



Office of the Education Suruhanu (Ombudsman)
An Entity of the Office of the Attorney General
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October 17, 2010

Memorandum

TO: Superintendent of Education
FROM: Education Suruhanu
SUBJECT: Marcial Sablan Elementary School Inspection

Office of the Speaker
Joseph T. Yuen, Ed. D.
Date: _____
Time: _____
Received by: _____
21/10/10
30-10-0863

Håfa Adai Dr. Bretania Underwood:

Attached to this memorandum is a report identifying various discrepancies discovered during an inspection of the Marcial Sablan Elementary School that took place on October 13, 2010. I strongly recommend that GDOE address the discrepancies identified and rectify them immediately in order to come into compliance with the various provisions of the Fourteen (14) Points of P.L. 28-45, the School Sanitation Code, and/or other rules or regulations of the various regulatory agencies. In addition, it was also observed that there are some repeat discrepancies that were cited by Public Health and GEPA in the March 2010 inspection reports that have not yet been corrected. Please be advised that not all classrooms or school facilities were inspected. Therefore, GDOE is highly encouraged to asses all other classrooms and school facilities in order to identify any other discrepancies and perform corrective action as necessary.

During the course of the inspection, it was also brought to my attention that the Monkey Pod/Rain trees located within the school grounds may present health and safety concerns for students as well as others. I contacted the Department of Agriculture and a representative from their office indicated that GDOE would need to complete a Cutting Permit and submit it to the Forestry & Soil Resources Division of the Department of Agriculture for their review. However, GDOE would need to contact other parties for the cutting, trimming, and/or removal of such trees. (See attached Cutting Permit.) I recommend that the GDOE Safety Office contact the Division of Forestry and Soil Services and other necessary parties concerning this matter. I strongly recommend that GDOE request to have all Monkey Pod trees removed or trimmed extensively as many of the trees at the school's campus have rather large branches that extend over the playground area as well as other areas where students or others may travel or gather. I would also recommend that GDOE officials conduct an assessment of all other public schools concerning such tree or any other tree and take appropriate action as necessary. Extensive trimming or complete removal of Monkey Pod trees or any other trees may be necessary to ensure the health and safety of all students.

Please submit to my office, in writing, GDOE's efforts to rectify each of the discrepancies identified in the inspection report, including but not limited to measures taken or to be taken to rectify each discrepancy and a proposed date when such discrepancy was rectified or would be rectified.

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

Si Yu'os Ma'åse'

Dominic Terlaje

2010 OCT 25 AM 8:52

Attachments:

cc:
Honorable Spcaker, 30th Guam Legislature
Billy Cruz, GDOE Maintenance Manager
Office of the Attorney General
Captain Joey Muna, GFD (Fire and/or safety issues)

GEPP
Bruce Williams GDOE Safety Administrator
Ivan Quinata, GEPA (Water ponding issues)
Joe Mafnas, Dept. of Agriculture, Forestry & Soil Division

Marcial Sablan Administrator
Tom Nadcau, DPHSS DEH

2365

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

PUBLIC LAW 28-45: 14 POINTS COMPLIANCE

School Representative: Mrs. Camacho Principal Date of inspection: October 13, 2010 Weather Condition: Cloudy and somewhat warm. Rain earlier in the morning. Time of inspection: 9:45 a.m. School Population: 438 GDOE custodians: One for the entire school day. Private custodial vendor arrives at school around 2 p.m.	Name of School: <h2 style="margin: 0;">Marcial Sablan Elementary</h2>
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No.	Loc.	14 pt.	Citation PH=DPHSS F=Fire Dept E=EPA S=Suruhanu	Date	D e m e r i t s	Description of Finding	Comments	Recommendations
	SFA room	1	S	10/13/10	N/A	Observed various water stained mold/mildewed ceiling tiles. Observed water leak from the ceiling beam onto the table by the computer area. Ceiling leak by the E-rate conduit by the computer area. Observed ant or some type of insect or vector nest on the floor carpet near the back wall. TA and school custodian indicated that rain water enters into the room through the double doors located at the back of the room.	The SFA teacher aide indicated that there are ceiling leaks at various parts of the room as evidenced by the water stained ceiling tiles. The TA indicated that the some of the ceiling leaks may have existed for at least 6 months if not longer. Walls and ceilings are required to be kept in good repair.	Address and rectify immediately in order to come into compliance with the law. Reports of ceiling leaks should be addressed and rectified immediately. Quality control over such work should be conducted as necessary by qualified personnel especially during the course of the project in order to ensure that such work is properly performed. Such efforts could identify potential problems before the project is completed which may prevent the work from having to be re-done.
	SFA room	1	S	10/13/10	N/A	Observed ant or some type of other insect, pest, or vector nest on the floor carpet near the back wall. Observed that carpet where nest is located appeared to be wet. TA and school custodian indicated that rain water enters into the room through the double doors located at the back of the room.	School grounds are required to be free of insects. All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition and kept in good repair.	Contact pest control services vendor and have affected areas treated immediately and as often as is necessary. Ensure that proof of any such pest control services conducted is made available at the school upon request. Proof of services should indicate the date of treatment, the area treated, the targeted pest, insect, or vector, the type of chemical used, and any other pertinent information. Ensure that any such condition that may be attracting such insect, pest, or vector to the area is properly rectified.

