

The East Jerusalem School System – Annual Status Report

September 2011

Overview

Despite the Israeli government's obligation to provide free education, thousands of children in East Jerusalem remain outside of the school system each year. The continued neglect of the Arab school system in Jerusalem has caused:

- a severe shortage of classrooms, teaching in crowded classrooms – many in inadequate buildings,
- high dropout rates
- thousands of children, who have no other choice, attending unofficial schools, where they have to pay tremendous fees to receive the education they should have been getting for free.¹

The East Jerusalem school system has suffered from severe neglect for many years. Therefore any solution of the resulting problems requires a deep overhaul and a comprehensive long-term plan to overcome the ongoing failure of the authorities. Although there has been a certain amount of progress recently by the authorities, the change comes decades too late and, for the moment, is moving too slowly.

This paper represents an annual update on the status of various aspects of the education system. Ir Amim and ACRI continue to monitor, document and act for the full realization of the basic constitutional right of the tens of thousands of children of East Jerusalem to a decent education.

General figures

Five types of schools exist in East Jerusalem. The official and recognized schools are supervised and funded (in whole or in part) by Israeli authorities. The Waqf and UNWRA schools fall under the supervision of the Palestinian educational system. All schools use the Palestinian curriculum.

¹ See "Failed Grade: Palestinian Education System in East Jerusalem," (2010 August 2010) available at: http://www.ir-amim.org.il/Eng/_Uploads/dbsAttachedFiles/FailedGrade.pdf
<http://www.acri.org.il/pdf/EJeducation2010en.pdf>

East Jerusalem Schools by Type

Type of School	Number of schools
Official public schools (run by Jerusalem Education Administration – MANHI in Hebrew)	57
"Recognized but unofficial" schools	53
Private schools (based on parental payments)	35
Waqf schools	32
UNWRA schools	8
TOTAL SCHOOLS IN EAST JERUSALEM	185

Distribution of students in Jerusalem

The Arab education system in Jerusalem has 88,000 students from kindergarten to 12th grade. Following is the breakdown of students in each stream of education.

Distribution of Palestinian Students by Type of School

Type of School	Number of students	Percentage
Official public schools	42,000	45%
"Recognized but unofficial" schools	26,000	28%
Private, Waqf and UNRWA schools ²	20,000	22%
Students not registered in any system	4,387	5%
SCHOOL-AGE POPULATION EAST JERUSALEM	92,387	100%

According to the Jerusalem Municipality Educational Almanac for the previous school year, **4,387 Arab children are not registered in any educational institution**, and have dropped out of the system. That group constitutes 5.27% of the cohort of children who are supposed to be in educational frameworks in East Jerusalem.³

In comparison, the Jewish education system in Jerusalem has 154,000 students, of which: 96,000 students are in Ultra-Orthodox (Haredi) recognized but unofficial education 58,000 students are in public education

Therefore, the number of students in the official and the "recognized but unofficial" schools in East Jerusalem (not including private schools) is 1.17 higher than the number of Jewish students in public education (not including Haredi education).

² Jerusalem Municipality Educational Almanac (2010-2011) and conversation from August 22, 2011 with MANHI East Jerusalem.

³ For details see footnote 1.

Shortage of classrooms and demand of tuition refund

In February 2011 the Israeli Supreme Court accepted the petition of the Association for Civil Rights in Israel (ACRI), demanding the State bear the cost of tuition for children from East Jerusalem who have to go to "recognized but unofficial" schools because of the severe shortage of classrooms in the official schools (HCJ 5373/08 Abu Libdeh et al v Minister of Education et al, ruling given on February 6, 2011).

Justice Procaccia described the situation of the education system in Jerusalem and strongly criticized the authorities' behavior:

"The figures presented above indicate that there are presently 40,000 children entitled to free official education in East Jerusalem who do not attend official schools but alternative ones. At least some of them turned to alternative education after they were rejected by the official system because of a shortage of sufficient infrastructures of buildings and teaching staff... It appears that the right of many children in East Jerusalem to receive an official education for free is not being fulfilled and at this point the authorities are not fully meeting their legal obligation to give every child in Israel a free official education... This situation violates the constitutional right of children in East Jerusalem for equality in education... The violation of the right to equality in education in East Jerusalem is not the plight of a few. It is the plight of a significant portion of an entire sector of the population, which is not able to exercise a basic right it is afforded by law and the constitutional values of Israeli law.

"The competent authorities are well aware of the severe violation of the rights of the children of East Jerusalem for equality in education and are acting sincerely and with a sense of commitment to rectify the situation. But the pace of activity and the resources devoted to it indicate prospects of only a partial solution to this serious and complicated problem in the coming years."
(Paragraphs 43-45 of Justice Procaccia's ruling).

Chief Justice Beinisch emphasized the ongoing failure of the authorities and its consequences for the children:

"Unfortunately, despite their efforts, the authorities in charge of education have failed to fulfill their duty to provide free education to the children of East Jerusalem... Along with the progress and the efforts made by the respondents to find solutions to the problem of the shortage of classrooms in East Jerusalem, their progress has been too slow... The result is that many children in East Jerusalem remain without appropriate educational frameworks. This outcome is unacceptable. The status and importance of the right to education require that all the relevant parties endeavor to find a prompt and effective solution to the problem."

