



האגודה לזכויות האזרח בישראל
جمعية حقوق المواطن في إسرائيل
The Association for Civil Rights in Israel



Failed Grade

East Jerusalem's Failing Educational System

August 2012

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Introduction

At the end of August 2012, a new school year will commence. As in previous years, tens of thousands of children in East Jerusalem will receive inadequate educational services—if they receive them at all—in an obvious breach of their basic right to an education. Most will find themselves part of a poor public educational system that lacks sufficient funding and professional quotas. Thousands of students will receive their education in substandard and unsuitable classrooms, some of which are situated within residential buildings. Thousands more will lack the opportunity to study at all; and among the senior class, 40% will drop out of the system altogether. Many families will be forced to pay tuition to unofficial learning institutions, oftentimes spending thousands of shekels a year of their own personal incomes and sometimes more, contrary to the law that promises children a free education. This expenditure is particularly difficult to absorb for the population of East Jerusalem, where poverty rates have risen to unprecedented levels: 78% of the total population and 84% of children¹.

These statistics should leave those responsible sleepless, and yet the situation has persisted for many years and is often responded to with apathy. Even simple questions, such as the number of Palestinian children of school age who reside in East Jerusalem today and the number who study within educational institutions, do not receive adequate responses. Data received from MANHI, the Jerusalem Educational Administration, indicates that as of 2012, there is a total of 88,845 children in East Jerusalem aged 6-18. However, according to population registry data provided by the Jerusalem Municipality, there are 106,534 children aged 6-18 living in East Jerusalem— a significantly higher total than MANHI’s figure. This discrepancy has far reaching consequences for such measures as the city’s education budget, construction of new classrooms to absorb these children and the scope of unique programs created to fight dropout rates.

This report is part of the Association for Civil Rights in Israel (ACRI) and Ir Amim’s continuing monitoring of the educational system in East Jerusalem. Since the last situation report was published a year ago², and in the context of an ongoing shortage of more than a thousand classrooms, 33 new classrooms have been constructed in East Jerusalem and 6 new classrooms are expected to be opened in the coming school year. In addition, the East Jerusalem municipal schools’ administration budget has been increased. However, these developments are hardly sufficient: while new classrooms have been created, the gap between existing classrooms and the requisite number continues to grow and the

¹The National Insurance Institute, “Annual Report – Poverty Assessments and Social Divides,” 2011, pg. 24. http://www.btl.gov.il/Publications/oni_report/Documents/oni2010.pdf

² IrAmim and the Association for Civil Rights in Israel, “The East Jerusalem Education System”, August, 2011.

<http://www.acri.org.il/he/wp-content/uploads/2011/08/EJeducation0811.pdf>.

See also: “Failed Grade: The Education System in East Jerusalem” 2010.

<http://www.acri.org.il/pdf/EJeducation2010en.pdf>

educational system in East Jerusalem is still hard pressed to provide standard educational services to its students.

These circumstances run contrary to the Supreme Court's directives. On numerous occasions over the past decade, the Court has issued orders to the Ministry of Education and the Jerusalem Municipality demanding that they fulfill their obligation to provide a free education to each and every Palestinian child who is a resident of the city. As permanent residents of the State of Israel, the Palestinians of Jerusalem have a right to free compulsory education by virtue of both Israeli and international law. However, over the course of years, the gap between existing circumstances and desired outcomes within the eastern part of the city's educational system has continued to grow.

From continuous monitoring in the field, Ir Amim and ACRI have discovered that professionals within the Jerusalem Municipality and MANHI are aware of these critical disparities within the East Jerusalem educational system and are making efforts to correct them. However, a meaningful change can only take place if the issue of education in East Jerusalem gains its rightful place on the policy agendas of both the mayor and the Israeli government. Indeed, on several occasions anticipating, including at the start of the new school year, the Mayor's office has released statements regarding the importance of education in East Jerusalem³. However, in reality and as documented in this report, the heads of state carry out a policy that exacerbates the problem by promoting large scale and expensive projects within East Jerusalem, in the few lands that can be put to public use. The purposes of these projects are to consolidate Jewish settlement in the heart of Palestinian neighborhoods; to construct an IDF officers' college; and to develop a national park that obstructs the possibility of alternative construction and development for the neighboring Palestinians. Had these resources and public plots been allocated for the benefit of the local Palestinian population, construction of educational centers with over a thousand classrooms currently missing from the system could have been possible. Construction of these classrooms is the primary condition for the realization of the basic right to an education for tens of thousands of children in East Jerusalem.

A. Weak Infrastructures for Education

The ongoing shortage of classrooms appears even more severe when taking into consideration the authorities' confusion regarding the number of children currently residing in East Jerusalem to whom they are responsible for providing classrooms. The number of children naturally informs not only the number of required classrooms but also the scale of the budget and resources to be allocated to education within East Jerusalem. Attempts to acquire clear data have shown that the responsible authorities do not hold them, and the available data is inconsistent regarding the number of children residing in East Jerusalem,

³Press release from August 2011 displayed on the Jerusalem municipality's website: "Barkat's Educational Revolution in East Jerusalem."
http://www.jerusalem.muni.il/jer_sys/muni/messages/item_news.asp?msg_id=13553&cat=0&sec_id=29

the number of students within the education system and the number of students who are currently not registered in any educational institution.

According to one assessment, 2,827 children from the 1st to the 12th grade do not attend school. This calculation is based on data provided by MANHI⁴ (Jerusalem Education Administration), which states that there were a total of 88,845 children in East Jerusalem aged 6-18 in 2012, of which 86,018 attended some form of educational institution.

