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**Defendants: Mervin Daugherty, Superintendent**

**Chesterfield County Public Schools**

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**Thomas Taylor, Deputy-Superintendent**

**Chesterfield County Public Schools**

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**Petition to the Circuit Court of Chesterfield  
County, Virginia, for the Granting of a  
Temporary Injunction in Response to a  
Material Breach of Contract**

I, Samuel S. Peters--parent of a current Chesterfield County Public Schools (CCPS) student, resident of Chesterfield County, and employee of CCPS--am hereby seeking, on behalf of the plaintiff in this case (the parents of CCPS students) for the Courts to grant a temporary injunction against Superintendent Mervin Daugherty and Deputy-Superintendent Thomas Taylor (lead administrators at Central Office [the administrative arm of CCPS]) requiring them to cease their ongoing commission of a material breach of contract in the form of actively denying compulsory<sup>1</sup> public education. The defendants' actions have, over the past year, resulted in devastating long-term damage to the educational capabilities of CCPS students (the plaintiff's children).

Because an injunction is an extraordinary remedy, imposing this upon the defendants will allow the Courts to alter the status quo which has already caused, and which continues to cause, irreparable harm to the plaintiff. Furthermore, an injunction is sought because the present circumstances pass the four-step test needed to qualify for such: 1) the plaintiff has already suffered irreparable injury (the loss of what now amounts to nearly a year of their children's compulsory schooling), 2) remedies such as monetary damages are inadequate to compensate for the injury (since it is only structural changes to current CCPS policies that can begin to remedy this damage), 3) the remedy in equity is warranted upon consideration of the balance of hardship between the plaintiff and the defendant (since the plaintiff has already paid for [and is constitutionally entitled to] what he is not now receiving), and 4) the injunction sought would not hurt the public interest (but would instead have the completely opposite effect).

As to the issue of balancing the damages to the plaintiff and the defendant and the public interest, there is no material damage to the defendants that is being sought, the plaintiffs are currently being denied what they are legally due, and the public interest is preeminently served by restoring credible public education (which is necessarily compulsory education).

Finally, the courts will take into consideration the fact that the defendants have been engaged in a pattern of deception throughout the past year in the various explanations they have provided for why compulsory education was not delivered. This easily established fact (details to follow) will make the court more in favor of an injunction than they would be otherwise.

The breach has been material, because the education CCPS has provided over the past year has only been either completely voluntary (as was the case last spring), or (as is the case during the current academic year) almost completely voluntary (since students have, for much of this year, not even been required to actually attend their classes [Meets]). Also, the breach is material because it has caused substantial harm to the aggrieved party in the form of making CCPS students now significantly less qualified to succeed with educationally-related endeavors they pursue later on in their lives. Finally, the breach substantially deprived the aggrieved party of a significant benefit (compulsory public education) which it reasonably expected under the contract.

**The following is a description of the series of misrepresentations that Central Office provided over the past year in its effort to justify why CCPS was not providing compulsory education:**

In March 2020 (after the start of the Shutdown, when all learning had shifted to being virtual) Central Office issued the directive<sup>2</sup> that teachers could not assign graded homework. The reason provided by Central Office was that requiring homework would have been “unfair” to “disadvantaged” students who might disproportionately have less internet access. The reality of the situation, however, is that Central Office did not even begin to investigate how many students had internet access problems until May (two months after the beginning of the Shutdown). Whereas in remote places like Alaska, the Alaska Private and Home Education Association worked with internet providers to insure that all students had access within a week of the beginning of the Shutdown,<sup>3</sup> no such effort was made in far more accessible Chesterfield. --The inevitable consequence of students not having been required to do homework is that virtually no CCPS students did any schoolwork at all last spring.

At the beginning of the current academic year (in September) Central Office informed teachers that teachers could not require that students have their cameras on during Google Meets (which would have helped to insure student accountability). This was so, teachers were told, because requiring that student cameras be on would be “unfair” to “disadvantaged students” (who might be subject to undue embarrassment from having to publicly reveal their living environment). This was stated as though there was a national consensus that requiring this of “disadvantaged” students was “unfair.” However, as the October 2020 issue of Education Week<sup>4</sup> stipulates, not only was it the case that 75% of the roughly 250 American public school systems they surveyed required that student cameras be turned on, it was moreover the case that an even greater percentage of districts where “disadvantaged students” were the majority did so. Furthermore, simple common-sense measures that could have addressed any supposed issues of possible embarrassment (such as issuing all students with cardboard tri-folds to place behind them during Meets) were not even considered.<sup>5</sup> --As a consequence of there being no teacher oversight during Meets, students became completely disengaged from their schooling, and student failure rates reached unprecedented levels.<sup>6</sup>

Also at the beginning of this academic year (August 2020) Central Office announced a new attendance policy (altered because of the Pandemic). In that policy (which is essentially still in place) students are granted credit for attending school without their ever actually having to attend any of their Meets.<sup>7</sup> All they are required to do to receive

credit for attending school on any particular day is to log on to the County attendance website and mark themselves “present” (an activity that requires less than a minute total in order to receive credit for having attended a full day of classes). This complete elimination of the requirement for students to actually attend classes (Meets) was said to be needed so as to accommodate the increased levels of stress in students’ lives created by the Pandemic. This accommodation, furthermore, was said to be particularly necessary for “disadvantaged” students. --Predictably, many students chose to not attend their Meets at all (and to do no more for school than to simply mark themselves “present” on the attendance website). Furthermore, a great many of those who did technically attend their Meets did so in name only (since the no-camera policy prevented teachers from providing any classroom oversight).<sup>8</sup> Moreover, as can be easily seen by referring to the policies of many other school districts (such as the neighboring district of Hanover County--where actual in-person attendance for all of the period remained the requirement for all of this year) these draconian reductions in the attendance requirement were not the unavoidable consequence of the Pandemic that Central Office made them out to be.

Almost as draconian as the change made in the attendance policy was a change that was concurrently made in the amount of “direct instruction” time teachers were allowed to provide to students.<sup>9</sup> Direct instruction time (which CCPS calls “synchronous instruction” time) was now mandated to be only one third of any given class period. The rationale provided for making this change was that it would not be psychologically healthy for students if they were expected to have to listen to more than thirty minutes of computer-based direct instruction each period. (The remaining two-thirds of each class period was to be given over to unsupervised [and thus, essentially voluntary] “asynchronous” time—time where students could begin assigned homework, or look at other computer-generated resources recommended by their teacher.) --The justification provided for this change was completely implausible: the fact that most young people now spend most of their recreational time on electronics makes it no longer likely that reducing the amount of school-required electronics time will reduce the total amount of time students spend on electronics in general. Moreover, since during most of the asynchronous time students were supposed to be engaged in other computer-generated activities, the supposed psychological harm that would have been created by being on the computer the whole period watching their teacher was not going to be lessened.

This draconian reduction of direct instruction time not only (effectively) eliminated two thirds of each class’s curriculum, it furthermore devastated student morale by instilling within students the sense that they now had actually been given licence to fritter away two thirds of each class period playing video games. (It truly restored the original meaning of the phrase “leaving them to their own devices.”)