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SFA room	1	S	10/13/10	N/A	TA and school custodian indicated that rain water enters into the room through the double doors located at the back of the room. Observed wood rot at the back side of such doors possibly caused by either termites or exposure to water.	Doors shall be kept clean and in good repair. All areas, facilities, and equipment shall be maintained in a clean, safe, sanitary condition, and kept in good repair.	Identify and rectify the problem causing water to enter into the room. Replace any door observed with wood rot. Perhaps the doors for such area could be made of material other than wood if it is determined that rain repeatedly contacts such doors.
Campus	1	S	10/13/10	N/A	Overgrown vegetation	School grounds are required to be of overgrown vegetation. The Mayors are mandated to provide regular grounds maintenance of GDOE schools. The school custodian indicated that the Mayor loaned the school a bush cutter and that the school has been performing the grass cutting services as often as possible.	Contact the necessary parties to coordinate an appropriate time to perform grass cutting services.
Various classrooms	f&l	S	10/13/10	N/A	Observed dirty A/C filters.	When mechanical ventilation is provided, it shall be kept clean & maintained in good working order. Clean A/C filters contribute to a well operating A/C unit and may allow the A/C unit to operate more effectively.	Require the individuals responsible for cleaning the A/C filters to properly remove and clean as necessary. Regular scheduled maintenance of the A/C units should be performed in order to ensure the effective and efficient operation of any such A/C unit.
Main campus canopy	1	S	10/13/10	N/A	Observed various parts of the canopy rusted.	All areas, facilities, and equipment shall be maintained in a clean, safe, sanitary condition, and kept in good repair. School custodian indicated that there are water leaks at various parts of such canopy.	Identify and permanently repair the rusted portions of the canopy or other areas that are in disrepair.
Various K-2nd grade classrooms	i & l	S	10/13/10	N/A	Observed that paper towel dispensers were not stocked with paper towels.	Handwashing sinks for K-2nd grade classes are required to have paper towels mounted in an appropriate dispenser.	Ensure that parties responsible for stocking such supplies does so as often as necessary.

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34	1	S	10/13/10	N/A	Observed main entry door with possible termite damage.	School grounds are required to be free of insects. All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition and kept in good repair.	Contact pest control services vendor and have affected areas treated immediately and as often as is necessary. Ensure that proof of any such pest control services conducted is made available at the school upon request. Proof of services should indicate the date of treatment, the area treated, the targeted pest, insect, or vector, the type of chemical used, and any other pertinent information.
35	f & l	S	10/13/10	N/A	A/C unit not working. Observed water inside closet and also collecting underneath the floor tiles.	Some teachers indicated that the room is used for various student activities and as such, the room should be properly ventilated when used by students. Walls and ceilings are required to be kept clean and maintained in good repair. The school custodian indicated that the water is coming through the ceiling.	If students continue to occupy such room, the room must be air conditioned or properly ventilated. Identify and permanently repair the water leak. Assess the roof to determine whether or not rain water may not be draining properly. Replace the water damaged floor tiles.
Boys and Girls common use restroom across room 26.	i & l	S	10/13/10	N/A	<p>Boys: Signage not very visible. Self closing device in disrepair. Rust stains in sink. No soap. No paper towels. Toilet tissue not mounted. Toilet tissue dispensers in disrepair.</p> <p>Girls: Signage not very visible. Leak underneath sink but it may not be from the sink. Four stalls without toilet tissue. Toilet tissue dispensers in disrepair. No soap. No locks on stall doors.</p>	See comments and recommendations under the section titled: Boys and Girls common use restroom across room 19.	See comments and recommendations under the section titled: Boys and Girls common use restroom across room 19.

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Intermediate staff lounge	1	S	10/13/10	N/A	Observed water leak in both the men's and women's restrooms and under the floor tiles by the sink outside the restrooms.	All restroom equipment and fixtures are required to be maintained in good repair. The school custodian indicated that the water leak was observed about two weeks ago and that it appears to be coming from inside the wall between the two restrooms.	Identify and permanently repair the water leak. Reports of water leaks should be addressed and rectified in a timely manner.
Playground area near cafeteria and canopy.	1	S	10/13/10	N/A	Observed standing water in various areas of the playground.	All areas shall be maintained in a clean, safe, and sanitary condition and kept in good repair. According to the school custodian, the water is slow to drain and the affected area is often wet and muddy especially during Guam's rainy season. (See attached pictures)	Perform an assessment of such area to ensure the best possible solution to allow the rain water to properly drain away from such area. If there is no reasonable solution to solve the problem, perhaps, the school would need to re-locate their play ground equipment to a more suitable location. Playground equipment should be located in a reasonably dry and safe area.
Canopy from Cafeteria to first grade area.	1	S	10/13/10	N/A	Observed gutter filled with vegetation. Observed various portions with rusted tin causing water to drain directly onto concrete walkway path.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition and kept in good repair. The school custodian indicated that the placement of the sheets of tin may not have been in the proper direction for the water to flow into the rain gutters attached to such canopy. (See attached pictures)	Identify and permanently repair and/or replace all rusted areas. Remove all vegetation from rain gutters and ensure that all gutters and down spouts are unobstructed. Determine the proper placement of the sheets of tin to ensure that the water properly drains into the gutters.