A different calculation informs us that over 20,000 school aged children are absent from known educational institutions: according to data provided by the Jerusalem Municipality, 106,534 children aged 6-18 live in East Jerusalem⁵—a much higher figure than the one provided by MANHI. If only 86,018 of these children have attended schools, then a simple subtraction reveals that 20,516 have not attended an educational institution known to MANHI. If we account for the 5 year old age group included in the compulsory education act, the numbers soar even higher.

One explanation provided by the authorities for the difficulty of calculating exact statistics concerns different phenomena unique to East Jerusalem. Some East Jerusalem families send their children to schools administered by the Palestinian Authority in the West Bank; as a result, the Israeli authorities cannot track their numbers. Another explanation concerns schools located in neighborhoods on the outskirts of the city, where Palestinian children with Israeli IDs and Palestinian children with Palestinian IDs study together. Even so, it can be presumed that this phenomenon is limited in scale and cannot provide a valid explanation for the enormous gap in the data. We were unable to uncover the source of this gap, but what is even more troubling is that the authorities themselves cannot provide an acceptable explanation.

The table below displays the distribution of children within the compulsory education age group who attended different learning institutions in the past year. Less than half the students (almost 42,500) attended the Jerusalem Municipality's official learning institutions:

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Type of Educational Institution	Number of Kindergartens and Schools	Number of Children
Official	86 kindergartens 54 schools	42,474 children, of which: <ul style="list-style-type: none"> • 2,277 attend kindergartens • 38,704 attend schools • 1,493 attend special

⁴ Lara Mubariki, Head of MANHI (Jerusalem Education Administration) East Jerusalem, response to ACRI, July 30, 2012.

⁵In accordance with the definitions of the registry data provided by the Jerusalem Municipality, this number includes any child that is not Jewish living in Jerusalem

⁶The table is based on ACRI's requests for free information from MANHI, Jerusalem Municipality on June 13, 2012, June 18, 2012 and July 3, 2012, respectively responded to on June 26, 2012, July 3, 2012 and July 9, 2012. Also includes data processed from MANHI 2011-2012 as it appears on the Jerusalem Municipality website.

		education
Recognized but unofficial⁷	53 kindergartens 70 schools	28,280 children of which: <ul style="list-style-type: none"> • 3,027 attend kindergartens • 25,253 attend schools
Private	83 schools, including: <ul style="list-style-type: none"> • 40 schools belonging to the Islamic Waqf • 8 UNRWA schools • 35 private schools 	20,568 students, of which: <ul style="list-style-type: none"> • 12,550 attend Waqf schools • 2,442 attend UNRWA schools • 5,576 attend private schools
Total	139 kindergartens 207 schools	91,322 children within all educational institutions, of which: <ul style="list-style-type: none"> • 5,304 attend kindergartens • 86,018 attend schools

1. 1,100 Missing Classrooms

The educational system in East Jerusalem has a severe deficit in its basic physical foundation of classrooms. According to the state comptroller's report from 2009, this deficit was estimated at about 1,000 classrooms⁸. Since then, the scope of missing classrooms has grown and according to the Municipality, as of summer 2012, included 1,100 classrooms⁹. This figure includes 720 new classrooms required to replace existing classrooms located in substandard structures, in addition to the approximately 400 new classrooms needed to serve the thousands of children currently forced to turn to alternative institutions or remain without a formal education altogether.

The High Court of Justice's ruling: Missing classrooms must be created within five years

Over the past 12 years hundreds of parents from East Jerusalem, along with concerned NGOs, have filed petitions regarding the shortage of classrooms in East Jerusalem, demanding that authorities honor the free Compulsory Education Law in East Jerusalem. The High Court of Justice recognized in 2001 that the implementation of this law in the eastern part of the city has been

⁷Schools that are recognized but unofficial are owned by private bodies (for-profit or not-for-profit). They operate with a license, are recognized by the Ministry of Education and are largely funded by the Ministry of Education and recently also by local authorities (in this case, the Jerusalem Municipality). Authorities partially supervise their activities and they are permitted to categorize (but not discriminate among) the children and to charge parents tuition.

⁸State Comptroller, "Annual Report", 59b, for 2008 (May 2009), pg. 624.

⁹Pepe Alalu, Jerusalem Deputy Mayor's response to ACRI, July 17, 2012.

obstructed by years of neglect and reaffirmed its ruling with a four-year plan to construct 245 new classrooms¹⁰. Once this pledge failed to be implemented, the petitioners filed a contempt of court request. Ir Amim has continued to pursue this petition for many years.

Against this background, in February 2011 the High Court accepted ACRI's appeal demanding that the Jerusalem Municipality and the Ministry of Education allow every child from East Jerusalem to register to an official school in his or her residential area or, alternatively, to receive tuition reimbursement for a recognized unofficial school for which the child is obliged to register¹¹. In the court ruling, Justice Ayala Procaccia elaborated on the extent of the infringement on the right to an education in East Jerusalem:

"The infringement on equality in education in East Jerusalem is not the fate of few. It is widespread and includes a significant portion of an entire population that is not accorded its basic rights by law and by virtue of Israeli constitutional values. [...] The rate of action and the resources delegated to this cause indicate that in the coming years chances are that this difficult and complex issue will find only a partial solution."¹²

The Court directed the State to create a physical infrastructure within five years that would admit all interested students in Eastern Jerusalem into the official municipal educational system. The Court ruled that if within five years these students could not find a place within the official educational system, the State would be liable for financial reimbursement of recognized unofficial schools, covering educational costs for these students.