In all these examples, the rationales provided by Central Office for why CCPS education would (essentially) no longer be compulsory were implausible. However, none of those yet described so clearly establishes Central Office’s continuing propensity to reduce student expectations at every opportunity (and without plausible justification) than is

demonstrated by the County's Wednesday policy. At the beginning of this academic year, Wednesday was treated as being no different than any other virtual school day. Then, in mid-October (when the first effort at Hybrid was attempted) Central Office let it be known that there would no longer be "synchronous" classes on Wednesdays. Since some students were now going to be present in the buildings (the first half of the alphabet on Mondays and Tuesdays, the second half on Thursdays and Fridays) Wednesdays now needed to be set aside as "deep cleaning" days to virus-proof the buildings. What was never plausibly explained was why Wednesday could not now still be the (virtual) "synchronous" school day it had been for the prior month and a half. Why should that day now be dropped from the standard five days of direct instruction? Then, after about two weeks, the first Hybrid experiment was terminated (due to rising infection rates). At that point, Central Office then let it be known that even though the rest of the week would return to its pre-Hybrid status (regular "synchronous" instruction days), Wednesdays would now remain "asynchronous" days. There was never even an attempt to provide any system-wide explanation for why this summary elimination of one fifth of the remaining amount of instruction time was to occur. (Since two thirds of direct instruction time had already been eliminated, this now reduced what was left to being one fifth less than that [down to 27% from 33%, of the previous year's direct instruction time]). This was to happen even though the entire school system was returning to exactly the same situation as had existed for the first month and a half of this (academic) year, when Wednesdays were treated just like any other school day.<sup>10</sup>

What is demonstrated by all these examples, but is epitomized by the evolution of the Wednesday policy, is that there never was any legitimate justification provided by Central Office for any of this year's continual reductions of student expectations (and near-elimination of "compulsory" education). It is now clear that rather than the Pandemic being the actual reason that necessitated the draconian cuts CCPS made this year, the Pandemic was instead used as a pretext for making cuts that senior administrators at CCPS were already predisposed to make, but which they couldn't otherwise justify to the public. It is now clear that all of this past year Central Office has made a deliberate effort to reduce the quantity and quality of CCPS education<sup>11</sup> (often doing so using the claim of having particular concern for the welfare of "disadvantaged students" [a rationale which was never logically justifiable, since "disadvantaged" students are the ones who are, in fact, most in need of schooling]).

As a result of Central Office's (implausibly explained) systematic degradation of all student academic expectations over the past year, CCPS students are now the least educated and the least prepared to handle workplace responsibilities that they have ever been. Furthermore, it is the so-called "disadvantaged" students--in whose name so many of these illogical (and irresponsible) decisions were made, who are now disproportionately the least prepared (since that group now [disproportionately] has the greatest failure rate).

The general Chesterfield public can't imagine that their school system would actually be deliberately undermining its own students' academic capabilities. It supposes that the

continuing series of academic degradations must all, somehow, be unavoidable consequences of the Pandemic. But as has been clearly established here, that is not at all the case. Furthermore, when realistic remedies have been formally proposed that might mitigate the current academic catastrophe, CCPS administrators have dismissed them out of hand.<sup>12</sup>

I have presented to the School Board (and, through the School Board, Central Office) indisputable on-the-ground information that establishes that CCPS students are now completely disengaged from their online schooling--to the point where it is now legitimate to characterize the situation as one of rampant truancy ([link to recent emails to Chair Harter where I describe rampant truancy during CCPS Meets](#) [Appendix #2]). My representations have been met with apparent indifference and even (from the Superintendent) an outright denial ([link to Superintendent's response](#) [Appendix #3]). The Superintendent's denial even contained a slander against my own classroom management skills, when the fact of the matter is that the attendance catastrophe I am describing exists across the entire CCPS system.

For my efforts, I was furthermore served with a letter of reprimand (from my principal)<sup>13</sup> (Appendix #8) based on the claim that I had sent out (to the School Board) "false" attendance information, since the information I used was based on data gathered from an attendance-mechanism that is not currently endorsed by the County (the Google Meet Attendance App). But shortly after I received that reprimand I conducted an experiment<sup>14</sup> (Appendix #5) where I indisputably established the veracity of the attendance mechanism I had been using, and where I furthermore established that CCPS administrators and teachers who do not use that additional attendance-information mechanism are completely blind to the fact that many students are routinely leaving their Meets after only a few minutes.

The Superintendent's denial that the current attendance catastrophe is occurring, as well the letters of reprimand I received in response for my bringing public attention to the fact that it is occurring, are the product of a school system that is now completely dysfunctional. When the top administrators in charge of a large public-service organization are engaged in a protracted campaign of deliberate, systematic misrepresentation, and when they are furthermore engaged in a coordinated campaign to punish and slander a whistleblower, it is time that the Courts intervene.

## Footnotes

1 The Virginia State Constitution mandates that all public-school students be provided with “compulsory” education ([Constitution of Virginia, Article VIII, Section 3](#)).

2 Various CCPS emails that document these controversial decisions have been deleted from the CCPS Google-mail (“All Mail”) archive. (I undertook various electronic “searches” in All Mail in the presence of my building Instructional Designer [Mr. Futrell] and he verified that I was performing the searches for these key words and phrases correctly. He confirms that the emails that contained these key words and phrases seem to have been deleted from the system. He also confirmed that he is not aware of any time in the past when the County has done this.) I have initiated a [FOIA request](#) (Appendix item #1) to restore access to these deleted emails, and will provide copies of them to this Court when my access to them is restored. These deleted emails will incontrovertibly establish the fact that CCPS provided, at each of the various junctures, the rationale that I describe in my narrative. The fact that these emails were deleted is yet further proof of the pattern of deception that CCPS has been engaged in as relates to its justification for not providing “compulsory” education this year.

The missing emails that I seek are the following:

- the March/April 2020 directive that teachers not be permitted to require homework so as not to be “unfair” to “disadvantaged” students
- the April/May directive to building principals asking them to determine which of their students were currently experiencing difficulty accessing the internet
- the August/September 2020 directive that teachers not be permitted to require that students have their cameras on (since, again, that might be “unfair” to “disadvantaged” students)
- the October/November 2020 directive that during (the first) implementation of Hybrid Learning, Wednesdays would be dedicated to “deep cleaning,” and that as a consequence classes on those days would only be asynchronous
- the (later) October/November directive that after returning to all-virtual (following the first attempt at Hybrid) Wednesdays would remain asynchronous

3 <https://www.wsj.com/articles/one-of-americas-remotest-states-makes-remote-learning-work-11589576728>

4 <https://www.edweek.org/teaching-learning/most-educators-require-kids-to-turn-cameras-on-in-virtual-class-despite-equity-concerns/2020/10>

5 Here is a link to the permission form I requested that teachers be able to use to get parental permission to require that cameras be on ([link to permission form](#) [Appendix #4]). I was told verbally by my principal (later that week) that Central Office would not let me use the permission form because of its possible adverse effect on “disadvantaged students.” It would have been more logical to claim that not requiring student cameras to be turned on would be most harmful to “disadvantaged” students because those students had the least structural support at home to ensure that they would actually pay attention during Meets.

6 This policy was technically amended at the beginning of the second semester (January 2021), but, because students had been allowed to not have their cameras on during the first semester, practically no students now comply with the new mandate that they now have them on.

7 This year’s CCPS attendance policy is expressed in “Project Restart” (dated 8/11/20 [[link to Project Restart](#)]). In that document is a series of contradictory descriptions. At first (p. 23) it states that “when in a virtual learning environment . . . students will attend classes on time,” or (if they can’t do that) “students will identify time during the afternoon/evening to review posted Canvas lessons and recordings.” It also states that “students will participate in lessons and complete work for grades.”

However, then Project Restart enunciates School Board Policy 4020 (itself revised in June of 2020--three months after the start of the Shutdown), which explicitly describes a far higher threshold for determining attendance: “A student is expected to arrive on time and attend class for the full instructional period daily ([link to Policy 4020](#)). Policy 4020 also states that “every teacher shall keep an accurate daily and clear record of attendance.”

But then Project Restart changes back to its first, lower-threshold, version. It states that CCPS will follow the “suggestions” provided in a July 24 (2020) Virginia Department of Education Superintendent’s Memo (#188-20 [[link to Memo](#)]). That memo describes various “time-based” and/or “task-or product-based” mechanisms for determining attendance. But even the Memo emphasized that attendance “is tied to compulsory attendance.”

