

Michael Goulding | The Orange County Register



High school baseball players James Carl, 18, and brother Nathan, 16, were coerced into signing applications for a college class that they did not attend, although they received a grade for it.

# PHANTOM CLASSES

## High school athletes used to pump up college funds

By MARLA JO FISHER

THE ORANGE COUNTY REGISTER

The tip sounded promising, but nothing to write home about.

A parent e-mailed our editor, claiming his teenage sons in high school had received college credit for taking sports classes they signed up for, but never actually attended. Andy Carl told Scott M. Reid, *The Orange County Register's* sports investigative reporter, that his sons, James and Nathan, had been ordered by the athletic director to fill out

college enrollment forms and return them, along with the rest of those in the sixth-period athletic program.

No explanations were offered, and six months later an IRS tax form arrived in the Carls' mail, stating that the boys had received college credit for classes they never attended.

That's when an enraged Andy Carl called us. By the end of the investigation, we found at least 77 of California's 108 community colleges – as recently as last spring – were artificially boosting their enrollment by signing up mass numbers of high-school physical education students in order to gain more state funding. Last year alone, we estimate the practice cost the state's taxpayers at least \$56 million.

Even before we published the series, our findings prompted an audit by the state Department of Finance and demands from the governor that \$80 million be withheld from community college budgets this year so the issue of high school students concurrently enrolled in colleges

could be sorted out.

## Deserving students

The Carls had transcripts proving that the two boys received college credit for attending Cypress College – a local community college at which neither had ever set foot. Further, they had transferred out of the area in mid-term, making it impossible for them to have completed the courses for which they were supposed to have received "A" grades.

By obtaining lists of local high school coaches off the Internet, and matching them with lists of adjunct (part-time) faculty approved by the college district for payment, we found that at least 16 high school coaches were on the Cypress College payroll.

Further investigation showed that these "high school physical education outreach courses" were created under the auspices of the statewide Bridge program, designed to help deserving high school students start their college careers early by taking academic classes they couldn't get anywhere else.

Interestingly, college administrators both on the statewide level and the local level told us they had never heard of such classes.

Meanwhile, I filed written public records requests with the four community college districts I cover in Orange County, asking for information on the classes they offered to high schools. We had to pester district administrators repeatedly over coming weeks to get them to answer our requests. In some cases, they denied such classes existed, only to change their stories later when we were able to prove they did.

While Reid went to Japan on assignment, I borrowed lists from a sports reporter of the high school athletes and began calling them at home, asking if they had taken any of these classes and if they had been coerced into doing so.

I also signed up for the reunion Web site [www.classmates.com](http://www.classmates.com) and e-mailed hundreds of alumni at high schools I suspected might be affected.

Eventually, I ended up with a list of boys who had taken the classes, though most barely remembered signing up and none saw them as "real" college classes.

If they agreed to talk to me in person, I would race to their houses and try to convince them to order their college transcripts, proving that they had received college credit for the classes – and also giving us the course numbers and semesters so we could trace the courses.

Some were surprised to learn they had

### CRUNCHING THE DATA

*The Orange County Register's* Natalya Shulyakovskaya goes into greater detail on the data analysis portion of this story in the March-April issue of *Uplink*. To find out about subscribing to the computer-assisted reporting newsletter, visit [www.ire.org/datalibrary/uplink.html](http://www.ire.org/datalibrary/uplink.html) or call 573-882-2042.

received "A" grades in courses they did not remember taking, except to the extent that they were identical to their high school sports practices.

One after another, they told us they had been informed they were just getting college credit for doing their normal high school practices, which is banned under state law.

Once I received the transcripts, I was able to use the college's online catalogs to look up the sections and courses. I began researching state laws that regulate how and when high school students may attend college courses, along with the arcane system by which community colleges are financed in California.

By law, community colleges can only receive state FTES (full-time equivalent student) funding for enrolling a limited number of high school students who are taking academically advanced classes. All courses for which colleges claim state funding must, by law, be published in the official course catalog and be available to any member of the general public. Further, each FTES – no matter if it were generated through teaching nursing or training high school athletes – brought in equal amounts of funding for the schools.

Colleges that show greater numbers and greater enrollment growth receive more money, sometimes at the expense of their peers. But we found that colleges were puffing up their enrollment numbers by signing up large numbers of high school athletes, in sections of "courses" that were college level in name only, and which were never published in public course catalogs.

