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Corruption in Public Education

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Abstract

Public education is a key civil institution, and its functions have important implications for the well-being and development any modern society. But as a public institution, it is not free from crime and corrupt influence, especially in areas dealing with monetary exchange. Much research has been conducted looking at corruption, but investigations and analyses specifically concerned with corruption in education are sparse. Inquiries into the state of corruption in the former Soviet bloc and China are present but research into the United States' situation has hitherto been neglected. Reliable data must first be identified before such analyses can take place. While previous research has used media accounts and perception-based indices, this paper embarks upon looking at a previously unused data source. Through this examination, the data source is critically assessed. This paper points out complications dealing with language, structure, maintenance, and organization. These complications are not meant to call for a dismissal of the data source. Rather, the data presents unique information, which is and would be key to understanding and analyzing the current and historical situation of corruption within the United States' public education sector. As a result, policy recommendations are made on how it might better serve the public, research, and policy communities. These recommendations take the form of addressing the format and presentation of the data sources' work. Establishing a well-refined source of data is fundamental for further inquiry into this topic of research and making well-informed policy decisions.

INTRODUCTION

Fraud and corruption are highly profane acts in any democratic society. Examining fraudulent behavior is key to the process of strengthening and building ethical institutions. We rely on research into these issues to develop policy solutions that achieve these goals. This research seeks to detail one specific area of fraud that has been neglected in the United States, higher education. Education is a bedrock civil institution for any modern society. One might even see the integrity of their nation reflected in its system of education. Specifically, this research will examine corruption cases dealt with in the District of Columbia. It will be instrumental in not only expanding our knowledge but providing needed analysis for our civil institutions improvement. This preliminary analysis is especially concerned with how related data is collected and presented.

LITERATURE REVIEW

A common presumption of the time is that we should be for a form of public order. We could then consider numerous ways in which that is constructed and discussed. One of those varying discourses is criminal justice. The criminal justice system that results functions as an exchange of social and moral criticism (Gross 1979; Friday 1988). Laws exist to provide a definition while the system redefines (or reaffirms) those definitions (Friday 1988). A part of the criminal justice discourse is ‘corruption’. How do we, through this system of criticism, come to define what ‘corruption’ is? Is corruption a crime? We know that every society admonishes corrupted behaviors. The question is rather specifically “what” is and should be admonished. Early corruption scholars use two criteria points to define a crime from a legal perspective: the legal description of the act, and legal penalty for the act (Sutherland 1945). That is, corruption must be socially injurious and carry a penalty to be a crime. In essence, what is the behavior sought to be

repealed? The commonly used definition is the abuse of public authority for material gain (Waite & Allen 2002; Romyantseva 2005). Varying definitions do exist though, for example, the betrayal of public trust for individual or group gain (Dobel 1978). While working in a cohesive way, it might be possible to draw distinctions between these definitions. We must consider the limits of this discussion, the construction of a definition. These limits are defined in the various spheres of historical, political economic, and cultural experience (Friday 1988). These spheres work to set the criteria for behavior in any given society. Criminal justice does this in its mode as a criticism. The conclusion is that any definition of 'corruption' bears with it a cultural contingency. Culture acts a shaping tool of how we come to societally define 'corruption'. A universal definition struggles to sit atop shifting cultural sands; this results in words like 'Asian corruption' coming into usage, attempts at providing universal meaning. Culture is the not only consideration. Definitions of corruption begin to qualify and take on nuance when we consider implication of scenarios involving individuals and collectivities (Gong 2002). A functionary result of changing social environments that alter the complexity of how we understand 'corruption' (Gong 2002). Definition(s) of corruption exist in this perpetual state of influence and redefinition.