Those are the official pronouncements that serve as the backdrop to current attendance practices in CCPS. The attendance requirements currently being used bear little relation to any of those. Not only is the Policy 4020 expectation that students attend each Meet in its entirety completely ignored, what is further ignored

is the stipulation that teachers be required to keep an “accurate” record of daily attendance, since the current exclusive reliance on the attendance information provided by Google Meet does not permit teachers to know whether students actually remained on their Meet for any more than just a moment. Furthermore, for those students who choose not to attend any (or all) of their Meets, the “task” or “product” that is currently used to determine attendance (supposedly following the VDOE suggestion) is itself not actually an academic task or product. Instead of being a task that requires students to apply any academic skill (as that memo clearly implies that it should be), it is rather simply a mechanical task--to momentarily log onto the school attendance-recording site (known as the “Daily Task Completion” site) and register that they are present. So not only is the current attendance procedure out of compliance with the state-constitution mandate that attendance be “compulsory” as well as the Policy 4020 stipulation that students must actually attend the entirety of each of their classes, it is also out of compliance with the intended alternative “task”-based versions suggested by Memo #188-20.

8 At the beginning of the second semester this most-minimal of attendance requirements was only barely amended so that students were now required to at least spend one moment of time logged on to each of their actual Meets. However, having been allowed to get away with doing the absolute minimum for the first semester, many students continue to not even bother attending their actual Meets even for a moment. (Here is a link to the study I conducted on this matter: [Attendance Experiment](#) [Appendix #5]). (I have indisputable data to corroborate all of these facts in my own classes, as well as the corroboration from many teachers that the same thing has been occurring in their classes. All such data is available upon request.)

9 The current CCPS policy that reduces direct instruction (“synchronous”) time to being only a third of the period is also enunciated in “Project Restart” (starting on p. 39).

10 It was only after I drew significant attention to the irrationality of this abandonment of still another fifth of the remaining instruction time (see video of my speech at the School Board meeting about this <https://chesterfieldschoolsva.swagit.com/play/12092020-1187> --play from 7:57 to 10:24) that CCPS relented and returned Wednesdays to the original status they had at the beginning of this academic year. (See Appendix #6 for a transcript of the speech.)

11 For readers unaccustomed to School of Education publications (like those written by various University of Michigan School of Education professors [some of whom recently awarded Deputy-Superintendent Thomas Taylor with its UCEA award for his distinguished administrative performance over the past year]), there is a recurrent theme that all disparities in student academic performance are

fundamentally due to structural inequities in society, and it is often implied that only radical, structural (and, actually, Marxist) changes within society can rectify this enduring problem (hence the encouragement to dissolve the existing academic structure of school systems).

12 One such remedy was my proposal to allow teachers to require that students respond to periodic “chat” questions during Meets (and to allow their failure to answer such questions to serve as a basis for denying students credit for attending that Meet [[link to my email suggesting the use of this remedy](#) {Appendix #7}]). (This is a strategy used currently in industry to ensure that employees are paying attention during online meetings.) This suggestion (made in emails to School Board Chairs Bailey and [now] Harter, and then passed on to Central Office) wasn’t even dignified with a response. This even though implementing such a suggestion (as is clear to anyone using common sense) would single-handedly correct the current problem of widespread student inattentiveness during Meets.

13 This letter of reprimand ([link to Letter of Reprimand](#) [Appendix #8]), based on false charges (established to be false in the discussion at the end of my “Report on Attendance-Recording Experiment”), follows a previous “Counseling Memorandum” ([link to Counseling Memorandum](#) [Appendix #9]), which was itself based on false representations of a January 24th email sent to Chair Bailey ([link to January 24 email](#) [Appendix #10]). (The catalyst for the January 24 email was a previous email to Chair Bailey on January 22nd [[link to January 22nd email](#) {Appendix #11}]). An open-minded perusal of the January 22nd and 24th emails to Chair Bailey will establish incontrovertibly that the malicious intent supposed by Mr. Phillips was completely his own fabrication.

14 [Link to data and write-up of Attendance Experiment I conducted with one of my classes on March 12th](#) (Appendix #5). It should be noted, as well, that it was actually a CCPS administrator (Ms. Guthe) who first suggested to me that I try using the Google Meet Attendance App, since without that additional resource, taking attendance when in a large Meet is exceedingly time-consuming. (She did, at the time, also stress that the Google Meet Attendance App was not officially sanctioned by the County.)

# Appendix: Printed Copies of Linked Materials

## 1) FOIA Request:

Mr. Wendell Roberts

April 30, 2020

School Board Attorney

Mr. Roberts,

**I would like to initiate a FOIA request to regain access to certain CCPS emails that were previously in “All Mail” in the CCPS Google Mail system, but which have since been removed.** (I not only was unable to locate any of these by going through all my own individual All-Mail emails from the period in question [and also in the All Mail of another teacher who has never deleted any emails], I also conducted searches using key words and phrases which pertain to these emails and was again unable to find any. I performed these searches under the supervision of my building Instructional Designer, who will attest that I performed my searches correctly, and who will also attest that he has never known similar batches of emails to disappear from the All-Mail system.)

**My FOIA request pertains to the communication of five directives. All of these were sent either by Central Office, or by my building principal at Clover Hill High School (John Phillips), or by both.**

First are emails sent during the months of March and/or April 2020 which specify that CCPS teachers were not to grade any online homework. The search words which will bring those up are likely to be one or more of the following: “unfair,” “disadvantaged students,” “homework” and “not to be graded.”

The second batch of emails I seek are those sent during the months of April and/or May 2020 which ask building principals to find out which of their students are experiencing internet-access difficulties. The search words for those would likely be “internet access.”

The third batch of emails I seek are those sent during the months of August and/or September 2020 where teachers are told they cannot require that students have their Chromebook cameras turned on during Meets. The search words here would likely be one or more of “student cameras,” “disadvantaged students,” and “unfair.”

The fourth batch of emails I seek are those sent during the months of October and/or November 2020 where CCPS staff and students are notified that, with the start of Hybrid learning,

Wednesday classes will now only be asynchronous. The search words here would likely be one or more of “Hybrid Schedule,” “deep cleaning,” “virus-proof,” and “asynchronous.”

The final batch of emails I seek are those sent (again) during the months of October and/or November 2020 which notify CCPS staff and students that, after the return to all-virtual classes (approximately two weeks after the start of the first Hybrid classes), Wednesday classes will now remain asynchronous. The search words for these would likely be one or more of “Wednesdays” and “asynchronous.”

Thank you.

Sam Peters

Physics Teacher at Clover Hill High School

Parent of a Current Junior at Clover Hill High School

Resident of Chesterfield County

## 2) Recent emails to Chair Harter where I describe rampant truancy during CCPS meets:

### attendance still hemorrhaging

Mon, Feb  
22, 7:14  
AM

to Ryan

Mr. Harter,

Here's the current state of affairs regarding attendance at CCPS: I met the 3-O Honors Physics class (the one I wrote to you about in my email of 2/12) again this past Wednesday. Again I had eight students leave within five minutes of joining the Meet. Different this time was that I also had an administrator present, in response to Central Office pressure being put on administrators in my building to show that the attendance issue is in hand. At the conclusion of that Meet the administrator came to my classroom and showed me that the number of students who were recorded to have entered the Meet were 21 out of the 23 registered in the class. This information, he claimed, verified that there was in fact no actual truancy issue in my classes.

What is remarkable is what happened next. I at that point showed that administrator the information displayed on my Google Meet Attendance App, which shows in detail exactly when students enter and leave a Meet. It showed that eight of the students who were listed as having joined the Meet in fact only stayed in the Meet for less than five minutes. Much to my astonishment, this administrator (as well as another administrator, who also came to speak with me about this issue that day) had apparently never seen the Google Meet Attendance App tally of information—this, even though it is routinely used by many if not most of the teachers in my building. (The Google Meet Attendance App is not officially sanctioned by the County because it does not have built-in protections against student names being accessed by private companies). Because both of the administrators I interacted with that day had apparently never seen the Google Meet Attendance App complete record of information about Meet attendance, it appears that the County in general simply operates on the assumption that if a student enters a Meet, then there is no more information required (or even available) to know anything more about a students' attendance in that class (other, perhaps, than any information a teacher might glean from student cameras).

