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October 14, 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

Office of the Speaker
 Judith T. Won Pat, Ed. D.
 Date: 10/15/10
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 Subject: September 2010 Report

30-10-0864

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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 September 2010.

Please be advised that the law previously established the Office of the Adequate Education Suruhanu (the Education Suruhanu) as an "independent entity of the government of Guam." However, the 30th Guam Legislature recently amended the law establishing the Education Suruhanu as an "entity of the Office of the Attorney General." (See section 27 of P.L. 30-196 [FY-2011 Budget Act] which amended § 11100 of Title 17 G.C.A.) Such amendment was presumably for the purpose, among other things, of enabling a closer working relationship between the two offices in order to accomplish compliance with the Adequate Public Education Act requirements.

Complaint Report.

Issue	Status	Conclusion/Recommendation	Action taken or to be taken.
Anonymous report indicating that the air conditioning unit in classroom A-206 at George Washington High is not working.	Complaint accepted. Case closed.	Using an environmental quality meter, the room temperature measured approximately 89 °F with a relative humidity of approximately 66% with no students present. Although students were not present in the class, school officials indicated that students generally occupy such room. A/C unit should be repaired or replaced immediately. If a comfortable temperature cannot be maintained and/or the ventilation cannot be improved in such classroom, the students should be re-located to a more suitable room.	A/C unit has not yet been repaired or replaced. School officials indicated that the teacher intends to pay for the A/C unit to be repaired.

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Issue	Status	Conclusion/Recommendation	Action taken or to be taken.
Anonymous report indicating that the air conditioning unit in room 29 at the Untalan Middle School is not working.	Complaint accepted. Case closed.	Using an environmental quality meter, the room temperature measured approximately 88 °F with a relative humidity of approximately 66%. 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 felt very warm, humid, and uncomfortable. A/C unit should be repaired or replaced immediately. 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 room.	GDOE A/C maintenance workers repaired both A/C units on or about September 28, 2010.
Anonymous report indicating that GW students are on campus between 7:45 and 8:15 a.m. and are not in the classrooms.	Complaint not accepted. Case closed.	Issue did not meet the criteria under the 14 Points. School officials indicated that many students are in such area waiting for the morning school bell to ring for various reasons such arriving at school early or not participating in the GWII program. Other students are inside some of the classrooms at this time as a result of any such student's participation in the GWII program that occurs before the morning bell rings.	N/A
Anonymous report concerning the Superintendent's remarks that schools may close if GDOE does not immediately receive funding to cover GDOE payroll and other services.	Complaint not accepted. Case closed.	Issue did not meet the criteria under the 14 Points.	N/A
Anonymous report indicating that there is a large hole in the chain link perimeter fence at the FBLG Middle School and that students are skipping/gathering outside the fence.	Complaint accepted.	Observed a large hole in the chain link fence located at the back of the school. According to the Mr. Joseph, an FBLG Assistant Principal, the hole was brought to the schools attention and that the problem was reported to GDOE maintenance and that repairs were made to the fence. However, shortly after the repairs were made, another hole was made at the same location. Various unidentified FBLG and possibly Simon Sanchez students were observed gathering just outside fence during school hours. In addition, various unidentified students have been observed going through the hole in the fence and disappearing into the jungle when school officials would approach. Mr. Joseph indicated that on some occasions, rocks have been thrown over the fence from the jungle area as school officials would approach but the individuals responsible for throwing such rocks have not been identified. Because unidentified students are gathering outside the fence during school hours, at various different times, disappearing into the jungle, re-appearing from the jungle, possibly throwing rocks into the campus, and all in the presence or observation of school officials, may	As of September 13, 2010, our office has not been informed whether or not GDOE has taken any corrective action to address this matter. However, as of October 14, 2010, an FBLG assistant principal indicated that the hole in the fence still exists and that students are still gathering outside the fence near the jungle during school hours.