Studies have come to consider these various avenues and notably culture is one of them. For instance, the term 'Asian corruption' has been interrogated and further disassembled; Johnston (2007) does this further identifying four syndromes of corruption using Japan, Korea, the Philippines, and China showing how they operate differently. We have different cultural values influencing our notions of acceptable behavior. These implications exist within all of criminal justice. One such study used this approach analyzing China's corrections and recidivism rates and how they might be influenced as a result of Confucian values (Liang & Wilson 2008). This

demonstrates the potential that greater cultural values play in shaping the results of our criminal justice system. A direct example appears in Gong (2002) when examining how societal ideals surrounding collectivity come to create a definition of corruption. This enables new models on new definitions to continue to be created. Another consideration is how colonial rule might also play in constructing criminal justice discourse as many legal systems from imperialist powers played a heavy hand in coming to identify legal-cultural values and principles (Johnston 2008). These various avenues of inquiry are what allows debates to emerge such as does corruption “grease or sand” the wheels of growth (Meon & Sekkat 2005). Corruption exists differently and operates differently within the different cultural contexts. To begin addressing corruption, the measurement of it lies in understanding the perceptions of those in a given society. This results in the creation of something like the Corruption Perception Index (CPI), one few indices that provides a corruption metric for countries. This by no means provides a totalizing description of corruption for each nation. This shiftiness of definition presents a key to addressing corruption in society with the point, or greater implication, being numerous dimensions exist and are available in defining corruption. By understanding these cultural contingencies, anti-corruption efforts could be designed to yield greater effect (USAID 2009).

One approach is to examine the actors within the criminal justice system. How do agents of the law perceive “corruption”? Knowledge of this could factor into developing a strategy for developing anti-corruption efforts. Ivkovic & Klockars (1996) do this studying the various influences on actors, such as how the “Blue Curtain” code might come to define them. This implication of this is we can construct space, an institution, of these actors to study. Inquiry into the culture of an institute provides more contextualization and better understanding of the nature of corruption. This categorization is developed in Gong (2002) with the distinction being made

between group and individual behavior; this is group behavior where the gain is no longer personal it is institutional. This can be synthesized with Johnston (2008)'s statement that different sectors can experience different corruption syndromes. We must understand the culture of institution and the sector to develop any formidable anti-corruption campaign. This is a key feature of the institutional design Scott (2013) describes regarding Hong Kong. Understanding the institutional design is key to developing anti-corruption policy. It is essential to first know the structures and relations of an institution.

With this pre-understanding, we can begin to delve into what is described as 'corruption in education'. Taking again this *common* definition of corruption as abuse of authority for material gain (Anechiarico & Jacobs 1996; Kalnins 2001; Frimpong and Jacques, 1999), we can contextualize and qualify it as it functions in the societal institution of education. Importance consideration must be given to education insofar as it is a public good. With this accompanies a long history of debate surrounding the public or state standardization of the function of education. As a public good though, it must be accompanied by professional standards; this informs our definition of corruption and means abuse for personal gain must be included in a definition of corruption in education (Heyneman 2004). The next layer of understanding corruption in a sector is to describe its typological form. In education generally, we can distinguish two corruption taxonomies: corruption with student as agents and corruption without student agents (Rumyantseva 2005). From this, distinctions have been defining structures concerning supplies, infrastructure, bribery, misuse of public funds, favor reciprocation, etc. (Du & Meng 2015; Heyneman 2004; Sabic-El-Rayess & Mansur 2016). This typology can serve as the foundation of further culturally contextualizing a definition of corruption. Authors have done so and described structures of education corruption in defined areas such as Russia (Osipian

2009; Borisova 2014), China (Du & Meng 2016), Kazakhstan (Feoktistova 2014). While there has been research to build understandings of these places and others, a rigorous conceptualization has not been developed for the United States. How do greater cultural values and the nature of American institutions come to define the nature of the United States' corruption? Some work has been done to try and understand the perception of corruption in the United States through the analysis of media publications (Osipian 2008). Research into the situation of the United States has been emergent in the past decade. For example, a study was published looking at the nature of ethics in academia and how it relates as a form of corruption. (Johnson 2012). Another notable area of inquiry is into private sector, or for-profit education (Beaver 2012). What is lacking in aiding the development of a conceptualization of corruption in the United States is how it operates within the public sector, specifically state institutions. There is a clear lack of literature detailing the framework of how corruption operates in state institutions. This project seeks to help fill this gap by addressing data and methodological concerns, which are necessary before future research can begin to rigorously take this issue up.

METHODOLOGY

Past attempts to measure and analyze levels and behaviors of corruption do exist. Examples include media publication analyses (Osipian 2008) or survey research as exemplified by the Corruption Perception Index (CIP). As the name of the CIP suggests, these kinds of investigations trend towards the examination of societal perceptions of corruption with Du and Meng (2016) pointing out research on this topic hitherto has been located within the realm of qualitative methods. There is clear lack of employing quantitative measurements and indicators to further develop our understanding of corruption in public education. This qualitative "bias" is

largely a result of the difficulty associated with crafting quantitative measurements of corruption in this sector.