The upshot of all of this is that without access to the Google Meet Attendance App information, teachers would be flying blind as far as knowing how long students actually stayed on the Meet. But that is apparently the position that is still taken by administration—that having access to that overview

of student participation is not possible. It's a breathtaking surrender of information on the basis of legal niceties which is tantamount to not knowing what is actually happening at all during the Meets. It's the equivalent of being in traditional school and simply keeping track of who enters each classroom at the beginning of any period, and being completely indifferent as to how many of those students simply walk back out of those classrooms and leave the building during the period. I should think the County (if it really wanted to) could invoke an emergency waiver of liability over this issue, since not having access to the full Meet attendance picture is tantamount to knowing hardly anything at all about what goes on during the Meets.

So, from the County point of view, there's no attendance crisis, since most students are currently shown to be entering most of their Meets. But we all know that simply showing up for a class and not actually staying for that class is not actually attending that class at all. So the County seems to be willfully accepting a position of complete ignorance about the actual attendance situation, and it is doing so because of legal technicalities which surely could be set aside on the basis of there being an emergency requirement to have access to that information (since not having access to the Google Meet Attendance App information is tantamount to knowing practically nothing at all about the actual Attendance situation.)

Sincerely,

Sam Peters

Samuel Peters

Physics Teacher

Clover Hill High School

**which way forward? (revision)**



**Fri, Feb 26,  
8:03 AM**

**Samuel Peters**  
<samuel\_peters@ccpsnet.net>

**to Ryan**

Mr. Harter,

Yesterday I had 15 out of 23 truant students in my Honors Physics class. Do you not see this as a problem?

I need to know what your objectives are at this point. Does the School Board plan to continue rubber stamping the Marxist agenda of the University of Michigan School of Education (which presented the UCEA award to Thomas Taylor during the last School Board meeting)? Those ideologues have no real plan other than to dissolve everything that actually works. If you look at a place like Berkeley you will see that the result of eliminating all academic rigor in the name of "fairness" is a system which can no longer supply qualified workers to fill any jobs that require greater than entry-level skills. There will simply be no more CCPS students who will be able to become doctors or engineers, let alone nurses or accountants. Henceforth, those jobs will be filled by the myriad of foreign workers who will come from places where the people in charge of the schools were not permitted to sacrifice their students' futures for the sake of placating the illogical and self-serving demands of special interest groups, and so as to satisfy the imperatives of political expediency (it was, after all, the Governor's political desperation which caused "Imagine Tomorrow" to be adopted in the first place).

I do believe you are like-minded in your commitment to restore common sense to our schools, but I am not sure you have enough fire in your belly to do what needs to be done at this point. Under Ms. Bailey's leadership the School Board permitted Central Office to unjustifiably withhold

nearly a year of actual education from our students (using Covid as a smokescreen). The Marxists will take it all away and claim victory when nothing is left, since then they will trumpet that all is finally equal between all groups of students. The School Board needs to demand to see the blueprint of the endgame to their strategy. Demand to see where their utopian vision of "equity" has been realized in any school district that is now capable of actually equipping students to meet the demands of the actual economy. They will not be able to do so.

It is now time to fish or cut bait. Either you commit with me to put a stop to this, or I will inaugurate recall campaigns against all School Board members who will not agree that (1) Central Office can no longer be permitted to have an attendance policy which actually encourages truancy, and (2) that Central Office can no longer be permitted to mandate that active instructional time be less than a third of the time that was deemed essential even a year ago.

I now am going to hold your feet to the fire. Join me in doing the right thing, or step out of the way so that others can do so.

Sincerely,

Sam Peters

|

## **attendance study**



**Mon, Mar 15,  
12:38 PM**

**Samuel Peters**  
<samuel\_peters@ccpsnet.net>

**to Ryan**

Mr. Harter,

As the forwarded study conclusively establishes, there is massive truancy from school in all CCPS virtual classes. This is, of course, in spite of emphatic denials made by the Superintendent (and ongoing efforts to “shoot the messenger”). Why am I the only one to conduct a study that reveals both how many students are actually remaining on the Meets they join and how attentive students are once they are on such Meets? Wouldn't you think that would be something that a school district ought to be interested in knowing about?

I needed to take care of this sideshow (repudiating the charge that I had disseminated false attendance information) before I could return my undivided attention back to my overall objective of restoring educational integrity to CCPS. (My principal actually served me with a letter of reprimand for providing false attendance information to the School Board—information that I have now established was true!)

I will shortly be sending an email to each School Board Member where I point blank ask them the two questions I posed to you at the end of my email of 2/26. If and when I receive no indication that the current members of the School Board are prepared to repudiate the current Central Office policies of 1) eliminating 2/3 of actual instruction and 2) authorizing massive truancy, I will take all of this to the public and launch a system-wide recall of the entire membership of the School Board.

(I do think you need to talk to some actually trustworthy teachers, and not just accept the happy talk coming your way from Central Office. Talk to Pam Hughes, perhaps the best teacher in the system, and see what she has to say about how many students are actually paying any attention during Meets. (Pam does not know I am using her name here, and she probably would object to my suggesting you contact her, since she and her husband Charles have been central to innumerable CCPS functions for more than twenty years. What people outside the classroom don't seem to understand is that the students no longer care because the adults in charge have demonstrated so consistently that they don't care either.)

The Ryan Harter I first talked to on 12/8 seemed like he would gladly seek to do his part to reverse the intentional downward trajectory of the quality of our school system. I'm not sure what happened to him.

Sincerely,

Samuel Peters  
Physics Teacher  
Clover Hill High School

**3) Superintendent's Response:**

**Feb 26,  
2021, 12:23  
PM**

**Merv Daugherty**  
<merv\_daugherty@ccpsnet.net>

to Ryan, me,

**Thomas**

Mr. Peters' classroom problems are his own doing. Poor management of students. He controls the attendance issue throughout the class. Ben needs to investigate the classroom practices of

Mr. Peters.



Merv

--

Respectfully,

Mervin B. Daugherty, Ed.D.

Superintendent

Chesterfield County Public Schools

*Innovative, Engaging and Relevant*

#### **4) Permission Form:**

Permission Form

I \_\_\_\_\_ [printed name of parent], parent of Chesterfield County Schools student \_\_\_\_\_ [printed name of student], hereby grant permission for my child's teacher \_\_\_\_\_ [printed name of teacher] to require that my child's Chromebook camera remain on during all of class time, and to insist (subject to penalty of lowered grade) that my child remain in view of the camera during all of class time with that teacher (with the exception of bathroom breaks which the student has received explicit permission from the teacher to take during any particular class).

Signed: \_\_\_\_\_ [signature of parent]

Date: \_\_\_\_\_ [today's date]

### **5) Attendance Experiment:**

## **report on attendance-recording experiment**

**Inbox**



**Mar 14, 2021,  
9:31 AM**

**Samuel Peters**

**<samuel\_peters@ccpsnet.net>**

**to John, Erin,**

**Eric**

### **Study of the Correlation Between Google Meet and the Google Meet Attendance App**

(conducted by Sam Peters, with data provided by his Physics 1 class on March 12, 2020)

On 3/12 my 1<sup>st</sup> Period Physics 1 class conducted a groundbreaking experiment where the information provided on the screen by Google Meet was correlated with the information provided by the Google Meet Attendance App. Data was obtained from seven independent, incorruptibly time-stamped electronic sources that were all recording the same event. The data obtained from Google Meet itself was recorded as a video on Canvas Studio. The data from the Google Attendance Meet App was also recorded by Canvas Studio, but was also more visibly recorded by the detailed, minute-by-minute spreadsheet displaying student electronic attendance data that the Google Meet Attendance App automatically creates for each Meet (and automatically sends to the teacher's hard drive at the end of each Meet). Finally, data was also obtained from the students who participated in the experiment in the form of videotapes the students made on their phones. Each participant in the experiment undertook a series of pre-arranged actions, and each student who made a videotape insured that their name and the time of each of their actions was visible during each of their recordings. In the design of the experiment, students who were present in person in the classroom as well as students who were only present virtually were all included in the list of prearranged actions. It is noteworthy that only the students who were actually physically present in the classroom actually participated in the experiment and submitted data. All of the five students physically present in the classroom actively participated by taking video at their prearranged time and submitting that data to my Google mailbox. None of the students who were virtually present submitted any videotapes, nor did any of those students appear to complete any of the prearranged actions they were scheduled to undertake.\*