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Campus	1	S	10/13/10	N/A	<p>Monkey Pod (rain tree) branches may need to be significantly trimmed or some of the trees may even need to be removed entirely for student safety concerns.</p>	<p>Public schools are required to provide a healthful and safe learning environment. According to the school custodian, a large branch fell from one of the trees onto the ground. However, the branch fell when no one was present. (See attached pictures.) Many of these trees can be observed throughout the campus and some of them are located in areas where students engage in various regular outdoor activities. Many of the rather large branches also reach over the tops of some of the classrooms and the falling leaves often clog up rain gutters. In addition, the roots of some of the trees may also present a trip and fall safety hazard for the students. School officials indicated that some students have injured themselves by tripping over the large roots of such trees that are located in areas where students often engage in daily outdoor activities. I recently contacted the Department of Agriculture and they indicated that such trees may be trimmed as necessary or even removed where any such tree is found to present health and/or safety concerns for others. However, GDOE would be required to complete and submit a Forestry and Soil Resource Division Cutting Form Permit accordingly. Once the permit is approved, GDOE would then need to identify a party who would be able to properly cut, trim, and/or remove any such tree according to the Cutting Permit. I have attached a Cutting Permit to this inspection report.</p>	<p>Such trees should be properly assessed to determine whether or not they would require proper trimming or whether any such tree should be removed. Perhaps any such tree that may be found to present a safety hazard to students should be removed especially in areas where students often engage in outdoor activities or where branches unnecessarily reach over classrooms. If any such tree is not able to be removed, student activity that currently takes place near or under any such trees may need to be re-located including playground equipment, to a more suitable safe area. Until such time as the trees are properly trimmed or even removed, students and others should be prevented from entering such areas. GDOE Safety office should contact the Forestry and Soil Resource Division of the Department of Agriculture for their review and response. I would recommend that GDOE strive to remove any such trees as necessary on the basis that such trees present health and safety concerns as evidenced by falling branches and large roots. When the Cutting Permit is approved, I would recommend requesting assistance from GPA, DPW, or any other entity for the cutting, removing, and/or disposal of such trees.</p>

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37	1	S	10/13/10	N/A	Observed water dripping from the ceiling A/C unit and near a ceiling light fixture. Ceiling tiles water stained.	When mechanical ventilation is provided, it shall be kept clean and maintained in good working order. Teacher places trash containers underneath the A/C unit on a daily basis to catch the dripping water. Observed rusted light fixture frame. (See attached pictures)	Determine whether or not the water is leaking from the ceiling or from the A/C unit. Identify and permanently repair the water leak. Replace ceiling tiles.
38	1	S	10/13/10	N/A	Observed water dripping from the ceiling A/C unit and near a ceiling light fixture. Ceiling tiles water stained.	When mechanical ventilation is provided, it shall be kept clean and maintained in good working order. The teacher places three trash containers at different places on the floor on a daily basis to catch the dripping water. Observed rusted light fixture frame. (See attached pictures)	Determine whether or not the water is leaking from the ceiling or from the A/C unit. Identify and permanently repair the water leak. Replace ceiling tiles.
39	1	S	10/13/10	N/A	Observed water dripping from the ceiling A/C unit. Missing ceiling tiles. Observed water droplets on ceiling tile and such tile appears to be soaked with water as its shape is bowed and not flat.	When mechanical ventilation is provided, it shall be kept clean and maintained in good working order. Teacher places trash containers underneath the A/C unit on a daily basis to catch the dripping water. Teacher indicated that she has observed the ceiling tiles fall to the floor as a result of being saturated with water. Teacher also indicated that the water dripping has been an issue since last school year. (See attached pictures)	Determine whether or not the water is leaking from the ceiling or from the A/C unit. Identify and permanently repair the water leak. Replace ceiling tiles.

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Boys and Girls kinder restroom.	i & l	S	10/13/10	N/A	<p>Boys: Water continuously flowing in one urinal. Toilet tissue not mounted in dispenser. Toilet tissue dispensers missing or in disrepair. Broken light shield.</p> <p>Girls: Toilet tissue not mounted in dispenser. Toilet tissue holder and/or roller missing.</p>	See comments and recommendations under the section titled: Boys and Girls common use restroom across room 19.	See comments and recommendations under the section titled: Boys and Girls common use restroom across room 19.
Head Start classroom	1	S	10/13/10	N/A	A/C leaks water. Ceiling tiles water stained.	Light shields are required to be properly covered or have protective light bulb sleeves.	Install appropriate light cover on all affected light fixtures. In the alternative, provide protective light bulb sleeves on all affected light bulbs.
Room 13 and various other classrooms located in the Butler classroom area.	1	S	10/13/10	N/A	Rain water leaks into room by front door. Observed a small opening between the canopy and the classroom buildings located in this area. The opening runs the length of the canopy and at various classroom doors.	All areas and facilities are required to be maintained in a clean and safe condition and kept in good repair. The teacher indicated that rain water leaks from the opening between the canopy and the classroom building. During heavy rains, water splashes onto the ground just in front of the classroom door causing water to enter the classroom. The teacher places cardboard on the floor in an effort to absorb the water.	Identify and permanently repair or properly seal the opening between the canopy and the classroom building.

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Boys and Girls primary restroom facilities.	1	S	10/13/10	N/A	<p>Boys: Sink P-Trap leaks. No toilet tissue. Toilet tissue placed on the restroom floor. Exhaust fan missing. Toilet tissue dispensers missing or in disrepair. No paper towels. No soap. 2nd and 5th urinal may be leaking at the P-Trap. Urinal flush valve in disrepair.</p> <p>Girls: Sink leaks. Observed water collecting on the floor by the wall cabinet. No soap. No paper towels. Toilet tissue not mounted in dispenser. Wet rolls of toilet paper. Observed mold/mildew on back wall. Poor ventilation. (See attached pictures)</p>	See comments and recommendations under the section titled: Boys and Girls common use restroom across room 19.	See comments and recommendations under the section titled: Boys and Girls common use restroom across room 19.
42	1	S	10/13/10	N/A	Observed ceiling paint peeling. Back A/C unit leaks.	Walls and ceilings are required to be maintained in good repair. When mechanical ventilation is provided, it shall be kept clean and in good repair.	Remove peeling paint and apply new coat of paint as necessary. Identify and repair A/C leak.

