the Department. Failure to comply may result in cessation of your operations.

TEM NO.	REMARKS	CORRECT BY:
708	Observed overgrown vegetation throughout the school building.	DATE 2
	Overgrown vegetation (grasses) shall be cut as needed. School grounds shall be kept clean, free of overgrown vegetation to prevent injury.	
= 14	Observed rooms A4103 & A5103 Exit doors are not opening from the inside. Observed rooms B101, B104, & more with self-closing device not properly working / in disrepair. Observed fast track room 2 with a missing door knob.	4
	Doors shall be kept in good repair. Doors shall be easily accessible (easy to open & close). Self-closing device on doors shall be replaced / repaired.	
21	A/C not properly working in the following areas:	(2)
	B-104 : 83.1 F RH 71.3	
	Library (0) down: 85 F 49 RH	
	H-104 (1) down: 85 F 51.6 RH	
	H-105 (1) down	
	C-102 : 86.3 F 67.4 RH	

I have read and understand the above violation(s) and I am aware of the corrective measures to be taken.

*When any of the following items are cited above, they shall be corrected within ten days of the inspection: (01); (02); (23); (27); (31).

RECEIVED BY (Name and Title)
Beverly San Agustin, Principal

DEH INSPECTOR (Name and Title)
Ramon M. Buralaza - EHS

16/B

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF ENVIRONMENTAL HEALTH

2 of 2

SCHOOL BUILDING INSPECTION REPORT

REASON	INSPECTION DATE	ESTABLISHMENT NAME	
Regular <input checked="" type="checkbox"/>	01/15/2010	UPI Elementary School	
Follow-up <input type="checkbox"/>	INSPECTION TIME 9:28 a.m. - 2:10 p.m. HR. MIN.	OWNER/OPERATOR Department of Education	
Complaint <input type="checkbox"/>	TRAVEL TIME HR. MIN.	LOCATION 7150	
Investigation <input type="checkbox"/>	SANITARY PERMIT # 90001469	PERMIT CATEGORY STATUS (Circle One) Permanent Temporary/Current, Expired	ESTAB. TYPE SCHOOL BLDG.
Other (Specify)			

Based on an inspection this day the items listed below identify violations in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified by the Department. Failure to comply may result in cessation of your operations.

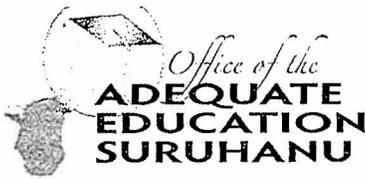
ITEM NO.	REMARKS	CORRECT BY: DATE
#29	Continue:	(4)
	Fast track 3: 84 F 58 RH	
	Fast track 5 (1) down: 85 F 53 RH	
	The following areas stated above did not meet the required temperature when using the Environmental meter.	
	Ventilation shall be provided for proper circulation of air.	
	Observed the 2nd grade classrooms without (sanitary paper towel dispensers (located near the handwashing facilities).	
	ALL Handwashing facilities shall be provided with single-service towels (sanitary paper towels in the dispenser) to prevent cross-contamination.	
#36	Observed Fire Extinguishers to be Expired throughout the School building.	(4)
	Fire Extinguishers shall be checked, monitored, and not expired for safety purposes.	
	ALL VIOLATIONS WERE DISCUSSED WITH PRINCIPAL BEVERLY SAN AGUSTIN. "C" PLACARD NO: 0377 WAS TAKEN DOWN. "B" PLACARD # 0122 WAS POSTED.	

I have read and understand the above violation(s) and I am aware of the corrective measures to be taken.

*When any of the following items are cited above, they shall be corrected within ten days of the inspection: (01); (02); (23); (27); (31).

