



# OFFICE OF THE EDUCATION SURUHANU (Ombudsman)

## A Report to the Citizens of Guam

For Fiscal Year 2009

Issued October 2010

### Table of Contents

2009 Progress.....	2
OES Finances.....	3
What's Next.....	4

### Mission Statement

The Office of the Education Suruhanu (Ombudsman) serves as a neutral resource in helping to reasonably resolve concerns and /or complaints from residents of Guam by investigating complaints and inspecting public schools to ensure compliance with the Fourteen (14) Points of P.L. 28-45; the Every Child is Entitled to an Adequate Public Education Act.

### Goals and Objectives

- To serve as designated neutral resource in resolving complaints from Guam residents.
- To investigate complaints and inspect schools to ensure GDOE's compliance with the Fourteen (14) Points.
- To communicate to the complainant the conclusion, recommendation, and/or action taken as a result of the investigation findings.
- To perform school inspections individually and with the assistance of various Government of Guam regulatory agencies to ensure that public schools are in compliance with the law.
- To provide GDOE with information and recommendations pertaining to investigations and or inspections.
- To increase the effectiveness and efficiency of the operations of GDOE in their efforts to comply with the Fourteen (14) Points and to use government resources effectively and efficiently.
- To maintain a level of leadership, integrity, and competence in any investigation or inspection performed by the OES.



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### About the Office of the Education Suruhanu (Ombudsman)

The Office of the Adequate Education Suruhanu (the OES) is established by Public Law 29-41 which was signed into law by the Governor in October 2007, and codified in Title 17 G.C.A. Chapter 11. The OES is an independent entity of the government of Guam, operationally independent from the Governor's Office, the Guam Legislature, Guam Department of Education (GDOE), and the Guam Education Policy Board (GEPB).

The OES has the power to obtain necessary information for an investigation on a complaint. At the conclusion of the investigation, the Education Suruhanu may make findings and recommendations for corrective action, as appropriate. However, the Education Suruhanu has no real power to enforce these recommendations or to compel GDOE or other Government of Guam entity to take any corrective action, and instead, must rely on reasoned persuasion. Therefore, the findings, conclusions, and recommendations made must be fair, reasonable, and firmly grounded in fact, administratively sound, and in accordance with law. The Education Suruhanu provides reports on the activities of the office to the Governor of Guam, the Guam Legislature, the Superintendent of Education, and the Guam Education Policy Board. The monthly report includes all complaints filed, the issue of each complaint, the status of each complaint, the conclusion or recommendation, and the action taken or to be taken to rectify the problem.

Our office also has the power to enter and inspect without notice the premises of any GDOE school, office, or facility to ensure compliance with the Fourteen Points. However, the OES has no real power to compel GDOE to take corrective action for any discrepancies identified. In addition, the OES is not responsible for addressing, repairing or maintaining GDOE facilities. The Education Suruhanu provides inspection reports detailing the discrepancies identified to the Superintendent of Education, the Speaker of the Guam Legislature, the school administrator, and various other individuals.

# Office of the Education Suruhanu (Ombudsman)

## FY 2009 Citizen Centric Report

### How we progressed in 2009.

#### School Inspections

Schools	School Year 2008 –2009
Elementary School (27)	59
Middle Schools (8)	18
High Schools (6)	13
<b>Total Inspections:</b>	<b>90</b>

#### Complaints

14 Point at issue	School Year 2008 - 2009
A. A certified teacher for every class in a ratio established by relevant collective bargaining agreements.	11
F. Air- conditioned or properly ventilated classrooms in which the sensible air temperature is no greater than 78° F.	33
G. Potable water sufficient to provide each student a daily ration of drinking water.	1
L. A healthful, safe, sanitary learning environment.	21
N. Regular, timely school bus transportation to and from the school for his attendance area as established by 17 G.C.A. 6102 for every child in accordance with policies adopted by the Education Policy Board.	1
Issues that did not meet the criteria under the Fourteen (14) Points.	34
<b>Total Complaints:</b>	<b>101</b>



The Fourteen (14) Points of  
Public Law 28-45  
“The Every Child is Entitled to an Adequate  
Public Education Act”