The data obtained in this experiment completely vindicates the reliability of the Google Meet Attendance App as a resource that teachers ought to use to get an overview of exactly how many students are at least electronically connected during their Meets. Whereas Google Meet itself does provide accurate data about which students are electronically present at any time, and whereas Google Meet does reliably indicate when students arrive and leave a Meet, it does none of that in a way that is manageable by a classroom teacher other than as showing which students were present in any Meet

any more than just one moment of time. The indication of when students arrive in or leave a Meet is not permanently stored anywhere, and as a result, teachers who are presenting a lesson do not have the ability to keep a record of that information. Furthermore, the notification of a student leaving a Meet is provided using a format that is much harder to see than that used to show when students arrive. Whereas the names of arriving students are shown in the bottom right side of the screen (beside the official list of who is currently present in the Meet) displayed over top of a white block of background, the names of departing students is indicated on the bottom of the (less prominent) left side of the screen, and the names of those students have no white block of background behind them to create greater visibility. In other words, the announcements indicating when students leave a Meet are comparatively invisible.

The following are the critical findings from this study:

- 1) Given the difference in placement and presentation of the names of students entering or leaving a Google Meet, anyone observing a Meet is far likelier to notice the names of students entering a Meet than the names of students leaving a Meet. As a result, in a large Meet (where the names of those attending extends below the bottom of the screen) observers are unlikely to notice at all when students leave a Meet.
- 2) Google Meet Attendance App is completely reliable. Every prearranged action of our experiment was accurately recorded in both attendance-recording mechanisms. Although Google Meet itself does display accurate information regarding Meet attendance, because that information is transient (no permanent record is kept) the information provided by Google Meet itself is nearly useless as indicators of how long students actually remain in a Meet.
- 3) It is critical that teachers know (though they currently do not know this) that during a Meet students can click on new tabs or click on tabs that are already open on their Chromebook screen and there is no electronic indication (either on the Google Meet screen, or in the electronic history of student attendance created by Google Meet Attendance App) that the student has actually stopped watching the Meet. In all likelihood, most students in CCPS are probably watching material on another tab during all their Meets and their teachers are completely unaware that this is what is going on.
- 4) The consequence of students closing their Chromebooks without exiting the Meet is that the student is ejected from the Meet, and also that their avatars and names (in the list of those present in the Meet) disappear. (There is currently an understanding among some teachers that when students close their Chromebook lids without leaving the Meet that their names disappear from the official list of those present, but that their avatars remain present.)
- 5) School districts relying only on Google Meet data for class attendance are completely uninformed about the length of time students are electronically present in their Meets.

6) The study makes clear that knowing that students are electronically present in a Meet does not begin to guarantee that those students are actually paying attention to the Meet. It furthermore makes it clear that in all likelihood most Meet students are probably watching something on a different tab. While it is clearly more useful to know how long students are electronically present in a Meet than otherwise, an even better guarantee of student Meet attention would be gained from periodic chat questions that students are required to respond to (a gauge that is currently used in industry). Mandating such periodic chat questions in all classes (and allowing teachers to give zeroes to those who don't answer them) would be the most effective method to ensure greater student attentiveness during Meets.

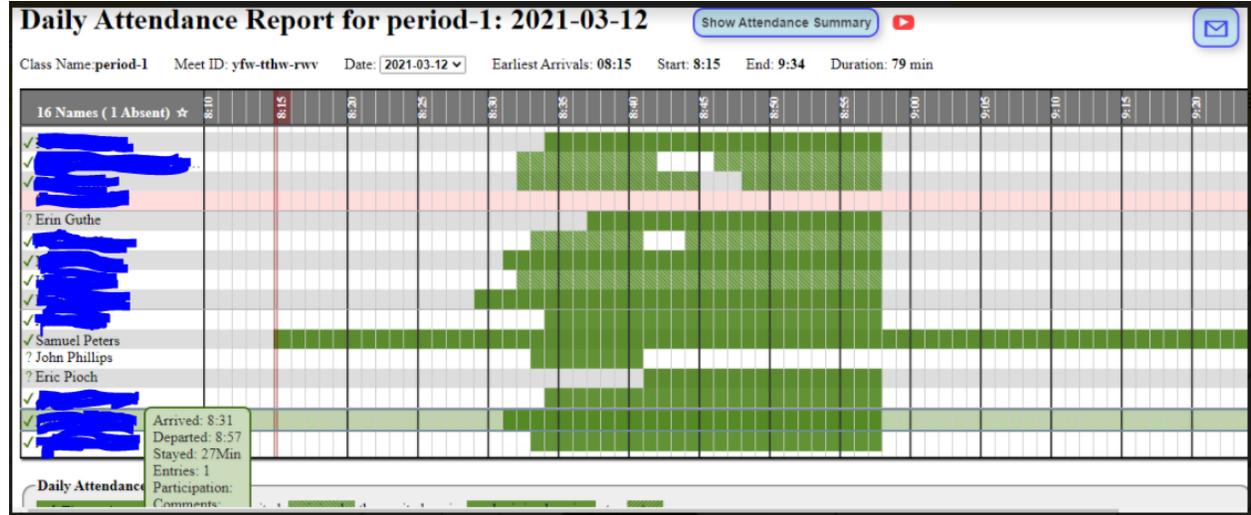
\*This complete one-for-one correspondence between the active involvement of students who were physically present and the absence of involvement of any student who was not physically present is itself an alarming indicator of the probable lack of active engagement of most virtual students in most of their classes.

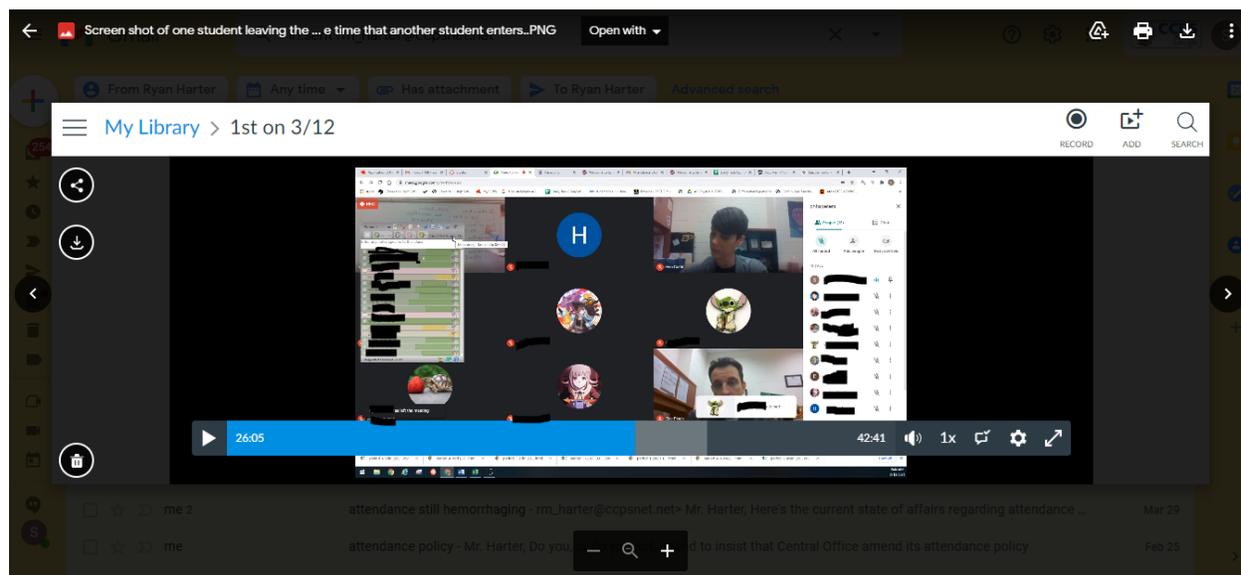
(Extensive documentation of all the claims made above is available upon request.)