The study herein utilizes legal document analysis to derive quantitative measurements. Through examining a series of government reports relating to court proceedings, a variety of variables have been derived. These variables include: report date (year, month, day), amount of money stolen, report type, the kind of legal (criminal/civil) charges, type of offender, and offender market sector (public/private). The meaning of each of these variables will be described later on. Using these variables in combination with the raw data of the original reports, possible variable values were coded. This process of coding the raw data into concise categories and numeric values allows quantitative measurements and values to emerge. In conjunction, these variables provide a clear reflection of the original data while allowing further analysis to take place.

DATA

The data employed in this case-statistical analysis comes from the federal-level United States Department of Education's Office of Inspector General (OIG). This office is an "independent entity within the U.S. Department of Education (ED) responsible for identifying fraud, waste, abuse, and criminal activity involving ED funds, programs, and operations" (U.S. Department of Education n.d.) As a part of the office's investigative powers and responsibilities, it publishes monthly press releases titled "Investigative Reports", which are made available on the Department of Education's website[†]. The published reports span years 1999 to 2017 with 583 published reports in total. This project has specifically pulled cases concerning Washington, D.C.

[†]U.S. Department of Education Office of Inspector General – Investigative Reports
Data source: <https://www2.ed.gov/about/offices/list/oig/ireports.html>

as identified by the OIG. Washington, D.C. was selected through a preliminary analysis of all reports, which from the data collecting process was identified as an outlier when looking at the individual states, particular in terms of the amount of money stolen. Additionally, Washington D.C. is the physical location of the Department of Education and its investigators. Furthermore, this case sample befits a study of this scope and size.

The Washington, D.C. data comprises a total of 54 published reports between the years of 1999 and 2017. Each of these reports is treated as case within the dataset. Though the list of published reports dates back to 1999, Washington, D.C.'s first case does not appear until 2000, and its last appears in 2014. Figure 1 presents a case-year distribution across this timeline excluding the last three years in which zero reports were released for the district. Bear in mind that the following totals should be considered "crude". Complications within the data create complications for the computation of these values as will be discussed later on.

While each of these reports individually varies, they follow a distinct structure. For each case, the variable "report type" was coded in order to maintain and bring forward these distinctions. For this variable, six outcomes were possible: conviction, sentencing, indictment, guilty plea, settlement, and complaint related. Table 1 provides the frequency distribution of report types. Sentencing (25.9%) and Guilty Pleas (35.2%) composed a majority of the cases. Two cases did not fit this model and were coded as missing; these report types were not incorporated into the coding model for reasons to be discussed further on.

Lastly, this data comprises a range of charges, offenders, and monetary values. Tables 2, 3, and figure 4 provide the frequencies of each of these variables and their possible coded values, respectively. Based upon the raw data from the OIG, thirty-four charges and sixteen offender types, based upon the offender's occupation or institution type, were identified and coded.

DISCUSSION ON DATA SOURCES

Even before conducting any formal analysis, what comes into consideration is the way the raw data were presented. This data, specifically the OIG's reports, is not without its flaws. It needs to be noted, however, that this is the best available existing data outside of perception measuring indices and journalistic accounts. These flaws are present in a multitude of the data's dimensions including: its structure and language, maintenance, and organization.

The investigative reports all follow a general format. Each report introduces details such as the offender, prosecutors, location, charges, and a general narrative about what transpired. What is quickly realized after reading through multiple reports is the inconsistency of language. Table 2 demonstrates the range of charges identified in the raw data of the reports, but many of these charges, while using different words, refer to similar, and possibly the same, kind of crime. For example, a report from 5/23/2001 lists indictment charges "conspiracy to defraud the government" and "conspiracy to submit false claims to the government", but reports from 1/23/2003 and 2/7/2003 just refer to the charge as "conspiracy". Additionally, reports dealing with fraud will at times report exact dollar amounts while other reports will use phrases like "of more than \$1,000,000", such as in the report from 10/19/2000. These ambiguities and inconsistencies in reporting complicate the development of a rigorous dataset and subsequent analyses.

