

Steve Sanderson
Chesterfield County Internal Audit

Mr Sanderson,

Thank you for returning my call. The claim which I wish to have investigated is that Chesterfield County Public Schools (CCPS) committed a Class VI felony (deliberate destruction of public documents) during the 2020/2021 academic year. I will here provide either copies of the documents which substantiate my claim, or (when they are too long to reasonably do so) provide links to those documents.

Probably the best description of the background to my claim is found in the email I sent to the Chair of the Chesterfield County Board of Supervisors (Leslie Haley) on 9/1/21:

Ms. Leslie Haley, Chair of the Board of Supervisors
Chesterfield County, Virginia

Chair Haley,

I spoke to the Commonwealth's Attorney's Office about filing a criminal complaint against CCPS for its having committed a Class VI Felony (described in 18 U.S.C. Section 207, and punishable by up to three years in prison). CCPS committed this crime when it deliberately destroyed the various public documents where it had used the rationale that it was so as to be "fair" to "disadvantaged students" that, during the past year and a half, it had disallowed various traditional methods of maintaining academic accountability. (Examples of the disallowed methods are the following: in the spring of 2020, CCPS forbade teachers from requiring online homework; in the fall of 2020 CCPS forbade teachers from requiring that student cameras be kept on during Meets; and throughout the 2020/2021 academic year CCPS maintained an attendance policy that allowed students to receive full credit for attending any class so long as the student clicked "present" in the attendance website on the day of that class.)

In the fall of 2020 I engaged in an email campaign where, in emails to the Chair of the School Board, I persisted in informing CCPS that it was hypocritical for CCPS to be suspending all these traditional methods of maintaining student accountability in the name of "fairness" for "disadvantaged students" when it was rapidly becoming clear that it was those very disadvantaged students who were, more than all the rest, being most academically devastated as a consequence of removing those traditional safeguards. It was sometime towards the end of the fall semester of 2020 that Central Office stopped using the "fairness" to "disadvantaged students" rationale for having suspended those traditional safeguards of student accountability, and I believe that it was at the same time that all the public records where they had done so were systematically purged from their repository of official public records (to the point that they were even removed from teachers email "Inboxes").

When I showed the results of my April 30th FOIA request (where I had asked for the restitution of those various emails which had used "fairness" to "disadvantaged students" as a rationale) to two other teachers, they each (independently) exclaimed, "They're lying!" Any number of teachers can provide

corroboration for my claim that these records were removed (though they would only be willing to do so under court protection).

But not only were those documents withheld from the County's response to my FOIA request, the County's FOIA Respondent (Ms. Stephanie Frick) emphatically assured me (when we engaged in a short conversation immediately after my July hearing [where my petition for a Temporary Injunction was Non-Suited] that the emails in question no longer existed anywhere in the County's repository of public documents. In other words, **the documents had actually been destroyed.**

The Officer in the Investigations Department of the Chesterfield County Police Department told me (yesterday) that because (as I had told him) I don't actually seek for anyone to be arrested for committing this crime, the proper venue for my seeking a public sanction for a County employee that is not also a criminal sanction would be to appeal to either the Board of Supervisors or to the County Administrator himself.

Because I have had extensive email contact with you in your capacity as Chair of the Board of Supervisors, I will now submit this matter to you to handle in the way you think might be most appropriate. I do, however, wish to insist that there be some form of public rebuke given to the offending party or parties in CCPS for having committed this felony. In having committed that crime, they denied me my constitutional right of access to the public documents which I sought in my effort to hold a government body accountable.

Sincerely,

Samuel Peters

Resident of Chesterfield County
Parent of a Current 12th grader in CCPS
Employee of CCPS

Next I will provide a copy of the April 30, 2020 FOIA request I sent to CCPS:

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

(The “Building Instructional Designer” who I reference in my FOIA Request as having overseen my search for the missing documents is Charles Futrell [charles_futrell@ccpsnet.net].. The approximate date of that search is April, 2020, and the place where we conducted that search was my classroom [at Clover Hill High School].. [I believe that Mr. Futrell’s own formal record of when he visits different classrooms could provide the exact date and time of that search.]

Before I provide CCPS' response to my FOIA request, I believe I should here state several other particulars which will place this whole process in greater context. First is the fact that starting in March of 2020 I engaged in an extended series of email exchanges with (then) CCPS School Board Chair Debbie Bailey (and then later with Chair Ryan Harter) where I expressed my exasperation over the fact that CCPS was refusing to allow teachers to use the methods needed to be able to hold students academically accountable. (As I mentioned in my email to Board of Supervisors Chair Haley, this began when [in the spring of 2020, at the start of the Covid Shutdown] teachers were forbidden from requiring online homework, it continued in the fall of 2020 when teachers were prohibited from requiring that student cameras be on during online Meets, and it existed throughout the 2020/2021 academic year in the form of allowing students to receive credit for attending their classes should they simply take a moment to check in to the school attendance website on the day of their classes.) My mounting outrage over CCPS' refusal to hold students academically accountable culminated with my submitting the first of my court petitions (the petition for a temporary injunction in response to a material breach of contract), and I have been engaged in litigation with CCPS ever since (having thus far submitted four petitions to [mostly] Circuit Court [though one was to the Supreme Court of Virginia]). Only one of these petitions has thus far received a hearing (and was NONSUITED on 7/15 /21). One of these petitions is the petition to recall CCPS School Board Member Kathryn Haines, and I am currently orchestrating that recall campaign (mostly through the website "The Coalition for Common Sense in Chesterfield County Public Schools") which I created. (On that website are links to all the petitions I have just mentioned.)

Now to CCPS' response to my FOIA request of 4/30/21. CCPS supplied only two emails (one that was repeated), none of which were directly pertinent to my request, and none of which contained the justification that was so often given for various unprecedented CCPS policies (that those policies needed to be adopted so as to be "fair" to "disadvantaged students"). The following link includes three categories of items related to CCPS' response to my FOIA Request.. The first category is the correspondence I had with CCPS FOIA Respondent Stephanie Frick about narrowing down my search for the relevant documents. The second category is the two (irrelevant) emails which CCPS did provide in response to my FOIA Request. The third category is the two affidavits I created for the court to use to corroborate my claim that practically all the emails I sought in my FOIA Request were not provided.

https://drive.google.com/file/d/1_J7FtvQPAYUtxWvCkEtYcqHlqUXlCq1g/view?usp=sharing

It is because the CCPS FOIA Respondent so emphatically insisted that none of the documents I sought exist (any longer) in the repository of CCPS documents that I know for certain that those documents were destroyed (in violation of federal law).

I look forward to hearing what determination you are able to make. As I indicated to Chair of the Board of Supervisors Leslie Haley, I don't seek that anyone actually be charged with a felony and go to prison. What I seek is a public rebuke to be formally issued to those in CCPS who were responsible for the destruction of public documents. What is important to me is to establish that there has been an atmosphere of lawlessness which has permeated CCPS ever since its adoption of the "Imagine Tomorrow" strategic plan (a plan which is more accurately referred to as "Critical Race Theory" in Loudoun and Fairfax Counties).

Sincerely,

Samuel Peters
Resident of Chesterfield County
Parent of Current 12th Grader in CCPS
Employee of CCPS