- A. A certified teacher for every class in a ratio established by relevant collective bargaining agreements;
- B. Certified professional administrators;
- C. Certified guidance counselors;
- D. Certified school health counselors;
- E. Certified allied health professional;
- F. Air-conditioned or properly ventilated class rooms in which the sensible air temperature is no greater than 78° F.;
- G. Potable water sufficient to provide each student a daily ration of drinking water;
- H. A reliable supply of electricity;
- I. Proper sanitation to include flushable toilets, clean rest-rooms, dining areas and classrooms;
- J. Adopted and required textbooks and workbooks issued to each public school student for the classes in which he or she is enrolled;
- K. Libraries, which meet the standards of the American Association of the School Librarians, at each school, operated by certified librarians;
- L. A healthful, safe, sanitary learning environment;
- M. 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
- N. Regular, timely school bus transportation to and from the school for his attendance area as established by 17 G.C.A. 6102 for every child in accordance with policies adopted by the Education Policy Board.

# Office of the Education Suruhanu (Ombudsman) FY 2009 Citizen Centric Report

## Office Budget.

The office has managed to both operate and stay within the fiscal year budget. The office has provided its financial information as required under the law which is available to the public for review at our web page is located at [www.guamlegislature.com](http://www.guamlegislature.com).

Appropriations	FY 2008	FY 2009
Salaries and Benefits	\$43,078.00	\$102,138.00
Travel/Local Mileage Reimbursements	\$0.00	\$2,500.00
Contractual Services	\$503.00	\$46,880.00
Supplies and Materials	\$3,271.00	\$5,400.00
Equipment	\$14,112.00	\$6,123.00
Capitol Outlay	\$14,593.00	\$0.00
<b>Total:</b>	<b>\$75,557.00</b>	<b>\$163,041.00</b>

## **Independent Audit:**

An independent audit was performed by Deloitte & Touche, in which the OES was included in such audit under then the, Guam Public School System (GPSS), due to funding being appropriated to GPSS under Public Law 29-113.



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## Challenges

Occupying an office space within the Hagatna are making our office more accessible to parents, students, and other Guam residents. The OES began operating in temporary quarters sharing office space with various other GDOE divisions at the Manuel F.L. Guerrero Building in Hagatna in May 2008. In July 2008 the OES relocated to the Ricardo J. Bordallo Governor's Complex in Adelup. The OES has attempted on several occasions to obtain permanent office space through the General Services Agency procurement process as required by law, but have not yet been able to secure a permanent office space. Efforts to locate a permanent office space are ongoing.

Additional staff may be necessary. Currently, the Education Suruhanu is the only individual carrying out the duties of the office on matters pertaining to inspections and investigations. The OES anticipates that Guam's public schools will see a population increase in the near future as thousands of U.S. Armed Forces members, their families, and civilian and immigrant workers will soon be making Guam their home. In short, the military build-up and the steady influx of persons associated with the build-up will significantly increase Guam's public school student population within the near future.

Coordinating inspections and/or investigations with other Government of Guam agencies. The OES also coordinates school inspections with various government of Guam regulatory authority agencies (The Department of Public Health and Social Services, The Guam Fire Department, and the Guam Environmental Protection Agency), which are already tasked with performing the mandates of their respective offices. As such, efforts to inspect schools with the assistance of the various regulatory agencies to ensure that each school is in compliance with the health, safety, and sanitary provisions under the Fourteen Points must be continued as necessary with minimal interruption.



## OES Moving forward

- The OES remains committed in providing outreach to residents of Guam, and to further this purpose, have the cooperation of all individuals within the Guam Department of Education and other government of Guam entities, including but not limited to the Guam Department of Public Health and Social Services, the Guam Fire Department, and the Guam Environmental Protection Agency.
- The OES intends to increase the frequency of public school inspections to ensure compliance with the Fourteen Points.
- The OES intends to request that private schools be included in the school inspections focusing on health, safety, and sanitary issues of such schools.
- The OES will also seek to assist and review the amendment or enactment of legislation or promulgation of rules and/or regulations to address various issues, which include but are not limited to the various provisions under the Fourteen Points.
- The OES plans to continue with improving its internet webpage to provide Guam residents with more information and insight about our role in the community, our accomplishments, and to increase our communication with Guam residents.

Do you like this report? Do you believe it should include different or additional information? Please contact the Education Suruhanu at 475-9130 or [educationsuruhanu@guam.gov](mailto:educationsuruhanu@guam.gov). Complete financial reports or additional information regarding the department can be found at [www.guamlegislature.com](http://www.guamlegislature.com).