RECEIVED BY (Name and Title)
Beverly San Agustin, principal

DEH INSPECTOR (Name and Title)
Remilton M. Bulaga - EHS II



Dominic Terlaje
Education Suruhanu

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January 19, 2010

FILE

TO: Superintendent of Education
FROM: Education Suruhanu
SUBJECT: UPI Elementary School Inspection January 2010

[Handwritten signature]
9-11/20/10

Dear Dr. Bretania Underwood:

Attached to this memorandum is a report identifying the discrepancies discovered during an inspection of the UPI Elementary School campus that occurred on January 15, 2010. The agencies that participated in the inspection were the Department of Public Health and Social Services (DPHSS), the Guam Environmental Protection Agency (GEPA), and our office. I strongly recommend that GDOE address all the discrepancies identified and rectify them immediately in order to come into compliance with the various regulatory agency codes and with various provisions of the Fourteen (14) Points of P.L. 28-45. Because not all the classrooms or school 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.

The school received a letter grade B with a total of sixteen (16) demerits for the various violations contained in DPHSS' School Building Inspection Report. In addition, the school cafeteria received a letter grade A with a total of two (2) demerits for the various violations contained in the DPHSS' Eating & Drinking Establishment / Food Establishment Inspection Report. The law requires that such violations be corrected within a specific time frame. When the demerit score is 20 or less, all violations of two (2) or four (4) demerits must be corrected within a period of time not to exceed 30 days. See 10 GCA § 21107 (2) (a). The school building received a demerit score of 16. Therefore, the two (2) and four (4) demerit items must be corrected within 30 days from the date of the inspection. The school cafeteria received a demerit score of 2. Therefore, such demerit items must be corrected within 30 days from the date of the inspection.

Please submit to my office, in writing, GDOE's plan of corrective action for each of the discrepancies identified, including but not limited to the date when such discrepancies will be rectified. Furthermore, please submit to my office, in writing, the corrective action already taken if any, to rectify the discrepancies since the date the inspection occurred. Moreover, please identify the discrepancies or violations that GDOE may not be able to correct within the time frame required and please indicate the reason or for any delay in rectifying any such discrepancy or violation. Please submit the above requested information to my office within 10 days from the date your office receives this correspondence.

If you have questions, please do not hesitate to contact my office.

Respectfully,

GEPB
[Handwritten signature]

[Handwritten signature]
Dominic Terlaje

Attachment:

cc: Honorable Speaker, 30th Guam Legislature;
GEPB Chairman;
Principal UPI Elementary School (via email)

GUAM DEPARTMENT OF EDUCATION
Office of the Superintendents

Rec'd by: *[Handwritten signature]*
Date/Time: *1/20/2010*

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

PUBLIC LAW 28-45: 14 POINTS COMPLIANCE

School Representative: Ms. San Agustin, Principal
Date and Time of Inspection: January 15, 2010
Weather Condition: Sunny and warm.
Student Population: 821

School: UPI Elementary

School Building Letter Grade Issued: (B) 16 Demerits / Cafeteria Letter Grade Issued: (A) 2 Demerits.