		<i>continued from above.</i>	
		present serious health and safety concerns for the students and others that warrants immediate attention. In addition, disregard for school authorities, possible destruction of school property, and disregard for school rules raises serious concerns about the behavior of such students that requires immediate action. Recommended that the GDOE Safety Office and other GDOE officials address this matter immediately.	
Issue	Status	Conclusion/Recommendation	Action taken or to be taken.
Anonymous report indicating that the air conditioning unit in room 315 at the Finegayan Elementary school is not working.	Complaint accepted. Case closed.	The air conditioning unit is inoperable and it has been reported for repair work or replacement. Room 315 is not being used to occupy students at this time.	Students have been re-located to classroom 112 where there is a properly working air conditioning unit.
Anonymous report indicating that FBLG school officials refused to provide parent information on a disciplinary matter involving their child.	Complaint not accepted. Case closed.	Issue did not meet criteria under the 14 Points.	N/A
Anonymous report indicating that the air conditioning unit in the library at the Inarajan Elementary School is not working.	Complaint accepted. Case closed.	The school library has a total of three air conditioning units. Two air conditioning units are working but one unit may not be working or cooling properly. School officials have reported the problem to GDOE maintenance.	School officials indicated that the units have been assessed and that such units are scheduled to be replaced. However, no time frame has been provided on when such units may be replaced.
Follow up on August complaint that several classrooms in the 2000 wing at the Southern High School were without A/C.			School officials indicated that A/C has been restored to such classrooms sometime in early October 2010.

School inspection report. The OES conducts inspections of the public schools noting the various discrepancies, prepares an inspection report identifying any such discrepancies, makes recommendations as necessary, and provides the report to the School Principal, the Superintendent, the GEPB, and the Speaker of the Guam Legislature.

A. **School inspection report.** Pursuant to P.L. 28-45, the OES conducted inspections at the following schools and noted the various discrepancies that pertain to the Fourteen Points.

1. Oceanview Middle School.

- a. One language arts class is currently without a certified teacher as a result of the assigned certified teacher being on military leave. A substitute teacher (non certified teacher) has been assigned to cover the class.
- b. Individual operating the library is not a certified librarian. The individual currently assigned to operate the library is a substitute teacher and has been operating the library since July 2009. School officials have requested for a certified librarian.
- c. Outer openings on the louver type windows and at various classroom doors.
- d. Dirty air conditioning (A/C) filters in various classrooms.
- e. Various classroom doors not provided a self-closing door device. This issue was cited in the December 2009 public health inspection report and according to school officials; the issue has not been addressed since the December 2009 inspection.
- f. Various classroom light shields not properly secured to light fixtures.
- g. Various student desk tops and other classroom furniture in disrepair.
- h. Boys and girls common use restroom facilities not adequately provided with the basic sanitary supplies and various sanitary dispensers were either missing or in disrepair.
- i. Ceiling water leaks and A/C water leaks at various parts of library. Public Health cited the school for the same library ceiling leaks in the December 2009 inspection report and according to school officials, the problem has not been addressed since the December 2009 inspection.
- j. Various classroom water leaks and A/C water leaks.
- k. Classroom B-202 ceiling rain water leak at the old A/C unit location on the roof. The teacher indicated that although work has been done to stop the leak, the leak continues. This particular problem has been issue since 2008 and has yet to be permanently rectified.
- l. Fire alarm system not operational. (GFD approved of a Fire Watch Program as a temporary measure until GDOE installs a working fire alarm system.)

2. Ordot/Chalan Pago Elementary School.

- a. Ceiling leaks in the library SFA room, in the cafeteria dining area, the cafeteria manager's office, and in the 3rd and 4th grade boys common use restroom.
- b. Three classrooms without any working air conditioning units.
- c. Paper towel dispensers not provided with supply of paper towels.
- d. Monkey pod (rain) trees in the front of the school campus and by the kindergarten may present health and safety concerns.
- e. Fire alarm system not operational. (GFD approved of a Fire Watch Program as a temporary measure until GDOE installs a working fire alarm system.)

3. Benavente Middle School.

- a. Various common use restroom fixtures either clogged, leaking, or in disrepair.
- b. Fire extinguishers annual service date expired on August 31, 2010.
- c. School officials indicated that there is one bus route that is late by approximately 15 minutes for the afternoon student pickup but overall, the bus transportation has been timely and regular.
- d. Various classroom light shields not properly secured to light fixtures.
- e. Several ceiling water leaks at various parts of the cafeteria dining area.
- f. Cafeteria dining area A/C units dripping water on floor.