The Department of Education's website also presents a number of issues. For instance, the link to a report from 6/13/2000 leads to a different, incorrect report. While it should redirect to a new report involving a high dollar value fraud scheme, it instead takes the web user to an older, previously published report from 1/2000. This accounts for one of the missing cases in Table 1. Described is one example from a smaller, regionally selected sample of cases. If this

analysis were expanded to the other hundreds of published reports, this issue might be lingering in numerous other links and there might be other unseen errors present as well.

Of most concern with this data is its organization. As shown by the report type variable, reports cover convictions, sentencing, indictments, guilty pleas, settlements, and complaints. In addition, multiple reports can refer to the same investigation or case. A conviction report may be shortly followed by a sentencing report to provide updates as the case makes its way through the judicial process. This is why the previously mentioned tables should be considered “crude” in their output for they do not account for case development multiplicity. This creates complications especially in trying to generate dollar amounts, thus makes the Dark Figure issue in any crime related analysis even worse. In criminology, the Dark Figure issue refers to the unaccounted and unknown crimes in crime data collection and presentation. Additionally, this investigation development structure isn’t followed in a consistent and a far from uniform manner. Reports from 2/3/2004 and 8/16/2004 both deal with developments in the same investigation. The report published on 8/16/2004 describes in it the sentencing of previously mentioned offenders from 2/3/2004 but then makes reference to the sentencing of a new individual. This new individual does not appear in any of the previous reports. A multitude of reports are published for some individuals but not for others. Other errors exist too such as the reporting of two different dollar amounts. This is demonstrated in reports from 9/17/2002, 1/22/2003, 2/7/2003, 9/10/2003, and 12/18/2003. The reports make reference to a stolen dollar amount of \$163000, but the report from 9/10/2003 states \$162000. The implications are such an error are clear for trying to develop quantitative measurements and totals. Additionally, one of the reports is not even an investigative report. The report from 1/18/2007 discusses a new DVD release by the OIG. While the use of legal document analysis was necessitated precisely because

of this data's textual format, the clear lack of organization makes this process even more difficult.

DISCUSSION ON STATISTICAL ANALYSIS

Figure 1 charts the frequency of cases across the available timeframe of 2000 to 2014. The first half is characterized by sporadic shifts. Case frequencies move from 5 to 1 to 4 to 6, etc. It isn't until 2007 and later years that cases begin to hover around a case frequency of 3. Years 2013 and 2014 reported having 2 cases. At the level of visual analysis, it could be hypothesized that case frequencies are declining. The previously discussed data complications prevent any definitive conclusion from emerging.

Table 1 further details the case dataset through a description of the various report type frequencies. Guilty plea reports were the highest report type with a total of 19 cases. Sentencing had the second most at total of 14 cases. Together these two report types made up a majority. Convictions, indictments, and settlements composed 4, 4, and 9 of the reports, respectively. Disparities in frequency of the mentioned report types suggest a data publication problem. We would expect the frequency case report types to be similar in quantity as many of the reports seek to be updates for criminal cases making their way through the judicial process.

Table 2 presents the frequency of the kind of charges issued by the government. The table presents 34 different charges. The coding of such possible charges was developed very closely with specific language used in the government reports. While some of the charges may appear as synonymous, in order to avoid misconstruing the data, if differing or unique language was used, this was coded as a separate charge. This procedure did not prevent the ability to identify key crime types. Crimes dealing with conspiracy and theft have among the highest frequencies.

Further research should be carried out to refine this data and develop a rigorous, empirical-based typology of corruption in public education.

Table 3 is a frequency table for the types of offenders. Offenders encompass a range of different people (corporations, private citizens, school officials, etc.). What stands out most though is that 13 of the cases involved an offender who was a department of Education employee. This frequency is much higher than any other offender type. The second highest frequency was private sector employees contracted by the Department of Education comprising only 4 of the reports. This is again presents a path forward for further research dealing with criminological typologies.

Figure 2 charts both the amount of money stolen within a given year and the number of reports published for that year. We might expect that the more cases the more amount of money was probably stolen in a year. This is not the case. In the year 2001, a single report was published and around \$100,000,000 was reported as being stolen. The year 2007 had 6 cases but no stolen money. This chart is suggestive that there is no correlation between the number of cases and the amount of stolen money. One other point of interest is the consistency of money being stolen each year. Years 2000 to 2004 each report significant amounts of theft. This consistency concludes though and some years begin to report no money stolen. This isn't to conclude that less money is being stolen. While even some years report no money being stolen, we see a year such as 2011 where a billion dollars was stolen, higher than any other year. It is important to bear in mind with the reading of this data the numerous complications previously pointed out and the Dark Figure issue.