Samuel Peters

Physics Teacher

Clover Hill High School





Students of my 1<sup>st</sup> Period class,

This morning we will conduct our experiment where we test how the Google Meet Attendance App correlates with the information provided on the screen by Google Meet. You'll be providing data by following the particular instructions I give to each of you about exactly when and how to leave and reenter the Meet. All students are asked to place their name card at the bottom center of their screen, and to videotape themselves clicking on the buttons when they leave and reenter the meet, being sure to show the time and also their name card and the time during each of the two videos. Please send those two videos to my CCPS mailbox: [samuel\\_peters@ccpsnet.net](mailto:samuel_peters@ccpsnet.net).

On Monday we will correlate the data that will have been provided from as many as sixteen time-stamped, incorruptible sources. On the basis of all our data we will make a determination about which attendance tracking system is the most reliable for accurately providing data about who is actually present in any Meet at any particular time. In doing all of this we will have created an empirical data base that currently seems not to exist, despite the fact that having significantly greater information about actual student participation in online classes is essential for all schools that are truly committed to promoting student participation in online schooling.

Thank you.

Here's the schedule for leaving and reentering the Meet:

(Remember to videotape yourself when you leave and reenter the Meet, being sure to show the time [at the bottom right of your screen], your name [as displayed on your notecard] and the buttons you click.)

Christian and Aiden leave the Meet (by clicking on the "X" on the Meet tab at the top of their screen) at exactly 8:40 and then rejoin the Meet at exactly 8:44.

Carlos and Harlee leave the Meet (by clicking on the "X" on the Meet tab at the top of their screen) at exactly 8:42 and then rejoin the Meet at exactly 8:46.

Alyssa and Ryan stay in the Meet but close their Chromebook lid at 8:44 and then reopen their lid and rejoin the Meet at 8:48.

Malise and Kaleb open a new tab at 8:50 and then close that new tab at 8:54.

Heather and Abdunur already have open a tab on Youtube. At 8:52, each of them click on the Youtube tab at the top of their screen, and then at 8:56 click back into the Meet tab at the top of their screen.

It is imperative that you remember to videotape when you leave and rejoin, and that you send me that video.

## **6) Transcript of my speech to the School Board (on 12/08/20):**

**Education of the young requires student accountability. Without it, that education simply doesn't happen. That's why the framers of Virginia's constitution mandated that all young Virginians receive "compulsory" education. Recently CCPS seems to have forgotten this. This past spring, "compulsory" homework was not permitted. As a result, virtually no students completed any homework at all. (Allow me to interject parenthetically here that this was not an inevitable consequence of the Covid-19 shutdown. Even the Alaska Private and Home Educators Association was able to ensure that all its members had online access within the first week of the shutdown. By contrast, CCPS didn't even begin to find out how many students didn't have online access until May.)**

**This fall, “compulsory” visibility of students during class (using computer cameras) has not been permitted. As a result, most students do not actually pay attention during class. In fact, it’s not even “compulsory” that students electronically attend any of a class, now, in order to get full credit for having attended. All that’s required of them is that, at some point during that day, they visit the class attendance site and click on a form.**

**All the recent decisions that have removed accountability from our students’ education have removed the possibility that our students receive any education at all. Why are we proceeding with the fairy-tale notion that there are actual, attentive students behind most of those avatars that are all that teachers are currently permitted to see? Why are we suddenly supposing that teenagers don’t—by their very nature--inevitably take every shortcut available to avoid doing what they find unpleasant?**

**Perhaps as rational adults we can now agree to dispense with the fairy-tale delusion known as “Imagine Tomorrow” which has been the source of all this madness. The rationale that was constantly provided for each diminishment of requirements was that maintaining the requirement might not be fair for disadvantaged students. As a result, what CCPS has ended up providing is an experiment in non-compulsory education—an experiment which has resulted in an educational meltdown.**

**Let us now make a fresh start. When the third quarter begins at the end of January, let us return to “compulsory” education--which is the only kind of education with which most children can actually learn. Let us now allow teachers to require that student cameras be turned on so that teachers can help to encourage students to focus on what they should be doing. Let us restore Wednesdays to their rightful status as an instructional day. Let us change the attendance policy so that now students must actually attend most of their class’s Google Meet in order to get credit for taking the course. Let us allow**

**teachers to again be able to provide direct instruction for the entire period.**

**We need to stop refusing to require things with the explanation that it's fairer to disadvantaged students to do that. We need to replace our professed concern for the well-being of disadvantaged students with the actual concern that all of our students—and especially our disadvantaged students—might never have the chance to be productive members of society if they aren't taught in school how to successfully handle challenges.**

**7) My email where I suggest the use of this remedy:**

Sun, Jan 31, 2021 7:46 am

(samandpaula1@verizon.net)

To: [dg\\_bailey@ccpsnet.net](mailto:dg_bailey@ccpsnet.net) [Details](#)

Ms. Bailey,

If, for whatever reason, the county will not allow teachers to require seat time for student time absent from class, then there is another way to provide credible deterrence to virtual truancy. Allow teachers to count as class-participation grades periodic in-real-time survey questions. Students type (into the "chat box") brief answers to periodic softball questions that simply check to be sure they are listening. These must be answered during the minute they are asked, and cannot be answered later and still satisfy the class-participation grade requirement. **If the county allows teachers to not give credit to those who do not answer the questions**, then we will have in place a different, but nonetheless still credible, deterrent to virtual truancy.

Sincerely,

Sam Peters

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## 8) Letter of Reprimand




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**CLOVER HILL HIGH SCHOOL**  
 and Mathematics/Science High School at Clover Hill
 

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 13301 Kelly Green Lane • Midlothian, Virginia 23112  
 Office (804) 639-4940 • FAX (804) 739-5000

## MEMORANDUM

DATE: March 1, 2021

TO: Mr. Samuel Peters, Clover Hill High School

FROM: Mr. John Phillips, Principal – Clover Hill High School

C: Personnel File

RE: Letter of Reprimand

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This documentation serves as an official letter of reprimand due to a repeated violation of School Board Policy 5030 – *Professional Ethics*, as well as School Board Policy 7030-R – *Acceptable Use*. The emails you sent to the School Board Chair on February 22, 2021 and February 26, 2021 contain inaccurate and misleading information that is in direct conflict to the administrators' classroom observations. Additionally, your email on February 26, 2021 contained inappropriate and derogatory language directed toward division leadership and the Chair of the School Board.

On Thursday, February 25, 2021, I met with you in response to the email you sent to CCPS School Board Chair, Mr. Ryan Harter, on February 22, 2021. In your email, you wrote, "Again, I had eight students leave five minutes after joining the meet." As you were aware, and acknowledged in your email, CHHS administrator Mr. Eric Ploch joined your virtual meet and noted that 20 out of 23 students attended your class meet for the duration of this observation, which was well beyond the five minutes you stated in your email. When you and I spoke on February 25, 2021, I reminded you that Google does




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not support the Google Attendance Extension, which is likely the reasons there is a discrepancy between what the administrator actually saw and what you reported. Although you acknowledged that was a possibility and stated that you would look into it, I have significant concerns that you are relying on a data report from an unsupported Google Extension, rather than managing your classroom and taking attendance in real time.

