



Office of the Adequate Education Suruhanu (Ombudsman)
An Entity of the Office of the Attorney General
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



2010 NOV -4 AM 10: 02

October 28, 2010

Office of the Ombudsman
Date: 10/28/10
Time: 2:21
Received by: [Signature]

TO: Superintendent of Education
FROM: Education Suruhanu
SUBJECT: Complaint that air conditioning in room E-105 at the Astumbo Elementary School is inoperable and other classrooms without out working air conditioning.

Hafa Ådai Dr. Bretania Underwood:

30-16-0914

On October 22, 2010, our office received a complaint that the air conditioning unit in classroom E-105 at the Astumbo Elementary School is without working air conditioning. The complaint also states that the problem has been reported to the School Principal and to the Superintendent's office. On October 26, 2010, at approximately 11:30 in the morning, our office conducted an investigation into the complaint and found that classroom E-105 does not have a working air conditioning unit. Using an environmental meter, the temperature measured 85.5 °F and the humidity registered approximately 70% with no students present in the classroom and it was also observed that the doors and windows were opened and three fans were in operation. According to the teacher, the room is very warm and humid resulting in an uncomfortable learning environment for her students as well as herself. The teacher indicated that the classroom has been without a working air conditioning unit for approximately four weeks and that she is not aware if anyone from GDOE has visited her classroom to assess the problem. She also indicated that the room becomes much warmer toward noon and into the afternoon. The teacher indicated that her health and the health of the students may be negatively affected as a result of the warm and humid conditions of the classroom. The teacher informed me that she received a note from a parent indicating that their child has fainting spells and that such conditions of the classroom may aggravate the child's condition. Although efforts were made to ventilate the classroom such as opening the doors and windows and providing fans, 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. 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 classroom temperatures, high humidity readings, and/or poor air ventilation. 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 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 kept clean and in good working order. In order to come into compliance with the law, the conditions in classroom E-105 must be addressed and rectified immediately. Please submit to my office, in writing, on or before December 4, 2010, the action GDOE is taking or will be taking to rectify this matter and the date when such problem will be addressed and the expected date in which the problem would be rectified.

///

During the course of the investigation, it was also brought to my attention that two other classrooms do not have a working air conditioning unit and another classroom's air condition unit is not cooling properly, resulting in warm and humid conditions of such rooms. The classrooms that do not have a working air conditioning unit are F-102 and D-103. The temperature in room F-102 measured approximately 86.5 °F with a humidity reading of approximately 68% with no students present. The doors and windows were open and there were three fans in operation but the conditions of the room were very warm and humid. The teacher indicated that the classroom has been without a working air conditioning since August 2010 and that the classroom becomes much warmer around noon and into the afternoon. The temperature in room D-103 measured approximately 88 °F with a humidity reading of approximately 63% with no students present. According to school officials, D-103 has been without a working air conditioning unit for approximately three weeks and that the problem has been reported. Lastly, the air conditioning unit in E-106 is working but it may not be cooling properly. The temperature in room E-106 measured approximately 83 °F with a humidity reading of 55% with no students present. The teacher indicated that the warm conditions of such room have been ongoing for approximately four weeks and that the room becomes much warmer around noon and into the afternoon.

As you know, the law requires classrooms to be air conditioned or properly ventilated in which the sensible air temperature is no greater than 78 °F. In order to come into compliance with the law, the conditions in classrooms F-102, E-106, D-103 and/or any other classroom that may not be air conditioned or properly ventilated must be addressed and rectified immediately. In the alternative, if the conditions in such rooms cannot be improved immediately, students should be re-located to a more suitable room. 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 problem will be addressed and the expected date in which the problem would be rectified.

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, GDOE Deputy Superintendent
Chairman, GEB
Billy Cruz, GDOE Facilities and Maintenance Manager
Astumbo Elementary School Administration
Tom Nadeau, Administrator, DPHSS, DEH
Pat Mason, Deputy Attorney General