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Campus	1	S	10/13/10	N/A	Termite infestation at various locations.	All areas and facilities are required to be maintained in a clean and safe condition and kept in good repair. School ground should be free of insects, pests, or vectors. According to school officials, termites are present at various parts of the campus.	Contact pest control services vendor and have affected areas treated immediately and as often as is necessary. Ensure that proof of any such pest control services conducted is made available at the school upon request. Proof of services should indicate the date of treatment, the area treated, the targeted pest, insect, or vector, the type of chemical used, and any other pertinent information.
Campus	1	S	10/13/10	N/A	Fire alarm system not operational.	Public schools are required to provide a working fire alarm system. According to GFD, the temporary Fire Watch Program must be continued until the school's fire alarm system is operational. Ensure that the person assigned to monitor the fire watch program maintains the fire watch log book as necessary. In addition, ensure that other personnel are trained to conduct the fire watch program in the event any assigned personnel are not available. Ensure that the fire watch log book is located within the office at all times.	Ensure that Fire Watch Program is being implemented and maintained accordingly on a daily basis. Although GFD has authorized the use of a Fire Watch Program as temporary fire prevention measure, I strongly encourage GDOE to begin repairing, replacing, and/or upgrading each school's fire alarm immediately. Please provide the status of GDOE's efforts to rectify the school's alarm system, when any such work is expected to begin, and the time frame in which it would take to complete any such work.

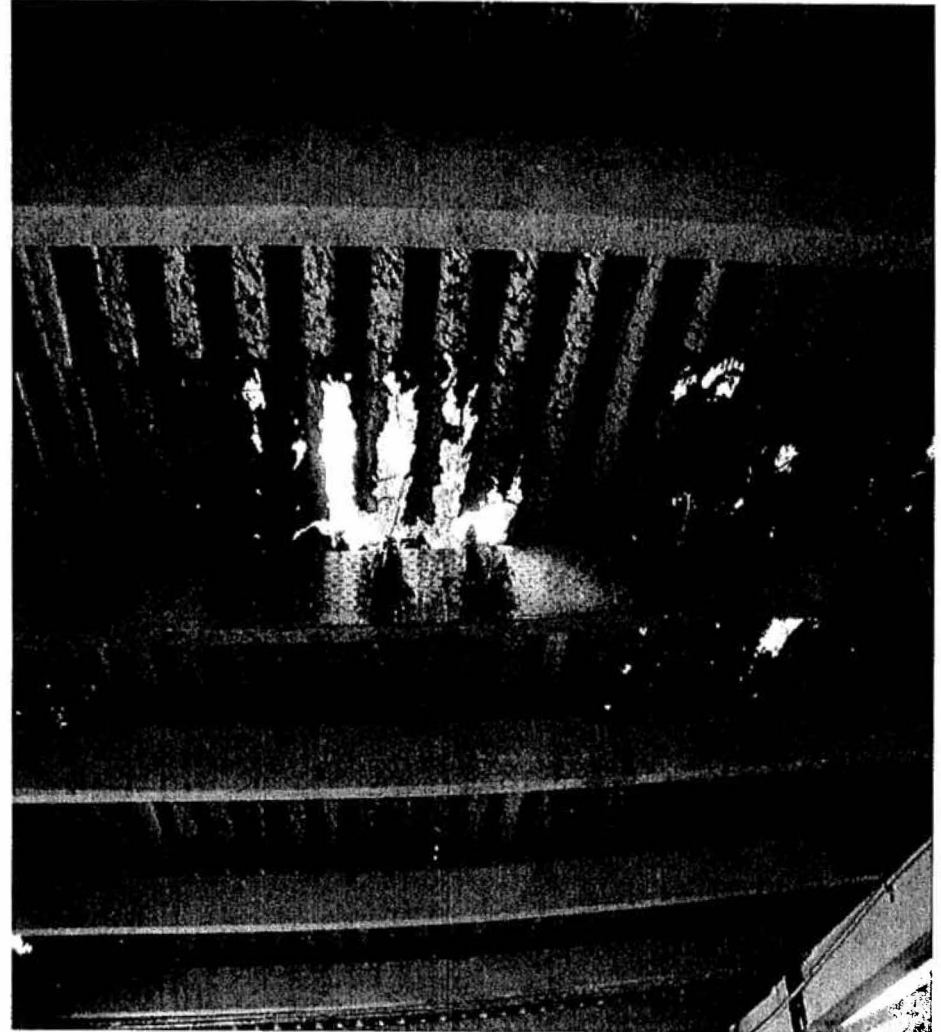
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Cafeteria roof gutter and water storage tank	1	S	10/13/10	N/A	Observed roof gutter at cafeteria draining water directly onto water storage tank and causing water to pond on the ground in such area. (Note: This issue was cited in both Public Health's and GEPA's March 19, 2010 inspection report and has not yet been rectified.)	All areas and facilities are required to be maintained in a clean and safe condition and kept in good repair. GEPA also cited this discrepancy in their inspection report.	Identify and permanently prevent the water from directly draining onto the water storage tank. Ensure that any ponding/standing water is properly draining accordingly.
Boys and Girls common use restroom across room 19.	i & l	S	10/13/10	N/A	<p>Boys: 1st urinal leaking continuously from water supply connection. No paper towels, no soap, portions of the left sink are rusted, foul odor, poor ventilation, no toilet tissue, toilet tissue dispensers and rollers missing.</p> <p>Girls: No toilet tissue, no paper towels, toilet tissue dispensers either broken or missing.</p>	Public schools are required to provide a healthful, safe, and sanitary learning environment including proper sanitation, flushable toilets, and clean restrooms. The basic sanitary supplies must be made available within the restroom and stocked in an appropriate dispenser at all times of the school day. A restroom that is without sanitary supplies could present various health concerns for students. Restroom fixtures are required to be maintained in good repair at all times. Restrooms should also be properly ventilated. DOE must strive to ensure that the necessary sanitary supplies are provided and made available in all student restrooms and that restrooms remain clean, sanitary, and in good repair throughout the entire school day.	Address and rectify all discrepancies immediately in order to come into compliance with the law. Reports of water leaks, broken dispensers, fixtures in disrepair, missing supplies, or any other observed discrepancies should be reported, addressed, and rectified immediately. School custodians, the third party custodial vendor, or other assigned personnel should be required to monitor such areas on a regular basis and report accordingly. Provide the school with a supply of toilet tissue dispensers, toilet tissue rollers or other small items in order to make quick repairs. Additional custodians may need to be provided to the school as there is currently only one GDOE custodian responsible for performing the custodial services during the school day. Frequent monitoring of the restrooms is highly recommended to ensure that each restroom is properly maintained, cleaned regularly, fully operational, and that dispensers are properly stocked at all times with the basic sanitary supplies.

