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Education Suruhanu (Ombudsman)

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*Ok -* May 18, 2010

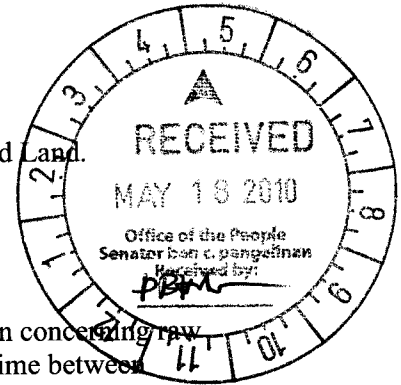
*For the budget file - shk*

vicente c. pangelinan  
Senator  
Chairman of the Committee on Appropriations, Taxation, Banking, Insurance, and Land.

Re: Information Request-FY 2011 Budget Request.

Dear Senator Pangelinan:

I am in receipt of your letter dated May 12, 2010 where you requested information concerning raw figures related to workload accomplishment and information concerning the lag time between report filing and reporting to the regulatory agency.



The raw figures provided pertain to the workload accomplishment for the complaints received and for the inspections conducted. Please be advised that complaints are generally received during the school year. In addition, results of an investigation into a complaint are provided to the complainant only when such complainant has provided contact information to our office. However, a complaint is not accepted where the issue reported does not meet the criteria of the 14 Points. School inspections are generally conducted during the regular school year when the school is in full operation and when students are present. Conducting inspections during school hours is an effective means of identifying any potential discrepancies as opposed to inspecting a school during summer break or any other break. However, when necessary, inspections can occur during breaks.

The lag time between filing an inspection report on my inspection alone and conducting the inspection with the regulatory agencies varies. I generally conduct inspections of a school on my own, prepare an inspection report noting any discrepancies or violations, and then submit such report to DOE, GEPB, the Speaker, and the School Principal. Anywhere from one week to one month after my inspection, I would conduct another inspection of the school with the assistance of the various regulatory agencies. Before an inspection is performed with the regulatory agencies, I would contact the designated representative for each agency to determine an appropriate date to inspect a school. Each agency has been very accommodating to my request for conducting inspections and they have also been very cooperative in the inspections. However, as you suggested, it may be more efficient to have the agencies and my office perform regular inspections of the schools together for any number of inspections conducted in any given school year. If my office were provided with an individual from each of the regulatory agencies to assist with the inspections, our office may not require the need for a permanent inspector/investigator on staff.

The continued participation of the various regulatory agencies in school inspections is necessary in order to ensure that DOE complies with the 14 Points and other laws, rules, and/or regulations at all times. As you know, 17 GCA Chapter 11 does not give our office the authority or power to compel DOE to follow any recommendations made by our office.

If you have any questions or need additional information, please feel free to contact me.

Respectfully yours,  
*Dominic Terlaje*  
Dominic Terlaje

**Decision Package  
FY 2011**

Department/Agency: Office of the Adequate Education Suruhanu      Division/Section:

Program Title: Local

<b>Activity Description:</b>			
Administration and supervision of the Office of the Adequate Education Suruhanu in investigating complaints made by residents of Guam and conducting inspections of GDOE schools concerning the Fourteen (14) Points of P.L. 28-45; The Every Child is Entitled to an Adequate Public Education Act.			
<b>Major Objective(s):</b>			
Provide outreach to the residents of Guam, and to further this purposes, have the cooperation of all individuals within the Guam Department of Education and other Government of Guam entities, including but not limited to the Department of Public Health and Social Services, the Guam Fire Department, the Guam Environmental Protection Agency, and the Department of Public Works.			
Receive complaints from Guam residents concerning any of the Fourteen (14) Points of P.L. 28-45.			
Act as a neutral third party when investigating complaints alleging violations of the Fourteen (14) Points of P.L. 28-45.			
Determine the validity of any complaint quickly and professionally.			
Examine and address valid complaints by conducting investigations.			
Provide GDOE with notice of valid complaints.			
Communicate results of investigations to complainant.			
Perform inspections of GDOE schools ensuring compliance with the Fourteen (14) Points of P.L. 28-45.			
Prepare and provide to GDOE school inspection reports detailing the violations and/or discrepancies of the Fourteen (14) Points of P.L. 28-45.			
Coordinate and conduct inspections of GDOE schools with various Government of Guam Regulatory Agencies to ensure compliance with the health, safety, and sanitary provisions of the Fourteen (14) Points of P.L. 28-45.			
Report the office's monthly activities to I Maga'lahaen Guahan, I Liheslaturan Guahan, the Superintendent of Education, and the Guam Education Policy Board.			
<b>Short-term Goals:</b>			
Secure permanent office space.			
Create and launch a website.			
Secure permanent office staff personnel.			
<b>Workload Output</b>			
Workload Indicator:	FY 2009 Accomplishment	Level of FY 2010 Level	Anticipated FY 2011 Projected Level
Provide outreach to the residents of Guam, and to further this purposes, have the cooperation of all individuals within the Guam Department of Education and other Government of Guam entities, including but not limited to the Department of Public Health and Social Services, The Guam Fire Department, the Guam Environmental Protection Agency, and the Department of Public Works.	100%	100%	100%
Receive complaints from residents of Guam concerning any of the Fourteen (14) Points of P.L. 28-45.	100% (101 Complaints)	100% (69 Complaints)	100%
Act as a neutral third party when investigating complaints alleging violations of the Fourteen (14) Points of Public Law 28-45.	100%	100%	100%
Determine the validity of any complaint quickly and professionally.	100%	100%	100%
Examine and address valid complaints by conducting investigations.	100% (101 total - 67 Accepted, 34 Not Accepted)	100% (69 Total - 48 Accepted, 21 Not Accepted)	100%
Provide GDOE with notice of valid complaints.	100%	100%	100%
* Communicate results of investigations to complainant.	100%	100%	100%
Conduct inspections of GDOE schools ensuring compliance with the Fourteen (14) Points of P.L. 28-45.	100% (90 Inspections)	100% (51 Inspections)	100%
Prepare and provide to GDOE, school inspection reports detailing the violations and/or discrepancies of the Fourteen (14) Points of P.L. 28-45.	100% (90 Inspections)	100% (51 Inspections)	100%
Coordinate and conduct inspections of GPSS schools with the assistance of various Government of Guam Regulatory Agencies to ensure compliance with the health, safety, and sanitary provisions of the Fourteen (14) Points of P.L. 28-45.	100% (90 Inspections)	100% (51 Inspections)	100%
Report the office's monthly activities to I Maga'lahaen Guahan, I Liheslaturan Guahan, the Superintendent of Education, and the Guam Education Policy Board.	100% (12 Reports)	100% (9 Reports)	100%

\*All complaints that provide contact information are provided results of any investigations.

