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October 19, 2010

Memorandum

TO: Superintendent of Education  
FROM: Education Suruhanu  
SUBJECT: B.P. Carbullido Elementary School Inspection

Håfa Adai Dr. Bretania Underwood:

Attached to this memorandum is a report identifying various discrepancies discovered during an inspection of the Carbullido Elementary School that took place on October 18, 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 laws or regulations of the various regulatory agencies. Please be advised that not all classrooms or school facilities were inspected. Therefore, GDOE is highly encouraged to assess all other classrooms and school facilities in order to identify any other discrepancies and perform corrective action as necessary.

It was discovered during the inspection that the school's fire extinguishers were removed from the campus and delivered to the vendor for servicing leaving the school without proper fire suppression equipment. As such, I would recommend that the GDOE Safety Administrator and any other GDOE officials ensure that the school has a sufficient amount of properly working and serviced fire extinguishers at all times including times when fire extinguishers may need to be removed for servicing. Please be advised that my office was recently informed that the school will be receiving fire extinguishers sometime on Tuesday the 19<sup>th</sup> of October.

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

**Attachment:**  
OES Inspection report

cc:  
Honorable Speaker, 30<sup>th</sup> Guam Legislature  
GEB  
Carbullido Elementary School Administrator  
Billy Cruz, GDOE Maintenance Manager  
Bruce Williams, GDOE Safety Administrator  
Ron Carandang, DPHSS DEH  
Chief Peredo, GFD  
Pat Mason, AGO

Office of the Speaker  
Judith T. Won Pat, L.L.D.  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Received by: \_\_\_\_\_

30-10-0862

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School Inspection Report  
Office of the Education Suruhanu (OES)  
An Entity of the Office of the Attorney General

**PUBLIC LAW 28-45: 14 POINTS COMPLIANCE**

School Representative: Mr. Perez, Assistant Principal  
Date of Inspection: October 18, 2010  
Weather Condition: Warm and Sunny  
School Population: 520  
GDOE custodians: Two. / Private custodial vendor arrives at school around 11:00 a.m.

School:

**Carbullido Elementary**

Location	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
Certified Teacher	a	S	10/18/10	N/A	One class is currently without a certified teacher as a result of such teacher being on maternity leave.	Public schools are required to provide a certified teacher for every class. According to the school Principal, the assigned certified teacher is currently on maternity leave and is expected to return sometime in November 2010 and that a substitute teacher has been assigned to cover the class. The Principal indicated that various DI personnel provide assistance and monitoring of student learning activities in the absence of the certified teacher. In addition, the Principal also indicated that she provides assistance to the class as necessary. A class without a certified teacher may be considered non-compliant because the law does not currently provide any exceptions to the law and as such, a certified teacher should be provided to every class even in the absence of the assigned certified teacher. GDOE should exhaust all efforts to ensure that a replacement or substitute certified teacher is provided to the class at all times to ensure compliance with the law. GDOE officials should consult with the proper parties to consider measures that would ensure that every class is provided a certified teacher in a ratio established by the relevant collective bargaining agreement in the event the assigned certified teacher becomes unavailable. GDOE should also request for additional funding from the Guam Legislature in order to ensure that a certified teacher is provided to every class especially when the assigned certified teacher becomes unavailable or as otherwise necessary. GDOE officials should request for such additional funding on the basis that the law requires the Guam Legislature to appropriate to GDOE all amounts necessary to provide an adequate public education for all public school students as defined under 1 GCA section 715, which includes providing a certified teacher for every class.
Water storage tank.	i & l	S	10/18/10	N/A	Observed a steady water leak at the PVC connection on one of the water pumps.	According to school officials, the water leak may be adversely affecting the water pressure to some of the handwashing and toilet facilities. It is not known how long the water has been leaking in such condition but such a steady leak is a waste of a precious resource and it may also lead to an increase in the school's water bill and as such, the water leak must be rectified immediately. Identify and permanently repair the water leak. Reports of water leaks or any other observed discrepancies in such area should be reported and rectified immediately.
5, 6, other Kindergarten classrooms, the Head Start classroom, and the restroom facilities near room 11.	i & l	S	10/18/10	N/A	Low water pressure was observed at various classroom sink faucets, classroom toilet facilities, and common use restrooms. When attempting to flush various toilets, it takes more than a single flush to completely flush any such toilet. Observed low water pressure at various handwashing sinks.	Public schools are required to provide potable water sufficient to provide each student a daily ration of drinking and washing water, proper sanitation to include flushable toilets, and a healthful and sanitary learning environment. According to school officials, the low water pressure makes it difficult to flush toilets with one flush and that it sometimes takes several attempts before the toilet completely flushes. It was observed that some toilets were filled with waste even after any such toilet was flushed. Such conditions could present various health and safety concerns that should be corrected immediately. The water pump pressure gauge registered 29 PSI and according to school officials, GDOE maintenance indicated that such pressure should be registering around 65 PSI. According to school officials, low water pressure has plagued the school for some time and that the problem has been reported accordingly. Identify and permanently repair the problem causing the low water pressure including but not limited to repairing and/or replacing the water pump to ensure that water pressure is adequately maintained to satisfy daily demands of the school. Ensure that any toilet bowl that may be slow to flush is not clogged.
Various common use restroom facilities.	i & l	S	10/18/10	N/A	Various toilet stalls were either missing the toilet tissue roller, missing the dispenser, or the dispenser was in disrepair resulting in toilet tissue being placed on the restroom floor.	Restroom fixtures are required to be maintained in good repair. Toilet tissue is required to be made available and conveniently located adjacent to each flush toilet. Install a more durable tamper/vandal proof toilet tissue dispenser as necessary.
9	l	S	10/18/10	N/A	Classroom sink faucet leaking.	Plumbing fixtures should be maintained in good repair. Identify and permanently repair the water leak.