Judge Procaccia also added and recommended the "creation of a special team of experts within the relevant authority to outline a program, set a timeframe and supervise its execution to ensure an appropriate response is given to the task of developing the official educational system in East Jerusalem to suit the needs of its residents in accordance with the operative directive inherent in this appeal"¹³.

In February 2012, ACRI and Ir Amim approached the Jerusalem Municipality on this issue and were told that the Municipality had already established a general educational forum and, consequently, there was no need to establish a special team following the ruling.

Over the last few years, following appeals submitted on the subject, new classrooms have been built in East Jerusalem. However, this effort does little to bridge the gap and provide a

¹⁰High Court of Justice 3834/01 *Hamdan vs. Jerusalem Municipality* and High Court of Justice 5185/01 *Badria vs. Jerusalem Municipality* (unpublished, partial court ruling given on August 29, 2001).

¹¹High Court of Justice 5373/08 *Abu Lavda and others vs. Minister of Education and others* (Unpublished, given on February 6, 2011)

<http://elyon1.court.gov.il/files/08/730/053/r07/08053730.r07.htm>

¹²Ibid, in paragraphs 44-45 of Judge Procaccia's ruling

¹³Name, in paragraph 56

comprehensive solution to the growing deficit. As in past years, we have continued to follow the construction of schools and classrooms in East Jerusalem.¹⁴

Planned and constructed classrooms:

- 314 classrooms were built in East Jerusalem over a period of more than a decade, between the years 2001-2012. Of these, only 33 classrooms were completed during the past school year (2011-2012).
- 91 classrooms are currently under construction: six classrooms are expected to be completed before the beginning of the coming school year (2012-2013); 37 additional classrooms are expected to be completed over the course of the year.
- 257 classrooms are presently in different planning stages: 51 are in the implementation and preparation for construction phase; 122 are in the planning process; and 84 classrooms are in the process of land expropriation and purchases.

Once all of these classrooms have been completed, at an unknown future date, the official educational system in East Jerusalem will receive an additional 348 classrooms. Even then, there will still be a shortage of more than 750 classrooms in East Jerusalem.

Most of the classrooms currently in the construction phase are located in the northern neighborhoods of East Jerusalem such as Beit Hanina. These construction plans do not provide a full response to these neighborhoods' needs and, furthermore, the gaps and shortages within other neighborhoods continue to grow. For example, the neighborhoods of Silwan and Ras al-Amud have 140 classrooms in municipal institutions; however, they lack an additional 180 classrooms that would be required to adequately serve the children's population in the area. During the coming school year, 24 classrooms are expected to be completed and nine additional classrooms renovated in these neighborhoods. Even then, there will still be a shortage of over 145 classrooms. According to MANHI data, there are no plans for the construction of new schools in the area in the next few years.

2. Substandard and Overcrowded Classrooms

There is severe overcrowding within the educational system in East Jerusalem, far beyond that which exists in the western part of the city. Within official elementary schools in East Jerusalem there is an average of 32 students per classroom, compared to an average of 25 students per classroom in the western part of the city. In East Jerusalem high schools there is an average of 32 students per classroom, compared to the western part of the city, where there is an average of 24 students¹⁵. It is obvious that learning in overcrowded conditions has a direct impact on quality of education—specifically, teachers' ability to provide

¹⁴See the updated table for July 2012 annexed as an appendix to this report.

¹⁵Data processed from MANHI annual publication of data ("Shnaton"), 2011-2012, as displayed in the Jerusalem Municipality's website

adequate attention to each student and students' ability to concentrate on classroom activities.

About 720 classrooms in East Jerusalem have been defined as substandard as of summer 2012¹⁶. The data detailed in the Knesset's research and information report for 2010 outlines the severity of the problem. Official MANHI reports from that time period indicate that half the classrooms within municipal educational institutions were below standard (647 of 1,398)¹⁷. Furthermore, in 2010 more than a quarter of the substandard classrooms were defined as classrooms with "inappropriate conditions" (188 classrooms), 157 where in "mediocre condition" and only 155 were found to be "adequate" but below standard.¹⁸.

The Story of One School in the Neighborhood of A-Thori

In the neighborhood of A-Thori there is a school whose story encapsulates the prevailing educational issues in East Jerusalem. The school resides in an old residential building that was not modified to serve as a school; safety and hygiene conditions in the building and its surroundings therefore do not meet minimal standards. The building serves as the neighborhood's elementary school for boys, "Ahmad Samah".

The Jerusalem Municipality rented this old three-story residential building and, in order to utilize it as a school, converted the bedrooms and balconies into classrooms. The structure can accommodate up to 300 students but currently holds 500 after absorbing students from a nearby school whose floor had collapsed. As a result, school density is unbearable and some of the classes have been relocated to balconies. Since the table configuration in all of the classrooms requires the tables to be connected in a row, when a child needs to leave the classroom to go to the bathroom, either the entire row must be moved or he must jump over the table.

On the first floor of the building is a kindergarten located in two separate, non-adjacent rooms. Kindergarten children who wish to move from one room to the other must climb to the third floor and then descend to the other side of the first floor.

The students of this school cannot freely enter the building's courtyard, and so they reach it by exiting the school, walking on the road in an area with no sidewalks, and entering the courtyard. Instead of the ten toilets required by law for a school of this size¹⁹, there are currently six, which translates to an average of one toilet for every 80 students. The school has no heating system in the winter, no air-conditioning in the summer, no computer lab and no parking accommodations for school visitors.