OES - SCHOOL INSPECTION TOTALS

SCHOOL YEAR 2009 - 2010	TOTAL
ELEMENTARY SCHOOLS	39
MIDDLE SCHOOLS	11
HIGH SCHOOLS	4
<b>TOTAL</b>	<b>54</b>

SCHOOL YEAR 2008 - 2009	
ELEMENTARY SCHOOLS	59
MIDDLE SCHOOLS	18
HIGH SCHOOLS	13
<b>TOTAL</b>	<b>90</b>

**OES - SCHOOL INSPECTIONS  
ELEMENTARY SCHOOLS (27)**

<b>SCHOOL YEAR 2009 2010</b>	<b>Aug. 2009</b>	<b>Sept. 2009</b>	<b>Oct. 2009</b>	<b>Nov. 2009</b>	<b>Dec. 2009</b>	<b>Jan. 2010</b>	<b>Feb. 2010</b>	<b>Mar. 2010</b>	<b>Apr. 2010</b>	<b>May 2010</b>	<b>Jun. 2010</b>	<b>Jul. 2010</b>	<b>TOTAL INSPECTIONS</b>
ADACAO									1				1
AGANA HEIGHTS								2					2
ASTUMBO									1				1
C L TAITANO									1				1
CARBULLIDO							2						2
CHIEF BRODIE							2						2
D L PEREZ								2					2
F Q SANCHEZ													0
FINEGAYAN			1	1									2
H S TRUMAN								2					2
INARAJAN							2						2
J M GUERRERO								2					2
J Q SAN MIGUEL					1				1				2
L B JOHNSON													0
LIGUAN	1								1				2
M A ULLOA									1				1
M U LUJAN							1	2					3
MACHANANAO									1				1
MARCIAL SABLAN								2					2
MERIZO													0
ORDOT CHALAN PAGO	1					2							3
P C LUJAN						2							2
PRICE				1									1
TALOFOFO									1				1
TAMUNING													0
UPI						1							1
WETTENGEL								1					1
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>7</b>	<b>12</b>	<b>6</b>				<b>39</b>

**OES - SCHOOL INSPECTIONS  
ELEMENTARY SCHOOLS (27)**

<b>SCHOOL YEAR 2008 - 2009</b>	<b>Aug. 2008</b>	<b>Sept. 2008</b>	<b>Oct. 2008</b>	<b>Nov. 2008</b>	<b>Dec. 2008</b>	<b>Jan. 2009</b>	<b>Feb. 2009</b>	<b>Mar. 2009</b>	<b>Apr. 2009</b>	<b>May 2009</b>	<b>Jun. 2009</b>	<b>Jul. 2009</b>	<b>TOTAL INSPECTIONS</b>
ADACAO													0
AGANA HEIGHTS	1										1		2
ASTUMBO	2								1			1	4
C L TAITANO	1										1		2
CARBULLIDO												1	1
CHIEF BRODIE											1		1
D L PEREZ							1					1	2
F Q SANCHEZ					1								1
FINEGAYAN	2			1				1		1			5
H S TRUMAN			1							1			2
INARAJAN	1					2				1			4
J M GUERRERO	1										1		2
J Q SAN MIGUEL	1											1	2
L B JOHNSON												1	1
LIGUAN												1	1
M A ULLOA							1	1				1	3
M U LUJAN				1				1		1			3
MACHANANAO											1		1
MARCIAL SABLAN	1						1						2
MERIZO			1		1								2
ORDOT CHALAN PAGO	1								1			1	3
P C LUJAN					1							1	2
PRICE				1								1	2
TALOFOFO						2	1						3
TAMUNING												1	1
UPI	1					1					1		3
WETTENGEL	2								1		1		4
<b>TOTAL</b>	<b>14</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>11</b>	<b>59</b>

**OES - SCHOOL INSPECTIONS  
MIDDLE SCHOOLS (8)**

<b>SCHOOL YEAR 2009 - 2010</b>	<b>Aug. 2009</b>	<b>Sept. 2009</b>	<b>Oct. 2009</b>	<b>Nov. 2009</b>	<b>Dec. 2009</b>	<b>Jan. 2010</b>	<b>Feb. 2010</b>	<b>Mar. 2010</b>	<b>Apr. 2010</b>	<b>May 2010</b>	<b>Jun. 2010</b>	<b>Jul. 2010</b>	<b>Total Inspections</b>
AGUEDA JOHNSTON				1									1
ASTUMBO	1												1
FBLG							2						2
INARAJAN													0
JOSE RIOS									1				1
L P UNTALAN			1	1									2
OCEANVIEW			1	1	1								3
VICENTE BENAVENTE				1									1
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11</b>
<b>SCHOOL YEAR 2008 -2009</b>	<b>Aug. 2008</b>	<b>Sept. 2008</b>	<b>Oct. 2008</b>	<b>Nov. 2008</b>	<b>Dec. 2008</b>	<b>Jan. 2009</b>	<b>Feb. 2009</b>	<b>Mar. 2009</b>	<b>Apr. 2009</b>	<b>May 2009</b>	<b>Jun. 2009</b>	<b>Jul. 2009</b>	<b>Total Inspections</b>
AGUEDA JOHNSTON			1										1
ASTUMBO												1	1
FBLG	1							2					3
INARAJAN	1			1		1	1						4
JOSE RIOS	1		1				1						3
L P UNTALAN	1				1						1		3
OCEANVIEW			1				1						2
VICENTE BENAVENTE	1		1								1		3
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>0</b>		<b>2</b>	<b>1</b>	<b>20</b>