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	Drinking fountain near room 11 restrooms.	g & l	S	10/18/10	N/A	Observed drinking fountain in disrepair.	Observed water continuously flowing from the bubbler portion of the fountain. School equipment shall be maintained in good working order. Continuous flow of water results in a waste of a precious resource and may lead to an increase in the school's water bill.
	Campus	f&l	S	10/18/10	N/A	Observed that the campus was without fire extinguishers. Observed fire extinguishers are being placed in various different classrooms.	Public schools are required to provide properly working and serviced fire extinguishers. School officials indicated that their fire extinguishers were removed from campus for servicing. School officials indicated that fire extinguishers are located within various classrooms for various reasons such as to prevent abuse and/or vandalism of such equipment. However, school officials indicated that not every classroom has a fire extinguisher. The GDOE safety office should ensure that the school is provided a sufficient amount of working and properly serviced fire extinguishers at all times. Require the party or parties responsible for servicing the school's fire extinguishers to ensure that the school has at least the minimum amount of fire extinguishers required for the school before removing them for re-servicing. Fire extinguishers are required to be located every 75 feet of travel and accessible at all times. Fire extinguishers at BP Carbullido are currently placed within various designated classrooms but any such extinguisher may not always be accessible because the classrooms are sometimes locked. Fire extinguishers should always be accessible and as such, they should be placed in a more accessible location and at the appropriate distance such as the hallways. School officials should consult the GDOE Safety Office and/or GFD officials concerning fire extinguisher accessibility, number of fire extinguishers required, and/or placement of fire extinguishers.
	Various classrooms	f&l	S	10/18/10	N/A	Observed dirty or missing A/C filters on various A/C units.	When mechanical ventilation is provided, it shall be kept clean & maintained in good working order. 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 to ensure the effective and efficient operation of any such A/C unit.
	Library	f & l	S	10/18/10	N/A	Both air conditioning units inoperable.	When mechanical ventilation is provided, it shall be kept clean & maintained in good working order. Exposing students to warm and humid conditions especially within an inadequately ventilated room, may present various health and safety issues for the students who occupy such room. According to school officials, the library has been without working air conditioning since March 2010 and that the problem has been reported to GDOE maintenance accordingly. Using an environmental meter, the room temperature measured approximately 84°F and the humidity registered 53% with students present. Public Health has adopted a standard room temperature of no greater than 84°F and may require the closure of any such room that exceeds such temperature or for various other concerns that may be associated with an inadequately ventilated room. Identify and repair or replace the air conditioning unit to ensure that students who occupy such room are provided a comfortable learning environment. If the ventilation cannot be improved immediately, students should not occupy the library.