¹⁶See footnote9

¹⁷The data appears in the Knesset Research and Information Center's report, "The East Jerusalem Education System: Classrooms and Curricula" (May 2010), pg. 4.
<http://www.knesset.gov.il/mmm/data/pdf/m02507.pdf>

¹⁸ibid

¹⁹Sanitation facility directives, pg. 59

http://www.architecture.org.il/pdf_other/law_halat_hok.pdf

After the Jerusalem Municipality failed to respond to repeated complaints from the neighborhood's residents about the school's deficiencies, the parents' committee of A-Thori appealed to Minister of Education, Gideon Sa'ar, in 2009. In response, the Ministry of Education informed the parents that the Municipality was aware of the need to expand the existing structure and was seeking an additional structure to provide a solution to the students' needs. In early 2010, the Municipality rented three additional classrooms on the ground level, in rooms formerly used as residences. Some of the students who had previously studied on the balconies were transferred to these classrooms and a playground was installed for the kindergarten children. Even so, classrooms remained crowded and the critical shortage of toilets went unaddressed. This shortage resulted in a substantial health risk when a 2010 meningitis epidemic spread among the neighborhood children. In response, the school's parent committee sent an urgent letter to the Ministry of Health.

In response to their petition to the Administration of the Physical Planning Department at MANHI, Bimkom—Planners for Planning Rights was informed that there were empty lots in the neighborhood that had been approved for construction of educational purposes. Following these developments, a number of tours were held in the area in early 2012 for Municipality officials, including a visit by Mayor Nir Barkat. Officials in the Municipality promised that during July-August 2012 the school building's deficiencies—including the need for installment of additional toilets—would be resolved. At the time of this report's publishing, the promise has yet to be fulfilled.

3. Acute Shortage of Institutions to Absorb 3-4 Year Olds

In early 2012, the government of Israel decided that starting with the 2012-13 school year, the Free Education Law would apply from age three onward. Formerly, the law applied only from age five throughout most of the country and from age three only in select areas. In Jerusalem, these areas included a number of neighborhoods in the western part of the city, and to only one neighborhood in East Jerusalem, in the western portion of Beit Tsafafa.

The initiation of young children into the educational system is designed to be an exciting event in the lives of both children and parents, but in East Jerusalem parents must struggle simply to find a learning institution for their children. Due to the acute shortage of kindergartens for children aged 3-4 in East Jerusalem, chances of implementing the Free Education Law in this part of the city are slim. About 15,000 children aged 3-4 reside in East Jerusalem; during the 2011-2012 school year only 433 (less than 3%) attended official kindergartens while another 260 attended recognized but unofficial kindergartens²⁰. Dozens of private kindergartens operating in East Jerusalem admitted children into their institutions; however, as they are not part of the official educational system, there is no way to monitor their numbers.

²⁰ Based on official data submitted to ACRI on kindergarten registration by MANHI, Jerusalem Municipality, February 2012.

Following the government's decision, and as the new school year approaches, 1,800 children aged 3-4 from East Jerusalem have registered for placement in the Municipality's educational system²¹. Due to the small number of official municipal kindergartens available for this age group, only 800 will find room in these kindergartens—in other words, only 5% of children of this age group living in East Jerusalem will be accommodated. Parents who have applied to register their children have already been informed that there are no available institutions to accept them. In lieu of receiving promised benefits from this law, several private kindergartens in East Jerusalem have requested to receive official status as recognized institutions. However, nearing the time of the new school year's opening the Municipality still lacked statistics regarding their numbers and the number of preschoolers these institutions would be able to absorb. ACRI requested that the authorities urgently establish educational facilities for preschoolers in East Jerusalem²².

The importance of preschool education is well-known. The prevalent shortage of kindergartens in East Jerusalem comes at the backdrop of a severe shortage of public parks, playgrounds and general neighborhood infrastructure. There are few, if any, settings for informal education. Many families find themselves preoccupied with the struggle to find and maintain a livelihood and deal with mounting social and economic distress. Many children are barely exposed to experiential learning and enrichment opportunities, or to the opportunity to learn from play in their natural environment. As a result, children's development is significantly impaired.

4. Instead of Schools, Massive Projects in the Heart of Palestinian Neighborhoods

Parallel to the growing shortage of classrooms in East Jerusalem, initiatives for Jewish Israeli construction plans in these same areas are being consistently advanced. The following are a few examples of projects that have been promoted over the past year:

- **Military Academy in A-Tur**

The neighborhood of A-Tur suffers from a severe shortage of residential and public buildings, including schools. Nearby the neighborhood is a large plot designated for public purposes. In July 2012, despite public protest, the District Committee for Planning and Construction authorized a plan for the establishment of a large educational venue on 11 dunams of land. The plan's objectives did not include a resolution of A-Tur's educational needs or the addition of even one educational facility for the neighborhood; rather, its intention is to build a military academy for senior officers of the IDF, a plan that has been promoted by the Jerusalem Municipality, the Jerusalem Development Authority and the Ministry of Defense.

- **A National Park between Issawiya and A-Tur**

The local committee of Issawiya, in cooperation with the NGO Bimkom and the residents of Halat al-Ein in A-Tur, has invested its own money to independently prepare master plans for

²¹Submitted to ACRI by MANHI East Jerusalem Administration at a meeting on May 7, 2012.