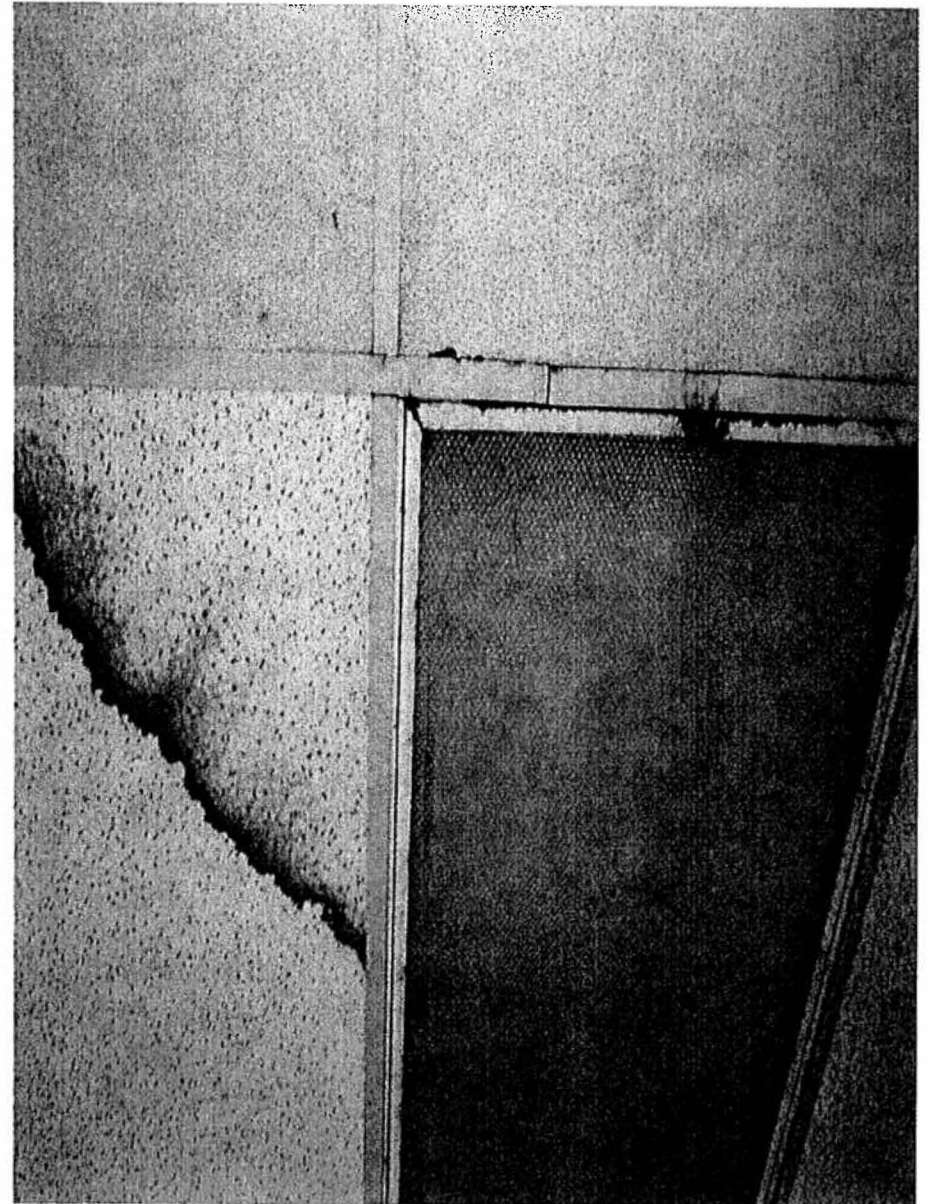
Canopy from Cafeteria to First grade area.