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Librarian	k	S	10/18/10	N/A	The school is currently without a certified librarian.	Public school libraries are required to be operated by a certified librarian. School officials indicated that their librarian recently retired but that efforts are continuing and ongoing to secure a certified librarian for the school. Because there are no exceptions to the law that requires a certified librarian, GDOE must provide a certified librarian immediately to come into compliance with the law. Perhaps GDOE officials could identify a position or positions within GDOE that may be considered as a reasonable temporary substitute for a certified librarian and submit any such position or positions to the Guam Legislature for their review and consideration. Any proposed substitute librarian should not be considered as lowering the standards set forth under the Fourteen Points but rather it would allow for the school to continue to operate the library in accordance with the law. Any such substitute librarian should however possess acceptable qualifications and the length of time any such person would serve as a substitute librarian should be limited. However, any such person who may be identified to serve as a temporary substitute librarian should also possess a current and acceptable certificate in an area deemed appropriate such as a certified teacher and/or a certified guidance counselor. I would imagine that all public school's want their library to be operated by a certified librarian as the law intends. However, when a school finds itself without a certified librarian and when there may not be any certified librarians readily available, a reasonable exception to such requirement might be appropriate under such circumstances.
Campus	l	S	10/18/10	N/A	<u>Note:</u> 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 health and safety concerns.	Public schools are required to provide a healthful and safe learning environment. The school only has a few of these trees on campus but at least two of them may be in areas where students may gather or travel. These trees have rather large branches and they also have large roots that often protrude from the ground and as such the tree may present various health and safety issues if not addressed accordingly. Our office recently contacted the Department of Agriculture and a representative indicated that such trees may be trimmed as necessary or even removed where any such tree may be found to present health and/or safety concerns for others. A Cutting Permit is attached for your convenience. Such trees should be properly assessed to determine whether or not any such tree would require trimming or whether any such tree should be removed. Any such tree that may be found to present a health and safety hazard to students should be removed immediately. Until a proper assessment of any such tree is performed, students should be prevented from entering or gathering under or near any such tree. The GDOE Safety Office should be contacted concerning this matter.
Girls common use restroom near room 15.	l	S	10/18/10	N/A	Observed presence of mold/mildew on wall. Exhaust fan not working. Poor ventilation.	Toilet rooms are required to have adequate ventilation and are required to be mechanically or naturally ventilated to the outside. All toilet rooms shall be kept in good repair, clean, and free from foul odor. Identify and permanently repair or replace the restroom exhaust fan to ensure such room is adequately ventilated. Properly remove any and all presence of mold/mildew immediately.
24 Fast Track.	l	S	10/18/10	N/A	Observed several water stains on the floor by the wall located at the front of the classroom.	According to school officials and the teacher assigned to the room, water has been observed on the floor especially during heavy rains but the water has not been observed running down the surface of the wall. In other words, the source of the water leak has not been identified. Identify and permanently repair the water leak. All walls and floors are required to be kept clean and maintained in good repair.
26	f & l	S	10/18/10	N/A	Room may not be adequately ventilated.	Public schools are required to provide air conditioned or properly ventilated classrooms in which the sensible air temperature is no greater than 78 °F. When mechanical ventilation is provided, it shall be kept clean and in good working order. The left A/C unit is in disrepair. The right A/C unit is working but may not be properly cooling the room. The right A/C unit is also missing A/C filters. Using an environmental meter, the temperature measured approximately 82.5 °F with a 57% humidity reading with no students present at the time. Identify and repair or replace the A/C units as necessary to ensure that the room is properly ventilated. In addition, install appropriate A/C filters immediately. A/C filters are not only required for A/C units, they also ensure the effective and efficient operation of the A/C unit.

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	28 SPED room.	1	S	10/18/10	N/A	Observed bare wood in restroom ceiling and that such area appears to be warped or sagging. Also observed that the shower arm is missing a shower head.	All bare wood should be properly painted or sealed. Identify and repair sagging portion of the ceiling. Install appropriate shower head. Teacher indicated that the shower may be used to address student needs as necessary.
	Common use restroom facilities located near room 26.	1	S	10/18/10	N/A	Poor ventilation in both restrooms.	Toilet rooms are required to have adequate ventilation and shall be mechanically or naturally ventilated to the outside. All toilet rooms shall be kept in good repair, clean, and free from foul odor. Identify and permanently repair or replace the restroom exhaust fan to ensure such room is adequately ventilated. (Note: The water pressure in these restrooms was adequate compared to the water pressure in the kindergarten area.)
	Campus	1	S	10/18/10	N/A	Fire alarm system not operational.	Public schools are required to provide a working fire alarm system. According to GFD officials, the temporary Fire Watch Program must be continued until the school's fire alarm system is operational. 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, GDOE is highly encouraged to begin repairing, replacing, and/or upgrading each school's fire alarm immediately. Because of the young age of elementary school students, elementary schools should be considered as the first grade level for repairs and/or replacement of the fire alarm systems. 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 expected time frame in which it would take to complete any such work.