²²ACRI's appeal to the Minister of Education and MANHI March 11, 2012.

their neighborhoods in the absence of appropriate planning. The Municipality welcomed this initiative while at the same time continuously demanding changes and alterations in the plans, necessitating continued funding for planning from the neighborhood's residents. Because it appeared that the Municipality was cooperating with their initiative, in late 2011 the neighborhood's residents were surprised to learn that it had recommended a different plan, the Mount Scopus Slopes National Park, initiated by the Israel Nature and Parks Authority and the Jerusalem Development Authority.

The proposed national park would be located on a swath of land between the two neighborhoods that constitutes part of their land reserves. Its establishment will choke these neighborhoods' growth capacity and severely challenge their ability to provide a solution to the shortage of schools, kindergartens, youth centers, public buildings and community parks outlined in their planning blueprints. The residents of A-Tur and Issawiya, along six other non-profit organizations, have joined together to fight the proposed park, which does not have significant natural, scenic or historical importance that could justify such a plan, particularly in light of the residential needs of the neighborhoods in which it would be located²³.

- **A Jewish Tourist Visitor Center in Silwan**

Authorities are currently accelerating advancement of a plan to alter the designation of plots at the entrance road to Wadi Hilwa in the densely constructed Silwan neighborhood for public and tourist buildings. Despite the area lacking even one single public school or kindergarten for its Palestinian residents, the plan is not intended for the benefit of the local residents. Instead, it aims to promote the establishment of a huge visitor center, construction of which will cover over 16,600 square vertical meters on a plot called "The Givati Parking Lot", part of the adjacent Ir David National Park²⁴. The Jerusalem Municipality was not satisfied to simply recommend the plan; Mayor Barkat went even further by taking the nontraditional step of participating in the District Committee's meeting to ensure the plan's promotion.

- **An Educational Campus in Ras al-Amud**

In the area between Ras al-Amud and Abu Dis, at the border of its municipal jurisdiction, the Municipality is promoting plans for a residential neighborhood that will include roughly 230 residential units on an area of 97.5 dunams. An educational campus is also proposed on 6 dunams of neighborhood land, including an elementary school and four kindergarten spaces, in addition to other public structures such as a community center and a family health center. This plan's goal is not to promote the residential and educational needs of the tens of thousands of Palestinians who reside nearby in the Jerusalem neighborhoods of Ras al-Amud and Jabal Mukabar. This plan is part of the intended expansion of the "Kidmat Zion" settlement, located in the heart of the Palestinian area. The plan was suspended in 2009 at

²³ For the official documentation and opinions on the Mount Scopus National Park, see the park protest site, <http://stopscopuspark.org>.

²⁴ Plan 13542 – Kedem site (Givaty Parking lot), submitted by 'Ma'ale David' (a company controlled by ELAD).

the behest of the Municipality's then legal advisor, who wondered why the Municipality chose to submit a plan, as it did not usually submit plans relating to private lands. However, publications from the past year indicate the Municipality's intention to strongly advance the plan²⁵.

B. Deep Rooted Discrimination In Professional Quotas for Schools

Alongside the growing disparity in the physical infrastructure of East Jerusalem educational institutions compared to those in the western half of the city are huge gaps in professional quotas. Disparities in educational counseling services serve as a solid example of these inequities .

As described by the Ministry of Education, "the purpose of educational counseling is to assist the student and the school as a social-organizational system to reach the best possible functioning and optimize their abilities in a supportive and accepting environment."²⁶ Professional counseling should be attentive to the student's needs. It is responsible for providing students with direction and supporting and encouraging them to optimize their inherent potential.²⁷

Discrimination and neglect in East Jerusalem have profound effects on the area's children, damaging familial networks, creating the conditions for violence in the family, diminishing children's capacity for learning and leading to high dropout rates and early entry into the black labor market²⁸. Given such indicators, one could expect that the authorities would invest more intensively in educational counseling services in East Jerusalem.

Instead, during the past school year there were only 21 counselors within the official educational system in East Jerusalem, in varying job percentages. These 21 counselors were responsible for caring for about 42,500 children²⁹. A simple calculation shows that there was roughly 1 counselor for every 2,000 students. Simultaneously, the educational system in West Jerusalem employed over 250 educational counselors for a similar number of students—more than 12 times the number of counselors than the number in East Jerusalem.

Silwan as an example: Based on official data submitted to Ir Amim by the Jerusalem Municipality, for the 4,603 children studying in official schools in Silwan, there are three psychologists and one educational counselor³⁰.

²⁵Nir Hasson and Akiva Eldar, "Barkat Promotes Establishment of a Jewish Neighborhood Near Abu Dis", *Ha'aretz*, April 3, 2012.

²⁶Edna Dashavsky, "Standards for Professional Practice in Educational Counseling" (The Ministry of Education, publication department, 2009), 7.

²⁷SHEFI Advisory Department, The Ministry of Education, a description of education counseling roles in schools

²⁸ ACRI, "Human Rights in East Jerusalem: Facts and Figures", May, 2010
<http://www.acri.org.il/he/wp-content/uploads/2011/03/eastjer2010.pdf>

²⁹Response by SHEFI Advisory Department head at the Ministry of Education from October 27, 2011.