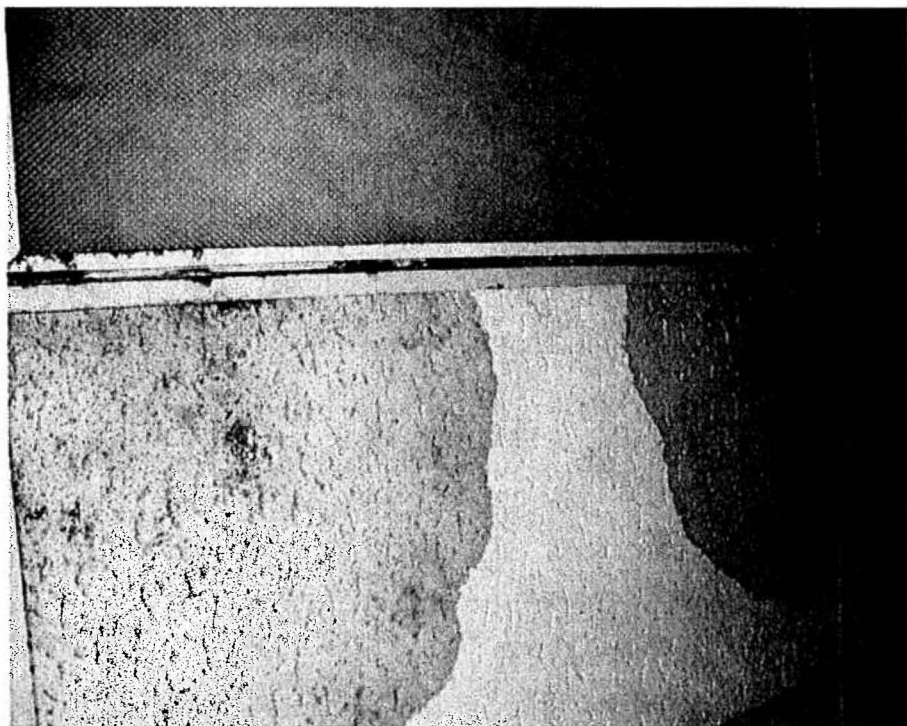
Water draining from roof onto water storage tank.



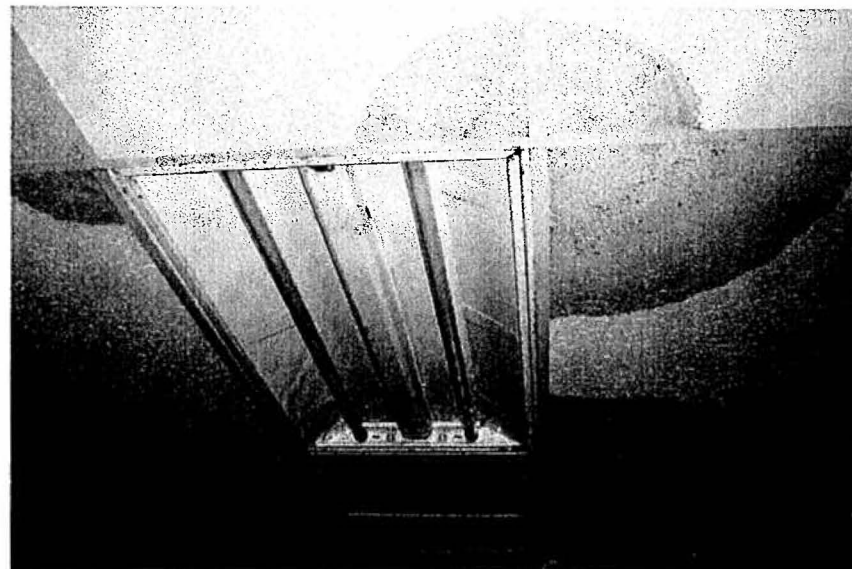
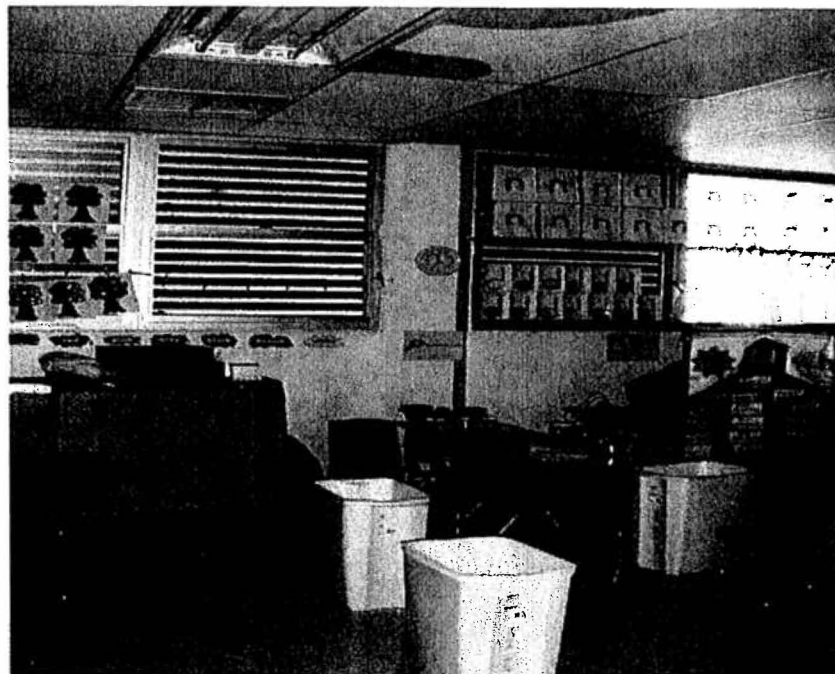
Head Start classroom. Water dripping from either ceiling or A/C unit .