On Friday, February 26, 2021, you again wrote to CCPS School Board Chair, Mr. Ryan Harter. You claimed, "Yesterday, I had 15 out of 23 truant students in my Honors Physics class." Clover Hill High School Dean of Students, Mrs. Erin Guthe, observed your Honors Physics class on February 25, 2021, the day in question, from 11:55am until 12:35pm. In the observation notes that she shared, Mrs. Guthe noted 17 out of your 23 students logged in at 11:55am, when class began. She indicated one student joined at 11:57am, one at 11:58am, and another at 12pm. Mr. Peters, 17 out of your 23 students were on time to your class, leaving six students absent, of which three logged in within the first five minutes of your class beginning. Additionally, Mrs. Guthe noted that you had a technical difficulty at 12pm, at which time you stated to your students, "Don't go anywhere." You logged out, and Mrs. Guthe remained on the Google Meet with your students. You logged back into the meet at 12:16pm, at which time one student left the meet, and one student, who was not present earlier, joined the meet. Mrs. Guthe logged out at 12:35pm and 20 out of 23 remained on the Google Meet.

Despite my conversation with you on February 25, 2021 pertaining to the discrepancy in what you reported versus what an administrator actually observed, you chose to email Mr. Harter and share inaccurate information, again. Once again, the professional practice of managing your classroom and




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engaging with your students could have prevented you from sharing inaccurate information with the School Board. Records in your file indicate that not only did you receive a counseling memorandum from me this school year for sharing inaccurate and misleading information with the CCPS School Board, but you also have received previous reprimands and documentation in 2019 for similar infractions.

Additionally, the counseling memorandum I presented to you on February 2, 2021 reminded you that as an employee of Chesterfield County Public Schools, you are accountable for the tone, content, and accuracy of your email communication to the School Board. While you are afforded freedom of speech as both a professional employee and private citizen, you are required to follow CCPS policy relating to professional ethics and acceptable use, which necessitate that email communication be professional, civil, and courteous. The attached email you sent on February 26, 2021 does not meet that professional standard.

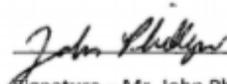
Mr. Peters, since you have begun expressing your concerns in the manner in which you have chosen, I have met with you on several occasions to clarify messaging and offer building-level support. I have documented corrective action in a counseling memorandum, and directed an inquiry at the school level to observe your Honors Physics class to collect data on your concerns and offer feedback on your approach. Your repeated emails to the School Board have either received responses from individual School Board members, or have been addressed at the building level. You have expressed to me, my administration, and now in writing to the School Board, that you are more interested in challenging temporary, division-wide processes put into place during a pandemic than partnering with administration to address your classroom-level concerns.



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and Mathematics/Science High School at Clover Hill

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It is my expectation that your future email communications to the School Board and Central Office include accurate information, conveyed in a civil and professional manner. Failure to comply with these expectations will result in disciplinary action, up to and including a recommendation for termination.

  
\_\_\_\_\_  
Signature – Mr. John Phillips

3-3-21  
Date

My signature on this document is an acknowledgement of receipt and does not necessarily support my endorsement of this document's content.

\_\_\_\_\_  
Signature – Mr. Samuel Peters

\_\_\_\_\_  
Date

### 9) Counseling Memorandum:



**CLOVER HILL HIGH**  
and Mathematics/Science H

13301 Kelly  
Office

*2/2/21*  
I have been  
presented with this  
& chosen not to  
sign it.  
*John Peters*

MEMORANDUM

DATE: January 28, 2021

TO: Mr. Samuel Peters, Clover Hill High School

FROM: Mr. John Phillips, Principal – Clover Hill High School

C: Personnel File

RE: Counseling Memorandum

This counseling memorandum is intended to remind you of your responsibility to adhere to School Board Policy 5030 – Professional Ethics.

On Friday, January 15, you emailed CCPS School Board representatives to express your concern over what you believed to be a School Board attendance policy. In your email, you wrote that “this past Wednesday afternoon, building principals informed their respective faculties that starting in the third quarter, students who only attend a single minute of real-time class must be given credit for having attended the entire class.” The School Board received this concern and directed an inquiry that resulted in my follow-up conversation with you on Thursday, January 22. In our conversation, I clarified with you that this statement was misleading and likely taken out of context based on a building-level conversation that I was sharing with staff in our faculty meeting on Wednesday, January 13. The conversation was intended to revisit procedures for handling tardiness to class since faculty and staff do not have access to a tardy code this year, including the last several minutes of class.



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I reassured you that your concerns did not reflect actual School Board policy, and that the expectation clearly stated by the Board is that students fully attend their synchronous classes. I reminded you that I provided faculty several options for responding to and recording tardiness; most importantly, if the behavior becomes consistent for students you should notify the appropriate administrator so that we could apply the proper intervention. These processes are in place so that Clover Hill High School administration and staff can ensure that we do our very best to engage students in learning and uphold our attendance requirements, which include the VDOEs guidance on capturing asynchronous attendance during the 2020-2021 school year.

On Sunday, January 24, you wrote to CCPS School Board member, Mrs. Debbie Bailey. In that email, you referenced comments made by me in our meeting on January 22 as "irrelevant," "misleading," and "blatantly false." The characterization of my comments in this manner is both inaccurate and inappropriate. Furthermore, the tone that you have taken in your email to the School Board on January 24, including your choice of words directed toward supervising personnel and district leadership, as well as your use of demonstrative writing conventions (bold print, underline) shows a lack of professional discretion.

I understand and share your desire to maximize our instructional time and efforts for our students; however, we actually have building-level interventions and processes in place intended to address the specific concerns you identify in your email. Moreover, you shared with me on January 22 that you do not have many students utilizing the asynchronous option for attendance, nor do you have many students consistently showing up at the end of synchronous instruction, both of which are at the



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root of the concerns you expressed in your email. Consequently, I have significant concerns over the intent of your communications. While you have every right as a parent and citizen to write your School Board members to share your concerns, you have an obligation as an employee of Chesterfield County Public Schools to do so in a professional manner, which includes accountability for your choice of words and comments while using email communication. It is my expectation that future communication more appropriately reflects the professional nature of your position with Chesterfield County Public Schools. Failure to comply with these expectations may result in disciplinary action, up to and including a recommendation for termination.

*John Phillips*

Signature – Mr. John Phillips

2-2-21

Date

My signature on this document is an acknowledgement of receipt and does not necessarily support my endorsement of this document's content.

\_\_\_\_\_  
 Signature – Mr. Samuel Peters

\_\_\_\_\_  
 Date

**10) January 24 email:  
(response)**



**Jan 24,  
2021, 11:33  
AM**

**Samuel Peters**  
<samuel\_peters@ccpsnet.net  
>

**to Debbie**

Ms. Bailey,

**Central Office in no way provided any credible justification for maintaining the current attendance policy.** All points they made (through Mr. Phillips) relating to that issue were either irrelevant (as in protesting that the exact phrase “one minute” was never used), misleading (as in the effort to suggest that any pattern of student inattentiveness was due to teachers’ not having made administrative referrals), or blatantly false (as in the claim that there has never been any connection between excessive tardies and the number of days students get credit for attending school).

**Retention of the current, excessively lax attendance policy is equivalent to encouraging truancy.**

**The unprecedented number of student failures we now see is directly due to policies that mandated a discontinuation of student oversight, and the policy which created the most loss of student oversight is the attendance policy.**

**There is simply no logical justification for not restoring a credible attendance policy—a policy with mandatory requirements and with credible disincentives for not meeting those requirements.**

**Central Office has not even bothered to provide a justification for continuing the cancellation of two thirds of direct instructional time. The fact that the body in charge of running our schools shows such complete indifference about the issue of whether nearly all of our students’ instruction is eliminated is both incomprehensible and unacceptable.**

**The fact that, without paying an extra dime, we can instantly triple student learning is a fact that should make the need to make such a change overwhelmingly obvious.**

**We cannot realistically expect all students to be back in the classroom any time soon, so any suggestion that these issues deserve less attention now is entirely without basis.**

Sincerely,

Sam Peters

Samuel Peters

Physics Teacher

Clover Hill High School

**11) January 22 email:**

(samandpaula1@verizon.net)

To: [dg\\_bailey@ccpsnet.net](mailto:dg_bailey@ccpsnet.net) [Details](#)

email exchanges with Mr. Phill...docx (27 KB)

Ms. Bailey,

It would seem that Central Office has attempted to respond to the concerns I raised with you in my January 15<sup>th</sup> email by having my principal email me with what he describes as “clarifications” which might address possible misunderstandings on my part. I am attaching the series of three email exchanges that transpired. I call your attention to these because these are, effectively, Central Office’s response to the issues I raised with you.