³⁰Head of MANHI East Jerusalem, response to Ir Amim, July 3, 2012

In July 2011, Ir Amim and ACRI appealed to the Minister of Education, Gidon Sa'ar, requesting a solution for the severe shortage of educational counselors in East Jerusalem. The organizations received the following terse response: "We will investigate these claims as part of our priorities to promote the educational system in East Jerusalem, particularly based on relevant educational and teacher considerations." Ir Amim and ACRI are considering additional legal steps to further the issue.

C. Discrimination in Ongoing Administrative Funding for Schools

The Jerusalem Municipality's ongoing administrative budget finances educational facilities' daily administrative expenses including water and electricity, photocopying and maintenance. Funds allocated by the Municipality to schools in East Jerusalem are insufficient to operate them in a manner suitable for providing a comfortable and enriching learning environment for the students. Schools are at times disconnected from a water supply due to debt. Some classrooms are not heated in the winter nor cooled in the summer due to insufficient funding to pay the electric company. Reasonable sanitary conditions are not maintained, and teachers cannot always print papers for the students, lacking essential equipment.

Following appeals submitted by ACRI, the Jerusalem Municipality agreed that the current budget does not provide for many of the students' needs in East Jerusalem. The Municipality informed the Court that it would gradually add a total of 4,500,000 NIS to the East Jerusalem school budget, over a period of three years: an increase of 1,500,000 NIS in 2011, an additional 1,800,000 NIS (including 300,000 NIS due to the natural growth of the population) in 2012 and another 1,500,000 NIS expected in 2013.

D. School Transportation

Even a child's road to school in East Jerusalem is full of pot holes. The Municipality is responsible for providing transportation for children from kindergarten through to 4th grade for students who live further than 2 km from the school to which they are assigned; and from the 5th grade to the end of senior year for students who reside further than 3 km from their school³¹.

In East Jerusalem many students require rides to school because those in their neighborhood are at full capacity. Municipality data shows that 6,314 students from East Jerusalem use the educational system's transportation to get to school³². An analysis of this data shows that 2,900 students residing within the separation barrier use transportation services; 1,900 of these are students are from kindergarten age through to 4th grade.

Over half of the students using transportation services (3,414) are residents of Jerusalem neighborhoods beyond the separation barrier who must pass through a checkpoint on a daily basis and commute to schools in neighborhoods on the other side. The commute time

³¹ Paragraph 2.4a of the Ministry of Education Executive Notice number 3.3-5, "School transportation for students and teaching faculty to official educational institutes".

³² MANHI, Jerusalem Municipality's response to ACRI, June 17, 2012.

for these children, some of whom are extremely young, is between one to two hours every morning; as a result, they often miss the beginning of the school day. Students who reside more than ten kilometers from their school must rise at five in the morning, reach either the Qalandia checkpoint or the Shuafat Refugee Camp checkpoint and board the regular school ride from there. Many families fund transport from their homes to the barrier independently, contrary to the directive published by the Executive Director of the Ministry of Education, stating that students are entitled to free transportation from their homes.

E. The Country's Highest Dropout Rate – 40%

At the end of 2011, MANHI presented worrying statistics regarding dropout rates in East Jerusalem. According to MANHI's figures, dropout rates start in the first grade³³: 166 children, constituting 2% of a total 7,702 children that year, did not attend school. The dropout rate increases consistently with every age group, reaching 5% in the eighth grade. In high school, the number doubles, triples and quadruples: the dropout rate from the 9th grade reached 10%, in the 10th grade 17%, in the 11th grade 30% and in the 12th grade the number of children who do not attend any educational institution reached 40%. For the sake of comparison, the average dropout rate among the Arab sector in Israel for grades 7th to 12th is 6.2%, and 4.2% among the Jewish sector in Israel, while in East Jerusalem it reached 17.3%. This means the dropout percentage in East Jerusalem is four times higher than that of the Jewish sector in Israel.

These grim statistics should justify affirmative action on behalf of East Jerusalem students; instead, students are discriminated against in the city's treatment of the dropout phenomenon when comparing both parts of the city. For example, MLA centers ("different learning centers") are designed to prevent apparent and concealed dropouts and their schedules are adjusted to accommodate student needs. While in West Jerusalem 16 MLA centers operated during the past year, East Jerusalem benefited from only 5 similar centers, despite the fact that a similar number of students study in official schools in both parts of the city. In addition, while there were 71 SHAHAR classrooms (welfare and educational services) in West Jerusalem in 2011, only three such classrooms existed in East Jerusalem³⁴. While there is a quota in place for 13.5 regular visiting officers for West Jerusalem, whose job it is to follow up on students' school attendance and prevent dropout, there is a quota for only three in East Jerusalem, of which only one and a half are staffed³⁵.

F. Proliferation of Unofficial Schools

During the past decade the number of schools with a recognized but unofficial status has multiplied by a factor of 14 in East Jerusalem. In the 2001 school year the number of

³³Based on a presentation submitted by MANHI to the Municipality's educational committee at the end of 2011.

³⁴Ibid

³⁵Data on the regular visiting officer from the Jerusalem Municipality website; ACRI's meeting with MANHI on May 7, 2012.

students in these institutions was roughly 2,000, while during the last school year it reached 28,280³⁶.

What is a recognized but unofficial school? These schools are not owned by the government but rather by private bodies (either for-profit or not-for-profit). They operate with a license and are recognized by the Ministry of Education. They are funded largely by the Ministry of Education and recently also by local authorities (in this case, the Jerusalem Municipality). They are partially supervised by the authorities and are allowed to categorize students (but not to discriminate against them) and to charge parents³⁷.

