



Office of the 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 Address: www.guamlegislature.com

November 22, 2010

To: Superintendent of Education
From: Education Suruhanu
Subject: Marcial Sablan Elementary School Inspection

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 11/26/10
Time: 10:15 AM
Received by: AW

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Buenas Dr. Bretania Underwood:

30-10-1025

[Handwritten signature]

An inspection of the Marcial Sablan Elementary School campus occurred on November 16, 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). In addition, when one (1) or more six (6) demerit point items are in violation, regardless of the demerit score, such item must be corrected within a period of time not to exceed ten (10) days.

The school building received a letter grade ("B") with a demerit score of 16 and the cafeteria received a letter grade ("B") with a demerit score of 20, 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. However, because both the school building and the cafeteria inspection report each contain a six (6) point demerit item; such items must be corrected within 10 days after 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 corrected 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

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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.

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:

Marcial Sablan Elementary School Inspection report

cc:

Chief of Staff, Government of Guam

Honorable Speaker, 30th Guam Legislature

Chairman, GEB

Billy Cruz, GDOE Facilities and Maintenance Manager

Bruce Williams, GDOE Safety Administrator

Marcial Sablan 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: Agnes Camacho, Principal Date of Inspection: November 16, 2010 Weather Condition: Sunny and warm School Population: 228 (male) 210 (female) School building received a letter grade "B" with 16 demerits. Cafeteria received a letter grade "B" with 20 demerits.	Name of School: Marcial Sablan Elementary
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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
SFA Center, Rooms 6 and 19	1	PH & S	11/16/10	4	Observed presence of pests at the bottom portion of exit doors and at the window in Room 6.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. Identify and contact pest control company immediately to conduct proper treatment of the facility. Ensure that pest control vendor provides the school with copy of the areas treated, the type of chemicals used, and the target pest, insect, or vector of the treatment. Adequate measures should be taken to ensure control and elimination of vectors on an as needed basis. Campus should be frequently monitored in order to quickly address any infestation of pests, insects, or vectors.
SFA Center, Rooms 3 and Lounge	1	PH & S	11/16/10	2	Observed water leaking from the ceilings and from the wall in the lounge. Observed hallway awnings to be in disrepair and rusted throughout.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. All walls and ceilings shall be clean and in good repair. Identify and repair all water leaks immediately. Reports of water leaks should be rectified immediately for various health and safety concerns. Identify and repair or replace all rusted portions of hallway awnings or canopies.
Various rooms. Rooms 8, 36, 37, 38, 39 and 40	f & i	PH & S	11/16/10	2	Observed A/C units leaking in rooms 8, 36, 37, 38, 39, & 40. Observed inoperable A/C units in rooms 44, 2, 26, 4, 11 and 20 but each room does have at least one working A/C unit.	When mechanical ventilation is provided, it shall be kept clean and in good working order at all times. Identify and repair all A/C leaks immediately. School officials indicated that the A/C units in rooms 36, 37, 38, & 39 have experienced A/C leaks for an extended period of time and that assessments have been made but the A/C leaks have not yet been permanently rectified. Various trash containers which are used to catch the dripping A/C water are observed underneath the A/C unit.