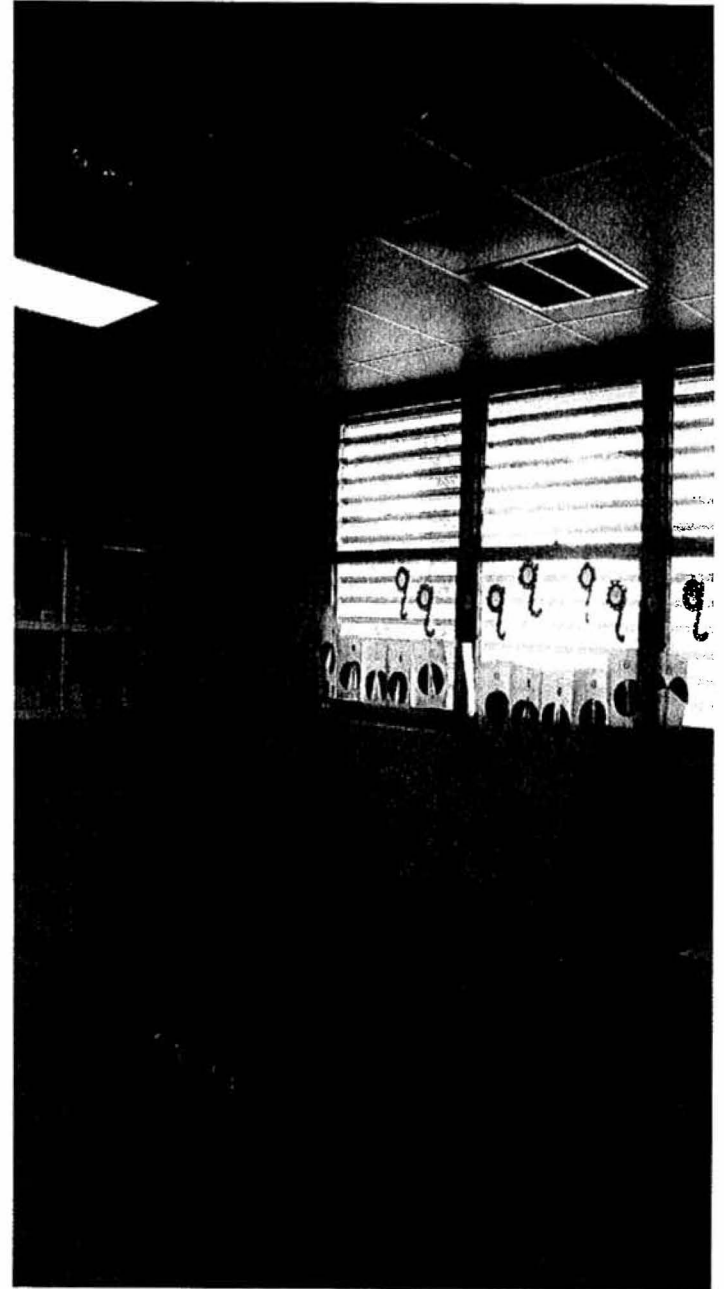
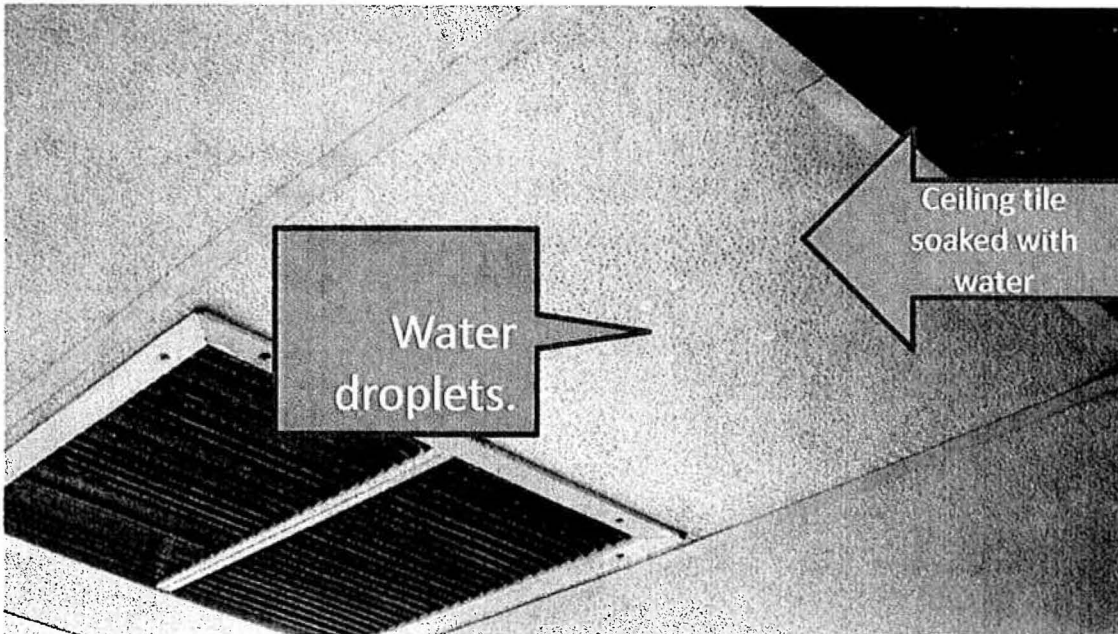
Room 37. A/C unit or ceiling leak. Water stained/mold ceiling tiles. Rusted light fixture frame.



Room 38. A/C unit or ceiling leak. Water damaged ceiling tiles.



Room 39 A/C unit leaking. Missing ceiling tiles. Ceiling tile soaked with water.