An increase in recognized but unofficial schools is apparent throughout the country, but even when taking this trend into consideration, the increasing number of these schools in East Jerusalem is exceptional. This immense growth is a direct result of the shortage of official classrooms, the return of many of the city's residents following the construction of the separation barrier, the tripling of funds to such schools now made available from the Ministry of Education, the Jerusalem Municipality and parents; and parents' dissatisfaction with the official education system or their reluctance to participate in it.

Only a small portion of the increase in the number of official but recognized schools can be attributed to parents' intentional decision to pursue a higher quality of education. Among such select schools would be included church schools or unique institutions in which there is a foreign curriculum—American, British or French—combined with the local curriculum. These schools are considered high quality and prestigious and enrollment is highly competitive. Students traditionally come from relatively established sectors in East Jerusalem, from families that can afford the high tuitions.

The vacuum in the educational system in East Jerusalem is being filled by the continuing growth of organizations that operate unofficial but recognized schools. These schools offer little beyond the minimal curriculum, are usually situated in unsuitable buildings and do not provide standard and appropriate school conditions. In addition, they often hire teachers untrained in their subject area and sometimes not trained at all.

Supervision by the Ministry of Education and the Jerusalem Municipality is scant. In East Jerusalem there are five supervisors for official educational institutions, compared to 16 in the western part of the city. Among unofficial but recognized schools the gap is much larger: a total of five supervisors operate in Eastern Jerusalem, four of whom work with official

³⁶The Jerusalem Institute for Israel Research, "The Arabic Educational System in Jerusalem" (2011); the annual publication on the Arabic educational system in Jerusalem 2012; and MANHI annual publication of data for 2011-2012.

³⁷Compulsory Education Act, 1949, Student Rights Law, 2001; National Education Law (amendment 7) 2007 (from May 30, 2007) ("Nahari Law").

educational institutions, while in the western part of the city there are 26 supervisors operating within recognized but unofficial institutions alone³⁸.

As a result of this shortage, supervision of recognized but unofficial institutions is usually limited to a single assessment of the school allowing the Ministry of Education to recognize the school³⁹. The shortage in supervisors leads to an insufficient response to parents' appeals against the exaggerated tuitions demanded from them, and to complaints such as deferment of report cards until tuition is fully paid. This limited supervision also leads to months of delays in receiving recognition for the institution, and a deferral of safety inspections and repairs for known deficiencies.

The Municipality's comptroller noted these issues eight years ago, stating that "in reality there is no municipal supervision (pedagogical or otherwise) of the recognized but unofficial institutions in East Jerusalem."⁴⁰ Even so, no improvement or change has taken place—neither in the number of supervisors nor in the quality of supervision. These issues are exacerbated by the significant increase in the number of recognized but unofficial institutions over the past decade.

G. Interference in the Curriculum in East Jerusalem

Until the Oslo Accords, East Jerusalem schools used the Jordanian curriculum. Over the past 15 years since the Accords were signed, the curriculum implemented in East Jerusalem is the Palestinian Authority's curriculum⁴¹. Implementation of the Palestinian Authority's curriculum is supported both by the political pact and by international laws regarding the right to an education, including many international agreements Israel has both signed and ratified⁴². This status is founded on the right of each community to a curriculum that supports its heritage, identity and culture.

Over the past few years, MANHI has been subjecting the official educational institutions' learning materials to inspection by an external auditor, resulting in the elimination of various contents and reprinting of materials. According to a report by the Knesset's Research and Information Center, "MANHI transfers the books received from the Palestinian Authority for inspection by an external auditor whose job it is to mark any section that displays incitement

³⁸ This data is processed information transferred to Ir Amim and ACRI from Sofia Mintz, responsible for implementation of the Freedom of Information Act at the Ministry of Education, in letters from August 29, 2011 and June 3, 2012. Please note that two of the 26 supervisors of recognized but unofficial educational institutions in West Jerusalem also work within the official institutions.

³⁹ The Knesset's Research and Information Center, "Education in East Jerusalem", 2006, pg.3.

⁴⁰ Jerusalem Municipality's comptroller, "The Education System in the Eastern City", inspection report for 2003-2004, volume B.

⁴¹ On the attempt to implement the Israeli Educational program, see Yuval Wargan, Knesset Research and Information Center, "The Educational System in East Jerusalem: Classrooms and Curriculum", May, 2010. According to this report, official schools include Hebrew studies in their curriculum. <http://www.knesset.gov.il/mmm/data/pdf/m02507.pdf>

⁴² Regarding the status of the right for an education, see article 26 of the UN's Universal Declaration of Human Rights (1948); article 13 of the International Covenant on Economic, Social and Cultural Rights (1966); article 27 of the International Covenant on Civil and Political Rights, 1966; article 29 of the International Convention on the Rights of the Child, 1989.

against Israel and the Jews"⁴³. Concurrently, MANHI passed a directive to all schools instructing them to use only books that have passed the inspection.

A report by the Jerusalem Municipality's Planning Job Transfer Committee⁴⁴ shows that the book inspections are carried out by an external body, outside both the Ministry of Education and the Municipality—a private body chosen by a tender published by the Jerusalem Municipality. The Ministry of Education's level of supervision over this private body and the professional-educational criteria used to review the books is unknown. Moreover, the Municipality committee's reason for choosing and recommending the current auditors for the school books was noted in its decision: "The provider chosen is the cheapest".

Delegating authority on such a sensitive and controversial issue to an external entity is unacceptable, all the more so when the only criteria used to choose these functionaries is their low price tag.

