

Office of the Education Suruhanu (Ombudsman)
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November 15, 2010

To: Superintendent of Education
From: Education Suruhanu
Subject: Finegayan Elementary School Inspection

Buenas Dr. Bretania Underwood:

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 31/11/10
Time: 11:17
Received: [Signature]
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[Signature]

An inspection of the Finegayan Elementary School campus occurred on November 9, 2010. The agencies that participated in the inspection were the Department of Public Health and Social Services (DPHSS), the Guam Environmental Protection Agency (GEPA), the Guam Fire Department (GFD), and our office. DPHSS issues a letter grade for the school building and for the cafeteria based on the number of demerits issued for each particular violation. However, GEPA and GFD do not issue letter grades but each agency does provide an inspection report identifying the discrepancies discovered.

P.L. 28-45 § 4 (12) (1) of the Adequate Public Education Act (the Act), requires Public Schools to provide a healthful, safe, and sanitary learning environment but the Act does not provide for a time frame in which to come into compliance with the law for any noted discrepancies/violations. However, Title 10 G.C.A. Chapter 21 states that violations identified in a DPHSS inspection report must be corrected within a specific time frame. When a DPHSS inspection yields a demerit score of 20 or less, all violations of two (2) or four (4) demerit points must be corrected within a period of time not to exceed 30 days. See 10 G.C.A. § 21107 (2) (a).

The school building received a letter grade ("A") with a demerit score of 8 and the cafeteria received a letter grade ("A") with a demerit score of 6, therefore, the two (2) and/or four (4) demerit point items listed in both the DPHSS school building and the Cafeteria inspection report must be corrected within 30 days from the date of the inspection. Although the inspection reports for GEPA and GFD do not indicate a time frame in which to correct the discrepancies, such discrepancies should be rectified immediately.

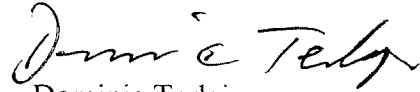
I strongly recommend that GDOE address all discrepancies/violations identified in each inspection report and rectify them immediately to come into compliance with the various provisions of the Fourteen (14) Points of the Act, with the various provisions of the regulatory agency codes, and/or with any other applicable laws or rules. Because not all the school's classrooms or school's facilities were inspected, GDOE is highly encouraged to assess all other classrooms and school facilities to identify any other discrepancies and perform the necessary corrective action.

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Please submit to my office in writing, GDOE's plan to rectify each of the discrepancies/violations identified in any such inspection report, including but not limited to the measure taken or to be taken to rectify the discrepancy/violation and the date when such discrepancy/violation would be rectified.

Si Yu'os Ma'åse',


Dominic Terlaje

Attachment:

Finegayan Inspection Report

cc:

Chief of Staff, Government of Guam
Honorable Speaker, 30th Guam Legislature
Chairman, GEPB
Billy Cruz, GDOE Facilities and Maintenance Manager
Bruce Williams, GDOE Safety Administrator
Finegayan Elementary School Administration
Guam Attorney General

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

PUBLIC LAW 28-45: 14 POINTS COMPLIANCE

School Representative: Mrs. Iglesias, Principal Date of Inspection: November 9, 2010 Weather Condition: Sunny and warm School Population: 897 School building received a letter grade "A" with 8 demerits. The Cafeteria received a letter grade "A" with 6 demerits.	Name of School: <h2 style="margin: 0;">Finegayan Elementary</h2>
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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
Campus	1	PH & S	11/9/10	2	Observed overgrown vegetation throughout campus.	School grounds are required to be free of overgrown vegetation. The Mayor's office is mandated to provide regular grounds maintenance of GDOE schools. Coordinate with the Mayor's Office to ensure that the grass-cutting services are provided as often as necessary.
Library	1	PH & S	11/9/10	2	Observed paint peeling throughout campus. Observed ceiling/awning in disrepair in front of main office entrance. Observed ceiling/awning in disrepair near front entrance of school building.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. Walls and ceilings are required to be maintained in good repair. Identify and permanently repair any and all walls or ceilings/awnings found in disrepair. A proper assessment should be performed on such areas to determine the cause of such problem.
103, 102, 101, 114, 308, 210, 303, 217, 218.	1	PH & S	11/9/10	2	Observed A/C units either in disrepair or not working properly.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. When mechanical ventilation is provided, it shall be kept clean & maintained in good working order. Identify and repair or replace A/C units in disrepair or not working properly. In addition, 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.
215, 217, 124, 131, 216.	1	PH & S	11/9/10	2	Observed dark stains at various parts of the floor.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. Floors are required to be easily cleanable, light in color, kept clean, and in good repair. Identify all stained floors and properly remove and/or clean any such stains.
Rooms E506 and F604	1	PH & S	11/9/10	2	Observed air conditioner not working in room E506 (1) and F604 (2).	When mechanical ventilation is provided, it shall be kept clean & maintained in good working order. Identify and either repair or remove A/C units not in good working order. 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.