**OES - SCHOOL INSPECTIONS  
HIGH SCHOOLS (6)**

<b>SCHOOL YEAR 2009 - 2010</b>	<b>Aug. 2009</b>	<b>Sept. 2009</b>	<b>Oct. 2009</b>	<b>Nov. 2009</b>	<b>Dec. 2009</b>	<b>Jan. 2010</b>	<b>Feb. 2010</b>	<b>Mar. 2010</b>	<b>Apr. 2010</b>	<b>May 2010</b>	<b>Jun. 2010</b>	<b>Jul. 2010</b>	<b>Total Inspections</b>
GEORGE WASHINGTON				1									1
JOHN F. KENNEDY													0
OKKODO													0
SIMON SANCHEZ								2					2
SOUTHERN									1				1
J P TORRES ALTERNATIVE													
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>				<b>4</b>
<b>SCHOOL YEAR 2008 - 2009</b>	<b>Aug. 2008</b>	<b>Sept. 2008</b>	<b>Oct. 2008</b>	<b>Nov. 2008</b>	<b>Dec. 2008</b>	<b>Jan. 2009</b>	<b>Feb. 2009</b>	<b>Mar. 2009</b>	<b>Apr. 2009</b>	<b>May 2009</b>	<b>Jun. 2009</b>	<b>Jul. 2009</b>	<b>Total Inspections</b>
GEORGE WASHINGTON	1		2	1	1								5
JOHN F. KENNEDY													0
OKKODO											1		1
SIMON SANCHEZ	1								1				2
SOUTHERN							1	1		1			3
J P TORRES ALTERNATIVE				1	1								2
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>13</b>

**OES COMPLAINTS**  
**August 2008 – April 2010**

<b>SY 2009 - 2010</b>	<b>Total Complaints</b>
August 2009	9
September 2009	11
October 2009	9
November 2009	12
December 2009	8
January 2010	1
February 2010	7
March 2010	6
April 2010	6
May 2010	
June 2010	
July 2010	
<b>Total 2009 - 2010</b>	<b>69</b>
<b>SY 2008 - 2009</b>	
August 2008	4
September 2008	16
October 2008	16
November 2008	9
December 2008	8
January 2009	13
February 2009	10
March 2009	9
April 2009	9
May 2009	7
June 2009	0
July 2009	0
<b>Total 2008 – 2009</b>	<b>101</b>