Indeed, an initial inspection of the changes made to the learning materials is troubling. Mr. Fares Khaled, Chairman of the Parent Committee in Silwan, headed an extensive mapping of the materials removed from last year's school books. The materials removed raise a long line of questions concerning the limited autonomy of the East Jerusalem educational system to tell its own story, particularly in regard to a city as complex as Jerusalem, where two national narratives exist side by side.

For example, different references to Saladin and the battle of Hitin were removed from 4th grade grammar books. Our own inspection of the relevant books revealed that some of the details regarding the battle were removed⁴⁵. In addition to the historical description that was partially erased, a literary description praising Saladin's actions was completely deleted. These are examples of a cultural historical interpretation that has nothing to do with incitement. Mapping led by the Silwan Parent Committee revealed additional examples, raising suspicions of an attempt to eradicate a narrative and damage the legitimate national identity of the children concerned. This type of censorship adds to the tensions of living in the city and further damages the basic rights of the residents of East Jerusalem and their right to provide their children with an education appropriate to their culture and national narrative.

Summary: Not Arbitrary Disparities but Public Policy

Since many appeals have been submitted concerning education in East Jerusalem, it appears the Public Buildings Department in the Jerusalem Municipality as well as the Physical Planning Department at MANHI are making a plausible and appropriate attempt to resolve the shortage in classrooms. Deficiencies in the system can be rectified by creating about

⁴³Yuval Vargan, Knesset Research and Information Center, "Complaints against the use of unauthorized curricula and learning materials within the educational system in general and the non-Jewish sector (including East Jerusalem) in particular", March, 2011, pg. 13.
<http://www.knesset.gov.il/mmm/data/pdf/m02913.pdf>

⁴⁴Report 143, Jerusalem Municipality's Committee for the Transfer of Planning Jobs, June 25, 2012.

⁴⁵The example referred to Saladin as having prevented the crusaders' arrival to Tiberias by burning trees in the area.

1,000 new classrooms in response to the needs of the population, and replacing hundreds of classrooms that currently occupy substandard structures. Due to the importance of the issue, and in light of the existing basic good will, one cannot but wonder at the origin of the growing shortage of classrooms in East Jerusalem.

An examination of the larger picture that includes Israel's overall policy in East Jerusalem may supply an answer. The origin of the shortage of classrooms in East Jerusalem is a result of a discriminatory policy that Israel has been consistently implementing in East Jerusalem since its annexation in 1967. Of the 70,500 dunams in East Jerusalem annexed to Jerusalem in 1967, over 24,500 have been expropriated by the Israeli government for public purposes. However, the vast majority of these expropriated lands have been used for the creation of Jewish neighborhoods⁴⁶.

The Israeli planning authorities have done little to respond to the needs of the Palestinian population in non-expropriated lands in East Jerusalem and to promote new large scale construction projects in response to the population's needs. Of the remaining 46,000 dunams owned by Palestinian residents, plans allowing for building permits and actual construction have been approved for only 24,700 dunams⁴⁷. The lands allotted for establishment of educational facilities were limited to begin with⁴⁸ and often their nature made them difficult to develop.

The limited lands that have remained available to the Palestinian population and that have been defined and designated for educational purposes require complicated procedures in order to establish educational institutions. These procedures, including expropriation or unification and re-division of existing plots, require significant funding from the authorities⁴⁹.

Over the past few years the prevalent policy tends to promote construction projects by Jewish settlers in the heart of Palestinian neighborhoods and in the few available lands remaining to them. Unlike the prevailing discrimination against East Jerusalem that Mayor Barkat "inherited" from his predecessors, his responsiveness to demands by Jewish settler organizations and increased discrimination against Palestinians is a result of a policy he promotes at his own initiative.

The right to an education is a profoundly important and meaningful basic right and its implementation goes beyond the simple creation of new classrooms. Education is a

⁴⁶Ir Amim, "A Guide to the Perplexed on the issue of Home Demolition in East Jerusalem", 2009.

<http://www.ir-amim.org.il/Uploads/dbsAttachedFiles/HomeDemolitionGuideHeb.doc>

Attorney Nisreen Alyan and Architect Efrat Cohen Bar, "East Jerusalem Planning and Construction Policies – letter to the Chair of the Internal Affairs and Environment Committee in the Knesset", January 5, 2012. http://www.acri.org.il/he/?p=19003#_ftn3

⁴⁷Ibid

⁴⁸Bimkom and Ir Shalem Foundation, "Planning Trap: Planning Policies, Land Arrangements, Building Permits and House Demolitions in East Jerusalem", 2004, pg. 27-29.

⁴⁹The UN's Office for the Coordination of Humanitarian Affairs (OCHA), "Planning Crisis in East Jerusalem: Understanding the Phenomenon of 'Illegal' Construction", April 2009, pg. 7-8.

http://www.ochaopt.org/documents/ocha_opt_planning_crisis_east_jerusalem_april_2009_english.pdf

necessary foundation for the existence of a community; it cultivates the next generation, allowing them to dream, progress and aspire to a future. As a result of the existing policy, entire generations of Palestinians in Jerusalem remain invisible, their basic needs trampled by years of neglect, discrimination in allocation of resources and highly preferential treatment of other residents of the city at their expense. The Mayor, the Head of MANHI, the Minister of Education and the government must implement a meaningful shift in their priorities. The duty to fundamentally change and amend the failings in the system is laid upon their shoulders. Theirs is the responsibility to ensure an appropriate education for the children of East Jerusalem.