Government of Guam
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School Representative: Mrs. Iglesias, Principal

Date of inspection: November 9, 2010

Weather Condition: Sunny and warm

School Population: 897

Name of School:

Finegayan Elementary

School building received a letter grade "A" with 8 demerits. The Cafeteria received a letter grade "A" with 6 demerits.

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Campus	i & l	PH	11/9/10	N/A	The school does not meet the minimum number of male urinal fixtures based on the male student population of 470.	Elementary schools are required to provide one male urinal for every 30 males. The school currently has 8 male urinals but requires an additional 7 to meet the ratio. However, in order to continue the operations of the school, PH has given consideration in meeting the urinal requirement by having GDOE designate a sufficient amount of classroom restroom toilets for use specifically as male urinal and that signs indicating male restroom use only have been posted on such designated restroom. Additional urinals should be provided to comply with the law and also to address the anticipated increase in the male student population.
Cafeteria dining area restroom	i & l	PH & S	11/9/10	4	Boys restroom facility missing toilet paper dispensers.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. Toilet paper shall be available and conveniently located adjacent to each flush toilet. Toilet paper dispensers must be made available and must be in good repair. Identify and repair or replace all toilet paper dispensers in disrepair. Provide the school with a sufficient supply of sanitary supply dispensers and/or necessary parts to replace or repair any broken dispensers on the spot.
Cafeteria	l	PH & S	11/9/10	2	Right side air curtain by the door located near the electrical room is in disrepair.	All attached equipment within the cafeteria is required to be maintained in good repair. Identify and repair or replace air curtain in disrepair.
Cafeteria grease trap.	l	E & S	11/9/10	N/A	No discrepancies	
Waste water disposal.	l	E & S	11/9/10	N/A	No discrepancies	System is connected to public sewer.
Storm water drainage system by 119-121	l	E & S	11/9/10	N/A	Observed standing rain water near 119-121 storm drain inlet.	Top grill covering is rusted and must be replaced.
Storm water drainage system by 118	l	E & S	11/9/10	N/A	Observed evidence of paint being dumped into drain.	Inform school personnel that paint must not be dumped into the storm water drain. Paint should be properly disposed.

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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
Storm water drainage system by 101-105	1	E & S	11/9/10	N/A	Missing screen.	Identify storm water drain inlets without a screen and install proper screen.
Hazardous waste	1	E & S	11/9/10	N/A	No discrepancies	
Solid waste	1	E & S	11/9/10	N/A	No discrepancies	
Campus	1	F & S	11/9/10	N/A	<p>Notice of Hazards: 1) Fire alarm system inoperable. Fire watch in place and fire watch log is current. 2) Portable fire extinguishers require annual inspection and service. 3) Observed some portable fire extinguishers do not have required mounting brackets. 4) Stand-Pipe system must be operational and serviced every 5 years. 5) Emergency lights are required for classes that does not have natural lighting such as room 307. 6) Illuminated exits signs must be maintained in good working order. 7) Electrical rooms--no storage of combustible materials is allowed. 8) Flammable storage containers/lockers cannot be stored in egress path of exit. 9) Exposed wires in main office and in room 202 and 307. 10) Prohibited door lock key type on designated exit. 11) Fire hydrants on campus need service every 5 years. 12) Emergency plans and procedures will be reviewed by GFD.</p> <p>Identify and rectify all discrepancies to come into compliance with the law. Fire watch program is temporary and as such, GDOE must quickly work to provide a working fire alarm system in the school and ensure that it is properly maintained. Fire extinguishers should be serviced in advance of their expiration date. Require school officials to examine their schools fire extinguishers as necessary to verify that the annual service date has not expired. Monthly monitoring of the fire extinguishers would enable school officials to quickly identify and report any issues found with their fire extinguishers including expiration of the annual service date. GDOE Safety Office should develop a master list of all the schools, log the annual service dates for all fire extinguishers, and provide reminders to school officials in advance of the annual service expiration date. In addition, the GDOE Safety Office should coordinate with the fire extinguisher vendor well in advance of the expiration date of the fire extinguishers or when fire extinguishers are reported in disrepair in order to ensure that a sufficient amount of properly working fire extinguishers are always made available in the schools. Proper planning and scheduling must be a priority concerning the availability of working fire extinguishers to ensure the safety of the students and others.</p>	