The colleges were then claiming state apportionment funding for these "students," paying fees to the coaches for signing them up – at a time when budget cuts were making it impossible for colleges to educate all the students who were legitimately demanding classes.

We already knew that the practice was big business. Paper records showed that phantom sports classes had earned one Orange County college alone \$2 million the year before.

When he returned from assignment, Reid went to high school campuses around the state and learned that the coaches paid by colleges ostensibly to teach Bridge classes were actually just conducting their regular high school sports practices. Sometimes they didn't show up at all. And, high school athletes were getting college credit at taxpayer expense, as one football player said, "for making varsity."

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## Courts slamming doors on media and public access



JENNIFER LAFLEUR

Those of us who are caught up in tracking the latest secrecy moves by the new Department of Homeland Security or worrying about what data some government agencies may have removed from their Web sites, need to add another item to our watch list of processes chipping away at media access: the courts.

In the name of privacy and security, access to documents, proceedings and electronic records are coming under tighter scrutiny in courts at all levels.

From hearings for the alleged Washington, D.C.-area snipers to immigration hearings for U.S. citizens detained since Sept. 11, reporters trying to inform the public about the justice system are increasingly running into closed doors.

### Closed hearings

Although subsequent hearings have been open to the public and press, the original pretrial hearing for accused sniper John Lee Malvo was closed.

Malvo, along with John Allen Muhammad, is accused of shooting 19 people, killing 13 and wounding six in Alabama, Georgia, Louisiana, Maryland, Virginia and Washington, D.C.

A judge denied media requests to attend Malvo's November hearing, which resulted in his detainment. But another judge refused to close Malvo's preliminary hearing in January. Camera access to proceedings has been spotty in the sniper proceedings. Most recently, a judge banned camera access to the hearing to determine Malvo's court date.

Malvo's alleged accomplice, Muhammad, is scheduled to go on trial in Prince William County in October. The judge there has ruled against allowing TV cameras, but will allow still camera access.

Immigration hearings for those detained since the Sept. 11 terrorist attacks also are slamming shut.

In September 2001, Chief Immigration Judge Michael Creppy issued a memorandum closing access to all "special interest" immigration cases.

Two federal appeals circuits are in conflict whether or not such hearings should be open.

One, a federal appeals court in Cincinnati, ruled that proceedings for Rabih Haddad, the Lebanese co-founder of an Islamic charity, should be open to the press and the public. In late January, the Sixth Circuit denied the government's request for a rehearing by the full court.

But another federal appeals court in Philadelphia said deportation proceedings should not be public.

### Under seal

Important information hidden under seal by courts has prevented many important stories from coming to the forefront. Settlements between the Catholic Church and victims of sexual abuse by priests were tucked away under seal until only recently. Settlements between manufacturers and consumers have kept safety problems under wraps and out of news reports.

In some cases, those documents have been opened. In fact, federal judges in South Carolina adopted a new rule that bans secret settlements. The rule applies to all federal district courts in South Carolina.

But in other cases, important information remains hidden in court files.

Court records will remain sealed in the high-profile case of Stephen Roach, a former Cincinnati police officer acquitted of criminal charges for the shooting death of a 19-year-old, unarmed African American male, Timothy Thomas, that led to city riots in April 2001.

The Dec. 31, 2002, decision by the Ohio Court of Appeals ended *The Cincinnati Enquirer's* year-long battle to obtain access to the court records.

### Access to jurors

When the initial trial for Fred Neulander, a rabbi and former community leader accused of murdering his wife in Camden County, N.J., ended in a hung jury in November 2001, the judge ordered that journalists could not contact or interview

