



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 26, 2010

To: Honorable Felix P. Camacho, Governor of Guam
 Honorable Judith T. Won Pat, Speaker, 30th Guam Legislature
 Dr. Nerissa Bretania Underwood, Superintendent of Education
 Chairman, Guam Education Policy Board

From: Education Suruhanu

Subject: October 2010 Report

30-10-1044
 Office of the Speaker
 Judith T. Won P.L., Ed. D.
 Date 11/30/10
 Time 1:55
 Received by [Signature]

Notes from the Education Suruhanu.

Each month the Office of the Education Suruhanu (the OES) provides a report summarizing its activities. The Education Suruhanu investigates any complaints of a person alleging violations of any of the Fourteen (14) Points of the Every Child is Entitled to an Adequate Public Education Act, P.L. 28-45. After completing an investigation, the Education Suruhanu informs the complainant of the conclusion or recommendation in writing and if appropriate, any action taken or to be taken by GDOE. In addition, the Education Suruhanu is authorized to perform inspections of the public schools to ensure compliance with the Fourteen (14) Points. The Education Suruhanu may perform such inspections on its own or with the assistance of various Government of Guam Regulatory Agencies including but not limited to the Department of Public Health and Social Services (DPHSS), the Guam Fire Department (GFD), and the Guam Environmental Protection Agency (GEPA). When working to fulfill the obligations of the office, the Education Suruhanu acts independently, informally, and neutrally. It is the role of the office to approach its duties as a neutral fact finder rather than as an advocate. The information in this report highlights the activities of October 2010.

The law establishing the Office of the Adequate Education Suruhanu as an independent entity of the government of Guam was amended by the 30th Guam Legislature establishing the Education Suruhanu now as "An Entity of the Office of the Attorney General." (See section 27 of P.L. 30-196 [FY-2011 Budget Act] which amended § 11100 of Title 17 G.C.A.) Such amendment was presumably for the purpose, among other things, of enabling a closer working relationship between the Attorney General's Office and the Education Suruhanu's office to accomplish compliance with the Adequate Public Education Act requirements.

Complaint Report.

Issue	Status	Conclusion/Recommendation	Action taken or to be taken.
Complaint reporting that school officials sent FBLG student home for not wearing school uniform.	Complaint not accepted. Case closed.	Issue did not meet the criteria under the 14 Points. Recommended that parent contact school officials and superintendent's office concerning FBLG's actions in the matter. The parent was concerned that her child missed out on school because of a uniform issue and that the school should have alternative measures to address such issues instead of sending student home.	N/A 2010 DEC 2 AM 9:36 [Signature]

Issue	Status	Conclusion/Recommendation	Action taken or to be taken.
<p>Anonymous report indicating that air conditioning unit in room 29 and the A/C units the Cafeteria at the Agueda Johnston Middle School are not working and that rooms are hot and uncomfortable.</p>	<p>Complaint accepted.</p> <p>Case closed.</p>	<p>Room 29. There is only one air conditioning (A/C) unit in the room that is in operation but it may not be cooling the room properly considering the dance and cultural activities being conducted in the room and the size of such room. The other air conditioning unit in the room is not working and has not worked for quite some time. It was also observed that the room has a rather high ceiling and an opening between the classroom and an adjacent storage room that should be properly sealed in order to limit the space that the air conditioning unit would be required to cool. Using an environmental meter, the temperature measured approximately 83 °F with 63% humidity at approximately 11:15 a.m. with half of the class present in the room at the time of the visit. The teacher also indicated that the room becomes much warmer toward noon time and into the afternoon. The teacher also indicated the problem has been reported to the office numerous times. School officials indicated that work requests reporting the problem have been submitted to the GDOE maintenance A/C division. If the conditions cannot be improved, the students should be relocated to a more suitable room.</p> <p>Cafeteria dining area. There are four large A/C units in the dining area but they are all in disrepair. Using an environmental quality meter, the room temperature measured approximately 88 °F with a relative humidity of approximately 66% with students present eating lunch. Although the few windows available in the dining area were opened and four floor fans were in operation, the ventilation and/or air circulation of the room was quite poor and the room felt very warm, humid, and uncomfortable. All A/C units should be repaired or replaced immediately. School officials indicated that work requests reporting the problem have been submitted to the GDOE maintenance A/C division.</p>	<p>GDOE has not provided our office with the action taken or to be taken to address and rectify the problem.</p>
<p>Anonymous report indicating that the air conditioning unit in T-3 at the Untalan Middle School is not working or cooling properly.</p>	<p>Complaint accepted.</p> <p>Case closed.</p>	<p>Right A/C unit is operational but it is not cooling properly. Left A/C unit is not working. Temperature measured 83 °F with a relative humidity of 57% at 10:30 a.m. with students present. Teacher indicated that the room becomes much warmer in the afternoon. The A/C unit should be repaired or replaced immediately. Work requests reporting the problem have been submitted to GDOE A/C maintenance division. If ventilation cannot be improved immediately, the students must be re-located to a more suitable room.</p> <p>Our office also reported this problem to GDOE in an inspection report dated August 24, 2010.</p>	<p>GDOE has not provided our office with the action taken or to be taken to rectify the problem.</p>