POLICY RECOMMENDATIONS

This assessment of the Department of Education's data would not be complete without at least providing a variety of recommendations. The Office of Inspector General should embark on taking a critical look at the way it communicates and reports its findings to the public and academia. The OIG is the federal bulwark against corruption in public education, but it is not situating its work in a way conducive to researchers and policy experts.

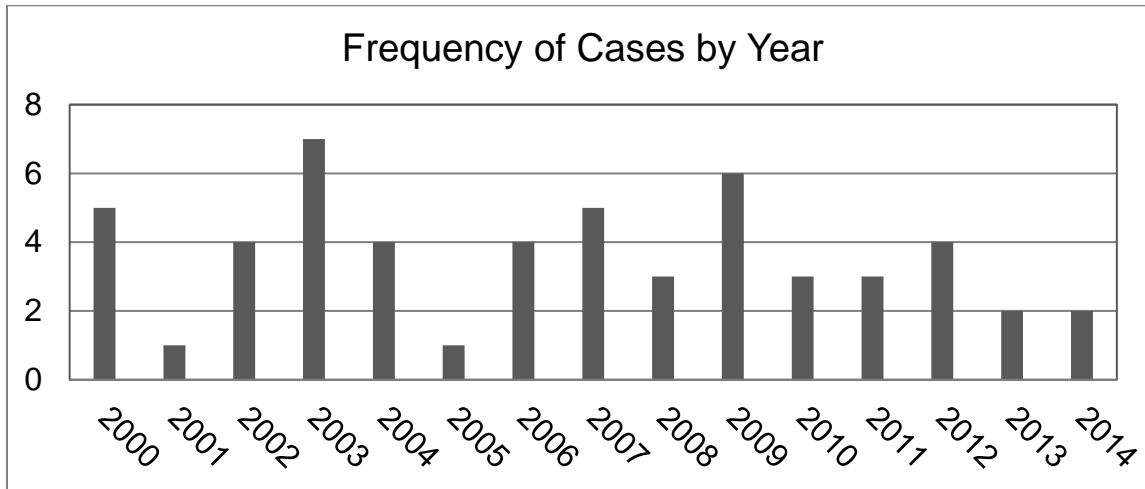
The OIG (and the DoE) should develop a reporting framework which clearly resolves the previously described issues and provides data in a clear, accessible format whether this takes the form of strictly organized and formatted textual reports or a quantitative database using and expanding upon the variables used within this project. Greater data accessibility will allow researchers to establish rigorous analyses regarding corruption in the nation's education sector and enable policy experts to develop better grounded and guided policy formulations for addressing it.

CONCLUSION

While the study of corruption has received considerable international attention, corruption in education is an emergent field. Education corruption in the context of the United States is in an even more infantile stage compared to the research being conducted in places like the former Soviet bloc and China. Before this national gap can be filled with well-refined analyses and typologies, the data gap must be addressed. Previous research has relied on perception indices and media reports. This project turned to a new potential source of data generated by a series of reports published by the Department of Education's Office of Inspector General. Using legal document analysis and a sample of cases from Washington, D.C., variables

were identified and the reports coded. Through this process, a variety of complications were discovered in the data and as a result, recommendations were made to the Department of Education on how it might better prepare its data to serve researchers and policy experts in key decision-making regarding the state of corruption the United States' public education sector.