- g. Library extension area without working A/C and observed build up of mold on various ceiling tiles located near the A/C vent and along walls.
- h. Canopy not provided connecting main campus to the fast track classrooms.
- i. 40 different classes exceed the maximum class size of 28 students.
- j. No restroom facilities are located in close proximity to the fast track classrooms.
- k. Various student common use restrooms not provided with a sufficient amount of the basic sanitary supplies.
- l. School officials indicated that the school did not have a supply of paper towels on hand during the time of the inspection.
- m. Various sanitary dispensers in the various student common use restrooms were either missing or in disrepair.
- n. Fire alarm system not operational. (GFD approved of a Fire Watch Program as a temporary measure until GDOE installs a working fire alarm system.)

4. UPI Elementary School.

- a. School officials indicated that there is one bus route that is late by approximately 15 minutes for the afternoon student pickup but overall, bus transportation has been timely and regular.
- b. Individual operating the library is not a certified librarian. This issue was reported as a discrepancy in January 2009 and again in January 2010. School officials indicated that they have not had a certified librarian for approximately two years and that requests to fill such vacancy have been submitted accordingly.
- c. Based on the current student population of approximately 867 students and under the terms of the current collective bargaining agreement, the school may need to provide an LPN or nurse aid.
- d. Based on the student population of 867 and under the terms of the current collective bargaining agreement, the school may need to provide additional guidance counselors.
- e. According to school officials, textbooks for students in the 2nd grade class, a 4th grade class, and a 5th grade class have not been issued to each student for such class. Based on an increase in student population, three additional classes were necessary resulting in a shortage of books for the additional classes.
- f. Soap dispensers not provided. This issue was noted in the January 15, 2010 Public Health inspection report and according to school officials, the issue has not been addressed since the January 15, 2010 inspection. Hand pump soap dispensers are currently being used but according to Public Health officials, such soap dispensers are only temporary and that fixed/ mounted soap dispensers must be provided for various health and sanitary concerns.
- g. Various sanitary dispensers in the various student common use restrooms were either missing or in disrepair.
- h. Dirty A/C filters in various classroom A/C units.
- i. Fire extinguishers annual service date expired on June 30, 2009 and according to school officials, the problem has not been addressed since it was first reported to GDOE officials. However, School officials recently informed our office that sometime in early October 2010, the school received properly serviced fire extinguishers.
- j. Two classrooms without working A/C units. One of the rooms was cited for inadequate ventilation in the Public Health January 15, 2010 inspection report and according to school officials, the A/C unit in such room continues to experience problems.
- k. The library does not have a working A/C unit. This issue was cited in the Public Health January 15, 2010 inspection report and according to school officials the problem has not been rectified since the January 15, 2010 inspection.
- l. Fire alarm system not operational. (GFD approved of a Fire Watch Program as a temporary measure until GDOE installs a working fire alarm system.)

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5. P.C. Lujan Elementary School.

- a. Two different kindergarten classes are without a certified teacher. A substitute teacher has been assigned to each of the two different classes. One of the absent teachers is on medical leave and the date of return is not known. The other absent teacher recently went on maternity leave and is expected to return to the class on or about October 27, 2010.
- b. School officials indicated that there is one bus route that is late by approximately 30 minutes for the afternoon student pickup but overall, bus transportation has been timely and regular.
- c. Dirty A/C filters in various classroom A/C units.
- d. Various classroom A/C units not properly cooling the room. The temperature in such rooms all measured above 78 °F but less than 82 °F. However, the teachers in such rooms indicated that their rooms tend to become warmer around noon time and much warmer on hotter days.
- e. Observed various student common use restrooms and classroom restrooms without paper towels.
- f. Soap dispensers not provided. Hand pump soap dispensers are currently being used but GDOE has been informed that such dispensers are only temporary and that a fixed/mounted soap dispenser should be provided accordingly.
- g. Fire extinguishers annual service date expired. The fire extinguishers expired on April 30, 2009, should have re-serviced by that date and then re-serviced again in 12 months which would have been on or about June 2010. However as of September 29, 2010, the fire extinguishers were not serviced. According to GDOE officials, a vendor to perform the servicing of the fire extinguishers has recently been secured and that work to begin servicing the fire extinguishers is scheduled to begin shortly.
- h. Fire alarm system not operational. (GFD approved of a Fire Watch Program as a temporary measure until GDOE installs a working fire alarm system.)

Respectfully submitted this 15th day of October 2010.



Dominic Terlaje

cc:

Attorney General