Issue	Status	Conclusion/Recommendation	Action taken or to be taken.
Complaint reporting that the A/C unit in room B-110 at the George Washington High School is not working.	Complaint accepted. Case closed.	The A/C unit in the room is in operation but it is blowing warm air. The temperature measured 84 °F with a relative humidity of 52% at 12:26 p.m. with no students present. The teacher indicated that the room becomes much warmer in the afternoon. School officials indicated that work requests reporting the problem have been submitted to the GDOE maintenance A/C division.	According to GW school officials, the A/C unit was repaired on November 11, 2010.
Complaint reporting that E-105 at the Astumbo Elementary school is without a working A/C unit.	Complaint accepted. Case closed.	The A/C unit is not working. Using an environmental meter, the temperature measured approximately 85.5 °F and the humidity registered approximately 70% with no students present in the classroom. It was also observed that the doors and windows were opened and three fans were in operation. 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 it was recommended that the A/C unit be addressed and rectified immediately. If the conditions cannot be improved immediately, the students must be re-located to a more suitable room. 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 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. School officials indicated that work requests reporting the problem have been submitted to the GDOE maintenance A/C division.	GDOE has not provided our office with the action taken or to be taken to address and rectify the problem.

Issue	Status	Conclusion/Recommendation	Action taken or to be taken.
Complaint reporting that the Guam Education Certification Commission refused to issue a temporary teacher certification.	Complaint not accepted. Case closed.	Issue did not meet the criteria under the 14 Points. Recommended that complainant contact the Director of the Education Certification Commission for review and/or action concerning this matter.	N/A
Anonymous report indicating that mold is growing in some classrooms at the JQ San Miguel Elementary School.	Complaint accepted. Case closed.	Mold was observed at various places including but not limited to the ceilings of the Kindergarten common use restroom facilities, within the Kindergarten restroom handwashing sink vanities, on various exterior walls of the Kindergarten classroom area, and on various light shields of various classrooms. In addition, an odor can be detected in some of the classrooms that could possibly be caused by the mold. The Principal indicated that the many of the teachers in the affected rooms have complained about the odor and that the school has attempted to remedy the problem by removing and cleaning any visible mold as often as necessary. However, the Principal indicated that the presence of mold has been an ongoing problem which they manage to address as often as possible but the mold manages to reappear within a short period of time after being removed. A proper assessment should be made by qualified parties to determine the cause and/or source of the mold and rectify it immediately. An indoor air quality test should also be performed in the affected classrooms. GDOE should also address the moisture in the classrooms and ensure that the air conditioning units are always kept clean and in good working order.	School officials address the problem by removing and cleaning the mold as often as necessary. However, no permanent solution to the problem has yet been identified.
Anonymous report indicating mold is present in some of the classroom student desks at the Adacao Elementary School.	Complaint accepted. Case closed.	Mold was observed on the underside of the top portion of various student desks. Teachers indicated that the mold is immediately removed but that the mold generally re-appears within a day or two after being removed. Teachers indicated that although the mold is removed as soon as it is identified, the mold generally re-appears on Mondays. School officials indicated that mold has been observed in various other student desks but only in a few other classrooms.	Sometime in mid-October 2010, an assessment of the mold issue was performed by an engineering and architect firm and school officials are awaiting their report.

Issue	Status	Conclusion/Recommendation	Action taken or to be taken.
Request that our office provide assistance in a complaint filed against the disciplinary administrator at FBLG.	Complaint not accepted. Case closed.	The issue did not meet the criteria under the 14 Points. I recommended that the complainant contact the FBLG Principal and/or the Superintendent's office concerning this matter.	N/A
Report indicating that that a student who attends the Benavente Middle School was attacked at the school by another BMS student during school hours and that the school may not have enough school aides.	Student attack: Pending GDOE investigation. School aides: Complaint not accepted.	Recommended that parent contact the Guam Police Department immediately. School aides: Issue did not meet the criteria under the 14 Points. According to the school principal, additional GDOE personnel were recently assigned to the school.	N/A

School inspection report. The OES has the power to enter and inspect public schools focusing on the Fourteen Points. An inspection report is prepared identifying the discrepancies pertaining to the Fourteen Points, recommendations are made as necessary, and the report is provided to the School Principal, the Superintendent of Education, the GEB, the Speaker of the Guam Legislature, and various other individuals.

A. **School inspection report.** Pursuant to P.L. 28-45, the OES on its own conducted inspections at the following schools and noted the various discrepancies that pertain to the Fourteen Points.

1. Chief Brodie Elementary School.
 - a. Inadequate ventilation in the Library, Cafeteria, and room 13.
 - b. School officials indicated that there is termite activity in the book room.
 - c. Fire alarm system not operational. (GFD approved a Fire Watch Program as a temporary measure in place of a working fire alarm system.)