TABLES AND FIGURES

Figure 1. *Frequency of cases by year*Table 1. *Frequency distribution of case report types*

Report Type	Frequency	Percent
Conviction	4	7.4
Sentencing	14	25.9
Indictment	4	7.4
Guilty Plea	19	35.2
Settlement	9	16.7
Complaint Related	2	3.7
Total	52	96.3
Missing	2	3.7

Table 2. *Frequency of charges*

Charge	Sum of charges
Student assistance fraud	2.00
Conspiracy	4.00
Theft of government property	6.00
Receiving stolen government property	2.00
Aiding and abetting theft of government property	1.00
Conspiracy to defraud the government	5.00
Receipt of stolen government property	2.00
Sale of stolen government property	1.00

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Conspiracy to submit false claims to the government	1.00
False statements	2.00
Witness tampering	2.00
Conspiracy to commit money laundering	2.00
False use of a social security number	1.00
Conspiring to commit bribery and fraud concerning federal programs	1.00
Theft from a program receiving federal funds	5.00
Information	2.00
Offering, giving, soliciting, or receiving gratuity	1.00
Federal tax evasion	1.00
Interstate transportation of stolen securities	1.00
First degree theft	1.00
Mail fraud	1.00
Obstruction of justice	1.00
Bank fraud	1.00
Social security representative fraud	1.00
Wire fraud	1.00
Conflict-of-interest	2.00
Conspiracy to receive stolen government property	2.00
State tax evasion	1.00
Fraud	2.00
Bribery concerning programs receiving federal funds	2.00
Obstruction of an agency proceeding	1.00
Making a false writing	1.00
Acts affecting a personal financial interest	1.00
Criminal information	1.00

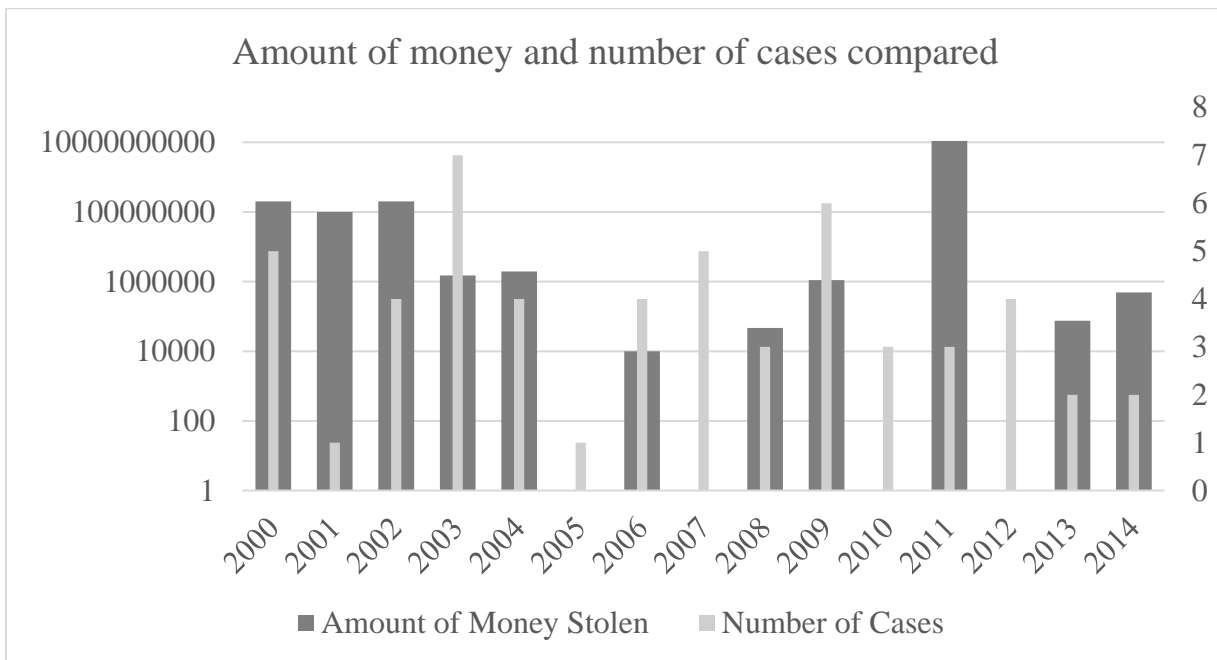
Table 3. *Frequency of offender type*

Offender	Sum of offenders
Graduate student	1.00
Contracted employee	4.00
Debt collection firm	1.00
Department of Education employee	13.00
Family of DoE employee	3.00
Day care center employee	2.00
Private citizen	2.00
Government official	3.00
Charter School official	2.00

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Charter school employee	1.00
Department of Education (state or territory)	2.00
For-profit college	1.00
Local school district	1.00
Local school official	3.00
Non-profit corporation	1.00
Corporation	2.00

Figure 2. Amount of money and number of cases compared



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