I want to stress that I provide the details of these email exchanges so as to give complete and fair expression of Central Office’s reasoning. This is, apparently, the only response they are willing to provide on record, and I want it to be made overwhelmingly obvious that the rationale that Central Office is providing for why we shouldn’t change the policy on attendance so as to restore actual student accountability is a series of easily disprovable assertions. Furthermore, I want to also make it clear that Central Office still doesn’t indicate that the other fundamental issue I raised of the urgent need to restore two thirds of actual instructional time does not even get mentioned—showing that the perpetual loss of nearly all of the actual education the students receive still does not even seem, in their view, to rise to the level of a genuine concern (!).

(You may wish to simply skim this part. I again stress that I am only providing this level of detail so as to make it indisputably clear that Central Office has been completely unable to come up with any rational justification for opposing the two policy changes that I maintain must be made in order to restore academic credibility at CCPS.)

*Mr. Phillips (my principal) initially contacted me the afternoon of January 15<sup>th</sup> to say that I seemed to have misunderstood what he said at our online school meeting where I described him having expressed an “only one minute required” synchronous online attendance policy. He states that what he mentioned there was not intended to be understood as a county-wide policy, but rather simply a Clover Hill High School policy. Furthermore, he went on to elaborate the original rationale for the “Daily Attendance Task” option, which he felt I might not have been adequately recognizing. Near the end of his email he makes the following statement: “I understand how in this scenario [where students can get out of actually attending class by simply clicking on the Daily Attendance Task] a student can game the system a little easier, but I am sure [this is not so likely to happen because] we would see the residual impact on the grade.”*

*My initial response to Mr. Phillips was to say that my concern regarding attendance did not relate to any particular application of that policy, but rather to the fact there seemed to be no actual county-wide policy, without which no policy would actually be enforceable. As for the Daily*

*Attendance Task option, I said that given the unprecedented failure rate we now see, the “residual impact” of getting lowered grades has clearly not provided the sufficient deterrent to student disengagement that he supposed it would.*

*Mr. Phillips responded to me by saying that he still felt I was not understanding his concerns of possible misrepresentations in my email to you.*

*In my second response to him I asked for clarification of his concerns.*

*In his third email he stated that his greatest concern was that I had mischaracterized what he had said about the attendance policy, since he had never used the expression “one minute.” Furthermore, he also stated that he was concerned that I was implying there was rampant student disengagement during classes, when he himself had never been approached by a teacher asking for administrative intervention to correct an instance of student disengagement.*

*My third and final response in this exchange was the following: I responded that, first of all, my use of the phrase “one minute” was as a paraphrase (which is why I didn’t have quotation marks around the expression), and furthermore I then provided a direct quote from another teacher where they independently characterized what Mr. Phillips had said regarding attendance, and where it was clear that the “one minute” expression I had used was completely in keeping with the intent of what Mr. Phillips had expressed during the faculty meeting. I continued my final response by reminding Mr. Phillips that the reason he had never heard any teacher complain to administration about student disengagement is that current attendance policy does not penalize any student for only sporadically attending their classes, or even for not attending any of their classes at all (so long as they click on the Daily Attendance Task). Moreover (I stated) the level of disengagement of most students who now technically attend class but don’t seem to actually be paying attention seems to have little qualitative difference from the situation of students who don’t attend class at all (but still complete the Daily Attendance Task). I finally concluded by emphasizing that the reason for the current breakdown in student engagement is the policies Central Office put in place which prevented teachers from being able to provide oversight of student classroom behavior.*

*Yesterday afternoon Mr. Phillips personally visited my classroom and this time (in person) underscored a final point. His main concern in all of this, he said, was that by calling attention to his so-called “one minute” remark I had made it seem that Mr. Phillips was proposing a radical lessening of standards regarding the issue of student tardies. The point he wished to make was that it had always been the case that the number or extent of student tardies had never affected the actual daily attendance record. Yesterday evening I researched what the county “Code for Student Standards and Conduct” states regarding the issue of tardies: “[A]ny three unapproved tardies to school or early dismissals from school in a nine-week grading period will count as the student missing a full instructional day” (page 26). So, despite Mr. Phillips’ claim to the contrary, there has always been a relationship between excessive tardies and how many days a student is accredited for having attended school. There have always been actual deterrents to suppress the*

*otherwise irrepressible tendency of all students to try to pass off "one-minute" attendance for full period attendance.*

So, as you see, the arguments put forward by the County as to why we ought not to restore the conditions requisite for actual education to resume are at best insupportable, at times just factually incorrect, and at worst ominous indications of a desire on the part of Central Office to now foist off onto teachers all blame for the current educational debacle, when it is patently clear to all that it was Central Office itself which created the conditions for this debacle by not allowing teachers to have the tools they needed to provide classroom oversight of their students.

The School Board is the oversight body which is charged with the responsibility of ensuring that the school policies implemented by Central Office are in fact policies that are in CCPS students' long-term educational best interest. It is overwhelmingly clear from examining the email (and in-person) exchange that I have here provided that Central Office has no good justification whatsoever for continuing to suppress student attendance accountability, and for continuing to choke-off the amount of actual instructional time with which teachers are able to deliver the education that students need if they are to have a successful future. The situation is reminiscent of totalitarian regimes which make it their business to actively suppress any dissent. The dissent, in this case, is the proposition that students should be encouraged to learn in school.

So I submit to you that all arguments against making the two remaining policy changes which I argue are indispensable for restoring actual education in CCPS are themselves patently absurd. I furthermore suggest that what probably lies behind their smokescreen of easily refutable obfuscation is Central Office's only remaining actual concern: to protect themselves from embarrassment.

So do we now choose to do what is indisputably in the best interest of the students, or do we persist in folly so as to protect adult decision-makers from any possible embarrassment that might accompany their having to acknowledge the need for a change of course?

Sincerely,

Sam Peters

## Addendum:

June 8th, 2021

Your Honor,

Code of Virginia 2.2-3700 “ensures the people of the Commonwealth ready access to public records in the custody of a public body.” Despite this fact, my first FOIA request for the return of emails erased from my CCPS electronic mailbox was a notification that I would need to pay nearly \$3000 to have that FOIA request honored. (My first request had broadly included various members of Central Office who were likely party to sending those emails in the first place.) My second, and much more narrowly defined, FOIA request was simply for all emails from my principal at Clover Hill High School that related to these issues. In response to that request I was given access to only two emails. Neither of those two emails dealt with the mandate (this past fall) that teachers not require that student cameras be on. Furthermore, the one email that does relate to the spring 2020 mandate that online homework not be graded\* is an email which merely states the much less restrictive requirement that teachers should not determine grades solely on the basis of online work (because of stated equity concerns).

When I showed the administration’s responses to my FOIA requests to two other Clover Hill High School teachers, they each responded by saying that the administration was not telling the truth about these two issues. Nonetheless, neither was willing to freely sign an affidavit specifying that such was the case (out of fear of retaliation from the administration). However, should the court insist they provide such, I can assure the Court that their response will be that there were more emails about these two issues, and that the county mandate was for teachers to do what I have characterized: to not grade online homework in the spring of 2020 (unless it helped students’ grades), and to not allow teachers to require that student cameras be on this past fall (and in both cases the stated reason was “fairness” for “disadvantaged students”).

\* The specific mandate was not to grade homework in any way that might lower a student’s grade--which is tantamount to not grading any homework at all.

Sincerely,

Samuel Peters