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## Member News

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the South Asian Journalists Association (SAJA) for 2003. The group serves 800 journalists in the U.S. and Canada. Kalita also has moved from *Newsday*, where she was a business reporter, to *The Washington Post*, where she covers Fairfax County education. ■ **Joe Kolman**, previously with the *Omaha World-Herald*, now works at *The Idaho Statesman* in Boise, where he covers issues related to population growth. ■ **Dave Levinthal** has joined *The Dallas Morning News*, where he works as the Arlington government reporter. ■ **Mitch Lipka** has left the *South Florida Sun-Sentinel*, where he worked on the consumer beat, to take a position at *The Philadelphia Inquirer*. He now writes enterprise stories and general assignment from the New Jersey statehouse in Trenton. ■ **Lee McGuire**, formerly an investigative reporter at KTVB-Boise, is now a political reporter at KVUE-Austin. ■ **Tony Ortega** is now associate editor of *Phoenix New Times*. He has returned to the publication after spending three years at *New Times Los Angeles*. ■ **Terri Somers** has left the legal affairs beat at the *South Florida Sun-Sentinel* to cover biotechnology at *The San Diego Union-Tribune*. ■ **Brent Walth** of *The Oregonian* received the 2002 Debby Lowman Award for Consumer Affairs Reporting for his assisted-living series, "Assisted Living at Any Cost." The award is given as part of the 2002 C.B. Blethen Memorial Awards for Distinguished Newspaper Reporting. Walth's story, which he wrote with Erin Hoover Barnett, was featured in the November-December issue of *The IRE Journal*. ■ **Derek Willis** has left *Congressional Quarterly* for a job at the Center for Public Integrity, where he is working on a project tracking the finances of state political parties. Willis also compiles IRE's new Web log "Extra! Extra!" (See page 5). ■ **Alison Young**, formerly deputy metro editor at the *Detroit Free Press*, is now a member of Knight Ridder's new investigative team. The Washington-based team will focus on national and international investigations.

## Phantom classes

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### Cost to taxpayers

To put hard numbers with the story, Natalya Shulyakovskaya, an investigative reporter specializing in data analysis, joined our team. She requested electronic records from the statewide chancellor's office, which has been collecting data from the state's 108 community colleges since 1992. The database recorded every class every college had offered, tracked enrollment and recorded information on faculty teaching each section of every class. It had most of the pieces necessary for our analysis.

But the chancellor's office did not want to release the data, citing the federal Family Educational Rights and Privacy Act that prohibits release of easily identifiable student records.

As we negotiated for the data, the entire crew went undercover. All three of us put on our shorts and running shoes and went to high schools to quietly observe 34 P.E. classes held in Orange County – initially without revealing our presence.

We encountered empty gymnasiums, three-hour football practices where some 50 minutes of it counted as a college course, and coaches – whose community college schedules showed they were supposed to be conditioning athletes – killing time on the sidelines.

Our demands for statewide data continued to be rejected, and ultimately, we had to appeal to state legislators to pressure the chancellor to give us the data. After two months of negotiations, e-mails and letters, we received millions of individual records from 10 years. While it wasn't everything we asked for, it was enough.

Shulyakovskaya's painstaking data analysis showed that while the entire community college enrollment grew by 20 percent in the last 10

years, Bridge P.E. increased seven-fold.

To find out the cost to taxpayers, Shulyakovskaya downloaded five years worth of community college district funding reports and parsed them into a funding database. Numbers from statewide budget workshops for college administrators provided additional pieces for fiscal analysis.

Our most conservative estimate was that in the 2001-2002 academic year alone, community colleges received at least \$56 million in taxpayer funding based on enrollment generated by P.E. classes for high-school athletes.

Meanwhile, our questions had been raising eyebrows in Sacramento, and state auditors also decided they wanted to know much more about high school Bridge programs and how much they were costing the community college system.

To our horror, the governor's midyear budget revisions came out – and recommended cutting \$80 million from community college budgets, based in part on our reporting (even though the story had not yet been published).

To beat other news organizations becoming interested in the story, we published our series 48 hours later. The response? State officials decried the practice and recommended it be stopped, while legislators called for an audit. Public outcry was high, and many colleges quickly abandoned the practice.

As the tips keep coming in, we know this is a story we aren't done with yet.

*Marla Jo Fisher has reported for The Orange County Register for eight years, where she has covered general assignment, Disneyland, stadium issues and now higher education. Before that, she was an investigative reporter for the San Gabriel Valley Newspapers. She has won national awards for her work.*

## Legal corner

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of the E-Government Act).

And of particular concern, Subsection 205(c) provides that the Supreme Court shall prescribe rules to protect privacy and security concerns relating to electronic filing of documents and the public availability of documents filed electronically. A year after promulgation of rules by the

Supreme Court, and every two years thereafter, the Judicial Conference shall submit to Congress a report on the adequacy of the rules to protect privacy and security.

Clearly, this will be a process that bears close scrutiny for those engaged in newsgathering based upon court records, and by everyone concerned with presumptive rights of public access to such information.