2. Inarajan Elementary School.
 - a. Cafeteria A/C units not working resulting in a room temperature measuring approximately 86 °F and a relative humidity of 71%.
 - b. Several cafeteria light bulbs burned out. (**Note: Repeat violation. Public Health cited this same issue in their March 2010 inspection report but the problem has not yet been rectified.**)
 - c. Ceiling leak in cafeteria dining area. (**Note: Repeat violation. Public Health cited this same issue in their March 2010 inspection report but the problem has not yet been rectified.**)
 - d. Cafeteria kitchen double doors in disrepair. (**Note: This issue has been reported on several different occasions but the problem has not yet been rectified.**)
 - e. Various classroom A/C filters dirty.
 - f. Drinking fountain in disrepair. (**Note: This particular water fountain was reported in disrepair during the March 2010 inspection and was not cited on the basis that GDOE maintenance representatives informed Public Health that the problem would be rectified.**)

- g. Water storage tank leaking. **(Note: This issue has been reported to GDOE officials on previous inspections but the problem has yet to be permanently rectified.)**
 - h. Fire alarm system not operational. (GFD approved a Fire Watch Program as a temporary measure in place of a working fire alarm system.)
3. Agana Heights Elementary School.
- a. Substitute teacher assigned to cover a class where the assigned teacher recently retired.
 - b. Outer openings at various classroom doors and windows.
 - c. Various classroom A/C filters dirty.
 - d. Various student desk tops in disrepair.
 - e. Various portions of the fourth grade wood canopy are in disrepair.
 - f. Drinking fountain near room 1 in disrepair. **(Note: This particular water fountain was reported in disrepair during the March 2010 inspection but was not included in the inspection report on the basis that GDOE maintenance representatives informed Public Health that the problem would be rectified.)**
 - g. Various discrepancies noted in both the boys and girls restroom facilities located near the main campus such as missing various sanitary dispensers, water leaking, and a sink not properly secured.
 - h. Fire extinguishers annual service date expired on August 31, 2010.
 - i. Fire alarm system not operational. (GFD approved a Fire Watch Program as a temporary measure in place of a working fire alarm system.)
4. H.S. Truman Elementary School.
- a. Guidance counselor resigned leaving the school without a counselor.
 - b. Various classroom A/C filters dirty.
 - c. Outer openings at various classroom doors and windows.
 - d. Various discrepancies noted in both the boys and girls restroom facilities located near the main campus such as missing or broken sanitary dispensers, missing sanitary supplies, girls stall doors without locks, and two sinks not properly secured.
 - e. Various student desk tops in disrepair.
 - f. Various paper towel dispensers not being stocked with paper towels.
 - g. Male urinal ratio requirement not met.
 - h. Fire alarm system not operational. (GFD approved of a Fire Watch Program as a temporary measure in place of a working fire alarm system.)
5. Marcial Sablan Elementary School.
- a. SFA room has ceiling leaks and possible termites.
 - b. Termite activity reported at various parts of the campus.
 - c. Overgrown vegetation.
 - d. Dirty A/C filters in various classroom A/C units.
 - e. Various parts of the main campus canopy leaking and rusted.
 - f. Observed various sanitary dispensers not being stocked with supplies.
 - g. Various discrepancies noted in both the boys and girls restroom facilities such as missing or broken sanitary dispensers and missing sanitary supplies.
 - h. Standing rain water at various parts of the kindergarten playground area.
 - i. Various parts of the canopy from the cafeteria to the first grade area is filled with vegetation, various leaks, and rusted.
 - j. Various Monkey Pod trees present health and safety issues by falling branches.
 - k. Kindergarten A/C units continuously dripping water onto ceiling tiles and onto the classroom floor.
 - l. Cafeteria roof gutter leaking rain water directly onto water storage tank.
 - m. Fire alarm system not operational. (GFD approved of a Fire Watch Program as a temporary measure in place of a working fire alarm system.)

6. B.P. Carbullido Elementary School.
 - a. One teacher on leave until sometime in November 2010.
 - b. Steady water leak at the water storage tank PVC connections.
 - c. Low water pressure at the kindergarten area and various other classroom restrooms.
 - d. Various toilet stalls missing toilet tissue, missing the toilet tissue dispenser or such dispenser in disrepair.
 - e. Campus may not have a sufficient amount of fire extinguishers on hand.
 - f. Dirty A/C filters in various classroom A/C units.
 - g. Library without a working A/C unit.
 - h. School is without a certified librarian.
 - i. Monkey Pod trees may present health and safety issues by falling branches.
 - j. Poor ventilation in the common use restrooms located near room 26.
 - k. Fire alarm system not operational. (GFD approved of a Fire Watch Program as a temporary measure in place of a working fire alarm system.)

7. J.Q. San Miguel Elementary School.
 - a. Mold growing in various classrooms and other places of the kindergarten area.
 - b. Water fountain in disrepair.
 - c. Various ceiling tiles water stained.
 - d. Foul odor detected in various classrooms.
 - e. Room 14 without a working A/C unit.
 - f. No soap dispensers in boys restroom on the 1st floor.
 - g. Toilet tissue rollers missing in the boys restroom on the 2nd floor.
 - h. Fire alarm system not operational. (GFD approved of a Fire Watch Program as a temporary measure in place of a working fire alarm system.)

Respectfully submitted,


Dominic Terlaje

cc:

Guam Attorney General