Location (Rm. #, Bldg.)	14 Point at issue (a-n)	Type of Citation (PH=DPHSS, F=Fire Dept, E=EPA, S=Suruhanu)	Date of Citation	Demerits	Description of Finding	Comments	Recommendations
Campus	1	PH & S	1/15/10	2	Overgrown vegetation	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 Sanitary Code (SSC) requires school grounds to be kept clean, free of rubbish and overgrown vegetation. The Principal indicated that the Mayor is experiencing some difficulties with the vendor who was selected to perform the grass cutting services at UPI resulting in the delay of such grass cutting services being performed at the school.	Grass cutting services should be performed on a regular basis.
Various rooms	1	PH & S	1/15/10	4	A4103 & A5103 exit doors not opening from inside the classroom. B101 & B104 self-closing door devices not in good repair. Room 2 fast track missing door knob.	P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. DPHSS SSC requires that doors and self-closing door devices be kept in good repair.	Ensure that the doors are able to open easily and in good repair. In addition, ensure that all self-closing door devices are properly installed at provided on each entry door and that they are in good repair.
Various rooms	f & l	PH & S	1/15/10	2	A/C units not working. (Inadequate ventilation) B104: 83.1 ° F with a Relative Humidity (RH) of 71.3 %; Library: 85 ° F with a RH of 49 %; H104: 85 ° F with a RH of 51.6 %; G102: 86.3 ° F with a RH of 67.4 %. Note: The teacher in G102 indicated that the classroom has been without a working A/C unit for approximately three months and that it has been previously reported.); Fast Track room 3: 84° F with a RH of 58.4 %; Fast Track room 5: 85 ° F with a RH of 53%.	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 school equipment to be maintained, kept clean, and in good repair. 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.	Adequate ventilation must be provided to ensure proper air circulation in order to maintain adequate temperature. In the event a classroom temperature measures above 85 ° F, 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. NOTE: Reports of classrooms without working air conditioning should be addressed immediately. Additional A/C vendors may be necessary in order to adequately and timely address the numerous work requests reporting broken or in operable A/C units. Ensure that each classroom is properly ventilated by mechanical or natural ventilation. Develop contingent plan in the event the air conditioning unit in the classroom becomes inoperable so that quick action can be taken to ensure that room is properly ventilated. In the alternative, if class room temperature cannot be maintained below 84 ° F, students should be re-located to a more suitable classroom.

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

PUBLIC LAW 28-45: 14 POINTS COMPLIANCE

School Representative: Ms. San Agustin, Principal
Date and Time of Inspection: January 15, 2010
Weather Condition: Sunny and warm.
Student Population: 821

School: UPI Elementary

School Building Letter Grade Issued: (B) 16 Demerits / Cafeteria Letter Grade Issued: (A) 2 Demerits.

Location (Rm. #, Bldg.)	14 Point at issue (a-n)	Type of Citation (PH=DPHSS, F=Fire Dept, E=EPA, S=Suruhanu)	Date of Citation	Demerits	Description of Finding	Comments	Recommendations
2nd grade classrooms	1	PH & S	1/15/10	4	Lack of sanitary paper towel dispensers.	P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The SSC requires soap and single-service towels to be provided and made available at all times. (No heated air hand-drying device was available.)	Address and rectify all discrepancies immediately in order to come into compliance with the law. Student restrooms must be provided with sanitary supplies at all times throughout the entire school day. A restroom without sanitary supplies could present various health concerns for students. DOE must exhaust all efforts to ensure that sanitary supplies are provided and made available in all student restrooms, and that restrooms remain clean and sanitary despite any shortcomings the school may be experiencing. School personnel including office staff should be required to perform restroom monitoring. A restroom log should be created and implement accordingly.
Campus	1	PH & S	1/15/10	2	Fire extinguishers annual service date expired.	P.L. 28-45 § 4 (12) (l) requires schools to provide a healthful, safe, and sanitary learning environment. The SSC requires that fire extinguishers be provided. The Guam Fire Department requires a portable fire extinguisher to be properly charged, properly serviced, properly mounted, and that the safety pin is properly secured. Monthly monitoring of the fire extinguishers should also be performed and any fire extinguishers found to be in disrepair, discharged, or expired should be reported immediately and replaced accordingly.	Address and rectify immediately. Perform monthly monitoring of all fire extinguishers ensuring that they are properly charged, that the safety pin is properly secured, and that the annual service date is current or not expired. DOE should require their safety administrator to develop a master list of all the schools fire extinguishers and log the annual service dates for all fire extinguishers in order to assist or provide reminders to school administrators or other DOE officials in advance of the annual service expiration date of any such fire extinguishers. In addition, I recommend that the DOE safety office coordinate with the fire extinguisher vendor well in advance of the expiration date of the fire extinguishers or when fire extinguishers may found to be in disrepair, in order to ensure that properly working fire extinguishers are available in the schools. Proper planning and scheduling should be a priority concerning the availability of properly working fire extinguishers to ensure student safety.