Government of Guam
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Restrooms	1	PH & S	11/16/10	6	Observed toilet tissue dispensers in disrepair throughout the various student common use restrooms.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. Toilet tissue dispensers shall be in good repair to prevent the spread of disease through hands, clothes, and other means. Identify and ensure that the custodial vendor repairs or replaces all sanitary dispensers found in disrepair according to the contract. A restroom monitoring log sheet should be provided and school officials should conduct regular spot checks of the restrooms and have any discrepancies rectified immediately.
Water Tank	1	PH & S	11/16/10	2	Observed water tank pump not working.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. Any such equipment shall be in good repair and in good working order. Identify and repair or replace the pump to ensure that it operates in good working order at all times. Regular maintenance of the water tank and the water tank pump should be performed. School officials should contact the GEPA Safe Drinking Water division for further information concerning the condition of the water stored in the water tank and the appropriate action to take concerning use of such water.
Cafeteria	1	PH & S	11/16/10	6	Observed small milk cartons with an internal temperature of 50°F stored in display cooler on service line.	All potentially hazardous foods such as milk shall be kept at an internal temperature of 45°F or below during storage, display, and service.
Cafeteria	1	PH & S	11/16/10	4	Observed chill unit packed so that the internal temperature registered 52°F.	A sufficient amount and conveniently located refrigeration facilities or effectively insulated facilities shall be provided to ensure the maintenance of potentially hazardous food at required temperatures during storage. Potentially hazardous food shall be prechilled and held at a temperature of 45°F or below during storage.

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Cafeteria	1	PH & S	11/16/10	4	Observed toilet tissue and soap dispensers in disrepair in the boys and girls restrooms in cafeteria dining area.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. Toilet tissue dispensers shall be in good repair to prevent the spread of disease through hands, clothes, and other means. Soap and soap dispensers shall be provided for various health and sanitary concerns. Identify and ensure that the custodial vendor repairs, or replaces all sanitary dispensers found in disrepair according to the contract. A restroom monitoring log sheet should be provided and school officials should conduct regular spot checks of the restrooms and have any discrepancies rectified immediately.
Cafeteria	1	PH & S	11/16/10	4	Observed outer openings by the doors near the warewashing area. Observed door screen by the receiving area in disrepair.	Outer openings must be properly sealed to prevent entrance of any vectors, pests, or insects. Identify and properly seal all observed outer openings immediately. Cafeteria vendor should perform periodic checks of the cafeteria noting any outer openings and report to school officials immediately for corrective action.
Cafeteria	1	PH & S	11/16/10	2	Observed air curtains/blowers above cafeteria doors in disrepair.	All equipment attached to walls shall be maintained in good repair. Identify and repair, replace, or remove all air curtains in disrepair. If air curtains are to be removed, GDOE should contact DPHSS officials to ensure the cafeteria remains in compliance with the code.
Grease Trap	1	E & S	11/16/10	N/A	Observed grease trap covered with grass.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. Maintain and clear the vegetation surrounding the grease trap. Contact the necessary parties responsible for servicing the grease trap immediately. Cafeteria vendor should perform periodic checks of the grease trap and perform service as often as necessary.
Stormwater drainage	1	E & S	11/16/10	N/A	Observed that all strom water drainage inlets are missing screens.	All areas, facilities, and equipment shall be maintained in a clean, safe, and sanitary condition, and kept in good repair. Identify and install appropriate screen at all storm drainage inlets. Regular maintenance of storm water drainage inlets should be performed.

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Waste water disposal system	1	E & S	11/16/10	N/A	No discrepancies.	School is connected to the public sewer system.
Solid waste	1	E & S	11/16/10	N/A	No discrepancies.	None
Campus	1	E & S	11/16/10	N/A	GFD indicated a Notice of Hazard on their inspection report. 1) Fire alarm system disabled - Fire Watch not present. 2) Fire watch not enforced properly (No one assigned on arrival). 3) Falling tree/branch hazards and close proximity of vegetation to structures. 4) Classroom "Exits" shall not have locks that require special keys or processes to open. 5) Observed roof leaking (Rm. 3) possible electrical hazard to wiring within ceiling (butler building). 6) Observed extinguishers needing service (fast track). 7) Exposed electrical junction box (TI) exterior side. 8) Hose cabinet (fire) cafeteria needs service. 9) Extension cords cannot be used as permanent power source (Rm. 25) 10) Extension cords cannot be plugged into other extension cords must be plugged directly into outlet. 11) Hose cabinets need service (Rm. 27). 12) Commend the school on well kept and clean school/classroom especially considering age of school. 13) Was advised by the Principal of the school's lack of personnel for dedicated fire watch.	