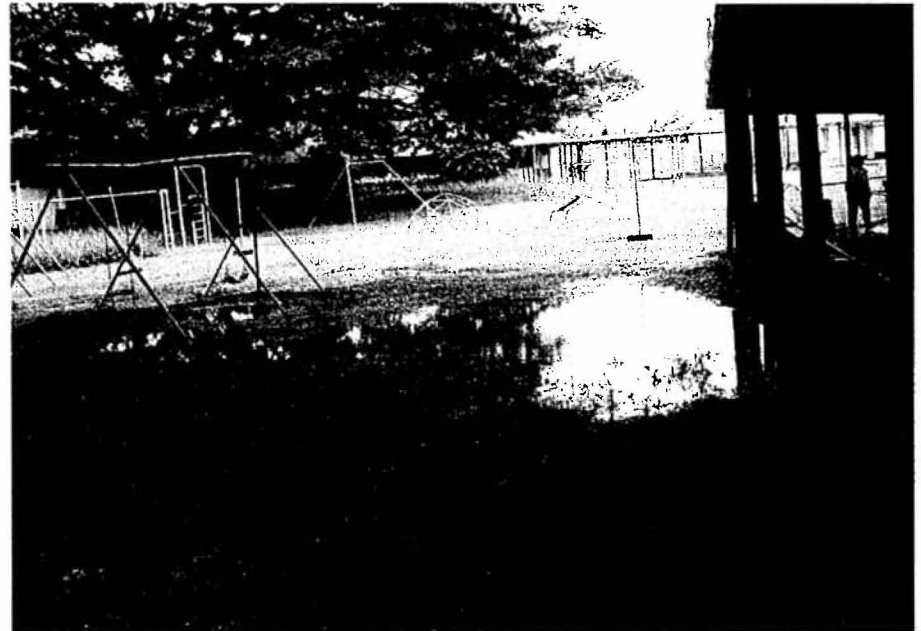
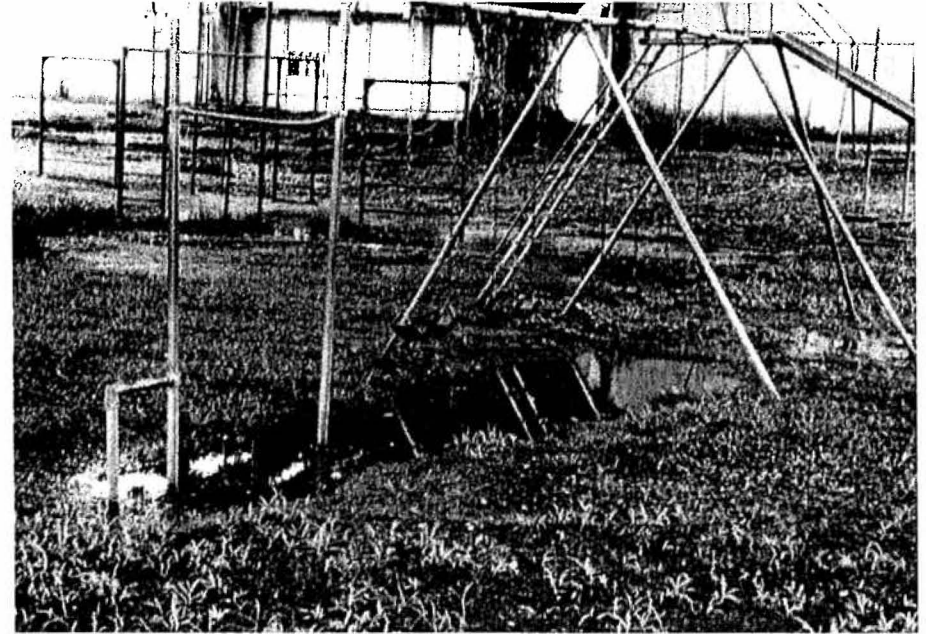
Monkey Pod (Rain) tree. Fallen branch. Area quite muddy because water is slow to drain.



Monkey Pod (Rain) trees over playground area.



Standing water slow to drain in some areas. Monkey Pod (Rain) trees over playground.



Monkey Pod (Rain) trees over playground.





FORESTRY & SOIL RESOURCES DIVISION
 DEPARTMENT OF AGRICULTURE
 GOVERNMENT OF GUAM
 192 Dairy Road
 Mangilao, GU 96923



DATE ISSUED: _____

VILLAGE/AREA: _____

DATE OF EXPIRATION: _____

DLM LOT NO: _____

CUTTING PERMIT

APPLICATION: In accordance with the law of the Territory of Guam, I request permission to cut on unassigned/assigned public lands the following species and number of trees for fuel/timber/clearing decoration purposes:(DRAW SKETCH OR ATTACH MAP AT BACK HEREOF)

(SPECIES)	(NUMBER)
_____	_____
_____	_____
_____	_____
_____	_____

Date of Cutting will be between _____ / _____ a.m.
 to _____ / _____ p.m.

APPLICANT/FIRM'S ADDRESS: _____

SOCIAL SECURITY NO. or I.D. NO. _____

APPLICANT/FIRM'S SIGNATURE: _____

PERMIT

Permission is hereby given to _____ to cut trees as requested above under the conditions indicated below:

- ___ Only trees marked or designated will be cut.
- ___ Tree trunks will be cut flush to the ground.
- ___ All debris resulting from cutting will be disposed of by use of mulch or by duly authorized burning. (Permit Required)
- ___ Debris will be removed from water courses, roads and trails, telephone and electrical lines.
- ___ OTHER: _____

(SEE NOTE, INSTRUCTIONS AND SKETCHES ON THE REVERSE SIDE)

NOTE:

- 1) The Forestry and Soil Resources Division will not be responsible for any damage or personal injury to any person or property as a result of cutting covered by this permit.
- 2) This permit does not include any burning, bulldozing or grading activity other than removal by the use of cutting implements.
- 3) This permit does not cover tree cutting on wetlands and privately owned areas or rights of way.
- 4) Non-compliance with any condition in this permit will result to revocation thereof.

INSTRUCTIONS FOR ISSUANCE OF PERMIT

- 1) Two (2) Outermost Nipa Fronds Only.
- 2) Must Be From Palms In The Center Part of The Waterway.
- 3) No More Than Two (2) Fronds Per Palm.
- 4) Remove Debris From Waterway.
- 5) Lowest Two (2) Coconut Fronds Only.
- 6) No More Than Two (2) Fronds Per Coconut.
- 7) No Other Trees EXCEPT Tangan-Tangan and Hibiscus (Fago)

APPROVED BY:

DAVID T. LIMTIACO
Territorial Forester, F&SRD

DATE

(SKETCH OR MAP OF AREA)