## **THE 14 POINTS**

- 1. A CERTIFIED TEACHER FOR EVERY CLASS IN A RATIO ESTABLISHED BY RELEVANT COLLECTIVE BARGAINING AGREEMENTS;**
- 2. CERTIFIED PROFESSIONAL ADMINISTRATORS;**
- 3. CERTIFIED GUIDANCE COUNSELORS;**
- 4. CERTIFIED SCHOOL HEALTH COUNSELORS;**
- 5. CERTIFIED ALLIED HEALTH PROFESSIONALS;**
- 6. AIR CONDITIONED OR PROPERLY VENTILATED CLASSROOMS IN WHICH THE SENSIBLE AIR TEMPERATURE IS NO GREATER THAN 78°F;**
- 7. POTABLE WATER SUFFICIENT TO PROVIDE EACH STUDENT A DAILY RATION OF DRINKING AND WASHING WATER;**
- 8. A RELIABLE SUPPLY OF ELECTRICITY;**
- 9. PROPER SANITATION TO INCLUDE FLUSHABLE TOILETS, CLEAN RESTROOMS, DINING AREAS AND CLASSROOMS;**
- 10. ADOPTED AND REQUIRED TEXTBOOKS AND WORKBOOKS ISSUED TO EACH PUBLIC SCHOOL STUDENT FOR THE CLASSES IN WHICH HE OR SHE IS ENROLLED;**
- 11. LIBRARIES, WHICH MEET THE STANDARDS OF THE AMERICAN ASSOCIATION OF SCHOOL LIBRARIANS, AT EACH SCHOOL, OPERATED BY CERTIFIED LIBRARIANS;**
- 12. A HEALTHFUL, SAFE, SANITARY LEARNING ENVIRONMENT;**
- 13. AT LEAST ONE HUNDRED EIGHTY (180) INSTRUCTIONAL DAYS EACH SCHOOL YEAR WITH SCHOOL YEARS ENDING NO LATER THAN THIRTY (30) DAYS FOLLOWING THE END OF THE CALENDARED SCHOOL YEAR; AND**
- 14. REGULAR, TIMELY SCHOOL BUS TRANSPORTATION TO AND FROM THE SCHOOL FOR HIS ATTENDANCE AREA AS ESTABLISHED BY 17 GCA §6102 FOR EVERY CHILD IN ACCORDANCE WITH POLICIES ADOPTED BY THE EDUCATION POLICY BOARD.**
- 15. ISSUES NOT MEETING CRITERIA UNDER THE 14 POINTS.**

**OES - COMPLAINTS  
SCHOOL YEAR 2009 - 2010**

<b>14 Points</b>	<b>A Certified Teacher</b>	<b>B Certified Prof. Adm.</b>	<b>C Certified Guidance Counselor</b>	<b>D Certified Health Counselor</b>	<b>E Certified Health Professional</b>	<b>F Air Con Ventilated Classrooms</b>	<b>G Potable Drinking &amp; Washing Water</b>	<b>H Reliable Electricity</b>	<b>I Proper Sanitation</b>	<b>J Adopt/Require Textbooks</b>	<b>K Libraries</b>	<b>L Healthful, Safe, Sanitary</b>	<b>M Instructional Days (180)</b>	<b>N Bus Transportation</b>	<b>O No Criteria to 14 pts.</b>	<b>Total Complaints</b>
August 2009	1											5		1	2	9
September 2009	4											4		1	2	11
October 2009	1				1	1						3			3	9
November 2009	1				1	1						4			5	12
December 2009					1	1						5			1	8
January 2010					1											1
February 2010	2					2						2			1	7
March 2010						1									5	6
April 2010		1				2						1			2	6
May 2010																0
June 2010																0
July 2010																0
<b>Total</b>	<b>9</b>	<b>1</b>			<b>4</b>	<b>8</b>						<b>24</b>		<b>2</b>	<b>21</b>	<b>69</b>

**OES - COMPLAINTS  
SCHOOL YEAR 2008 - 2009**

<b>14 Points</b>	<b>A Certified Teacher</b>	<b>B Certified Prof. Adm.</b>	<b>C Certified Guidance Counselor</b>	<b>D Certified Health Counselor</b>	<b>E Certified Health Professional</b>	<b>F Air Con Ventilated Classrooms</b>	<b>G Potable Drinking &amp; Washing Water</b>	<b>H Reliable Electricity</b>	<b>I Proper Sanitation</b>	<b>J Adopt/Require Textbooks</b>	<b>K Libraries</b>	<b>L Healthful, Safe, Sanitary</b>	<b>M Instructional Days (180)</b>	<b>N Bus Transportation</b>	<b>O No Criteria to 14 pts.</b>	<b>Total Complaints</b>
August 2008												1			3	4
September 2008	1					7						4			4	16
October 2008						4						3			9	16
November 2008	4					2						2		1		9
December 2008	3					2						2			1	8
January 2009						9	1					1			2	13
February 2009						2						4			4	10
March 2009	1					4									4	9
April 2009	2					3						2			2	9
May 2009												2			5	7
June 2009																0
July 2009																0
<b>Total</b>	<b>11</b>					<b>33</b>	<b>1</b>					<b>21</b>		<b>1</b>	<b>34</b>	<b>101</b>