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

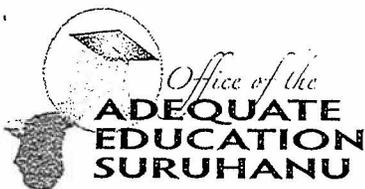
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Location (Rm. #, Bldg.)	14 Point at issue (a-n)	Type of Citation (PH=DPHSS, F=Fire Dept, E=EPA, S=Suruhanu)	Date of Citation	Demerits	Description of Finding	Comments	Recommendations
Cafeteria	I	PH & S	1/15/10	2	Door seal on walk-in freezer in disrepair.	DPHSS requires door seals to be in good repair in order to ensure that the door closes properly.	Repair and/or replace immediately.
Campus	I	E and S	1/15/10	N/A	Observed growing vegetation and debris on top of storm water drainage inlet located in the parking lot across A wing. Observed green waste on top of storm water drainage inlet near room G106.	N/A	Address and rectify immediately in order to ensure proper drainage of water.
Campus	I	E and S	1/15/10	N/A	Observed standing water located near the nurse's office and near a drinking fountain by room 103.	N/A	Address and rectify as soon as possible in order to eliminate standing water. Perform regular monitoring of campus noting any possible signs of standing water and act quickly.
Library	k	S	1/15/10	N/A	Individual assigned to operate Library is not a certified librarian.	P.L. 28-45 § 4 (12) (k) requires libraries to be operated by a certified librarian. The person assigned to operate the library is a retired teacher.	Assign a qualified individual to operate the library immediately in order to come into compliance with the law. Identify qualified individuals within DOE who may possess the necessary certificate and assign them to operate the library.



Dominic Terlaje
Education Suruhanu

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Web Address: www.guamlegislature.com



FILE

March 1, 2010

To: Superintendent of Education
From: Education Suruhanu
Subject: Expired Fire Extinguishers.



Dear Dr. Bretania Underwood:

This correspondence is to inform you that my office recently performed an inspection of the Carbullido Elementary School and during the course of the inspection, it was discovered that the annual service date for all of the fire extinguishers observed in the classrooms was expired. In addition, I have recently been informed that PC Lujan, FBLG, and UPI are still without properly serviced fire extinguishers even after the school was cited for such discrepancy in recent inspection reports.

Please be advised that according to a letter dated January 7, 2010 from the Guam Fire Department to your office, the Fire Chief stated among other things that fire extinguishers are a "Life Safety" issue and that all "Life Safety" issues are a major concern for the Fire Department that must be corrected immediately. In addition, the Fire Chief also indicated that failure to comply with the requirement of having properly serviced fire extinguishers in the schools may result in consequences not limited to closure of a school.

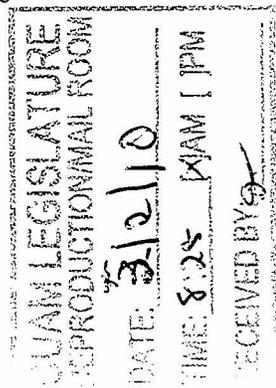
I strongly recommend that the GDOE identify the schools that do not have properly serviced fire extinguishers and rectify the problem immediately. In addition, I am respectfully requesting in writing, the efforts GDOE has taken or will take to rectify this matter and the problems or difficulties that GDOE may be experiencing in working to have the fire extinguishers properly serviced. Please provide the requested information to my office immediately.

If you have questions, please do not hesitate to contact my office.

*original in
outgoing file*

Respectfully submitted,

Dominic Terlaje
Dominic Terlaje



Attachments. (3)

cc: Honorable Speaker, 30th Guam
Chairman, GEPC
GFD Captain Joe Muna (via email)
Pat Mason, Deputy Attorney General

*emailed
Pat Mason
Dt 3-1-10*

GUAM LEGISLATURE REPRODUCTION/MAIL ROOM
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