(Paragraphs 1-4).

Therefore, the Court ordered the State to create within five years a physical infrastructure to absorb all of the East Jerusalem students who are interested in municipal schools. If after five years any student remains without a place in school, the State will have to cover the cost of their attending "recognized but unofficial" schools.

One factor that contributed to this verdict was the withdrawal on that same day of the petitions submitted in 2001 on behalf of Ir Amim, the Community Administration for the Development of Beit Hanina and hundreds of parents from East Jerusalem regarding the severe shortage of classrooms in East Jerusalem (HCJ 3834/01 Hamdan et al v Jerusalem Municipality et al). The petitions and contempt of court proceedings initiated in their wake extended for more than 10 years and were managed by Attorney Daniel Seidemann. The petitioners moved to withdraw their petitions once they concluded that the court is no longer the appropriate arena for monitoring and advancing the construction of classrooms.

Many parents and residents of East Jerusalem are pinning their hopes, mixed with concern and disappointment, on the implementation of the Abu Libdeh verdict, and hoping for an end to the neglect, the suffering and the violation of their basic rights for education and dignity. Once the verdict was given, ACRI asked the Director of the Jerusalem Education Administration (in Hebrew, "MANHI" -- a joint body of the Ministry of Education and the Municipality of Jerusalem), Mr. Danny Bar Giora, and the Deputy Director General of the Education Ministry, Dr. Itzik Tomer, to establish a special team to monitor the verdict and its implementation, in the spirit of Judge Procaccia's suggestion in section 56 of the verdict:

"The complexity of the issue and the solutions required for its rectification justify establishing a special team of experts in the competent authority to draw up a plan, set a timetable and oversee its execution to guarantee the mission of adapting the official education system in East Jerusalem to the needs of the residents is undertaken seriously, in keeping with the operative order issued in this petition."

In response to the letter, the municipality replied it is working steadily to advance construction for the students of East Jerusalem and that the director general of the municipality will hold a meeting on the subject in which the status of this issue will be determined.

In the last five years, **besides resorting to the Supreme Court, a number of petitions were submitted ahead of the opening of each school year on behalf of hundreds of children from East Jerusalem** who wanted to enroll in educational institutions but, because of the shortage of classrooms, were not given places in the municipal Arab education system. As part of the petitions, the municipality was asked about the placement of each and every student from the various neighborhoods. Accumulated experience has shown that even though in the first stage the families are turned away, a

few days before the scheduled court hearing the Jerusalem municipality suddenly manages to find places for the children in the existing schools. Such petitions were submitted in recent years by Ir Amim, ACRI and the Al-Maqdisi Association, which may submit a similar petition this year as well.

Updated status of classroom construction

According to the 2009 State Comptroller's Report, there was a shortage of 1000 classrooms in East Jerusalem.⁴ That shortage, which a decade ago was estimated to be even higher, was somewhat reduced during the years of hearings on the petitions.

An educational institution master plan for East Jerusalem, prepared by the Jerusalem Institute for Israel Studies in 2002 at the request of the Jerusalem municipality, predicted a shortage of more than 1800 classrooms in 2010.⁵

Since 2001 another 257 classroom were built in East Jerusalem, as it says in section 7 of Chief Justice Beinisch's ruling on the aforesaid Hamdan petition. Since the verdict was handed down last February, the construction of another 24 classrooms was completed. Therefore, a total of 281 classrooms have been built since 2001, **which is only 15% of the estimated shortage.**

Classrooms Planned and Built Under Commitment to High Court 2001 - 2011

Years	Status	Number of Classrooms
2001-2010	Classrooms constructed	257
2011	Classrooms completed in last year	24
TO DATE	TOTAL CLASSROOMS CONSTRUCTED	281
2011/12	Classrooms (and kindergarten rooms) due to open	33
2011/12	Classrooms under construction	63
2011/12	Classrooms in planning process	193
2011/12	Classrooms in initial procedures	96
	TOTAL CLASSROOMS CURRENTLY IN PROCESS	385
ALL YEARS	TOTAL CLASSROOMS CONSTRUCTED AND IN PROCESS	666

In September 2011 another 33 kindergarten and school classrooms are expected to open. Furthermore, 63 more classrooms are presently under construction; 193 classrooms are in

⁴ State Comptroller, Annual Report 59b (May 2009), p. 624.

⁵ Ibid., p. 626.

planning procedures; and another 96 classrooms are in initial procedures. The total is 352 more classrooms.

The planning and construction of these classrooms is welcome in and of itself but even when construction of all the planned classrooms is completed, there will still remain a substantial gap between the needs of the growing population and the existing number of classrooms. The large gap requires a quicker, more vigorous and more effective allocation of resources to reduce it.

Below-Standard Classrooms

According to official MANHI figures, more than half of the classrooms in the Arab municipal school system (647 out of 1398) do not meet official standards. Of the 751 standard classrooms, only 573 are in standard buildings. The rest are of a standard size but are in a below-standard environment – 155 classrooms operate in rented buildings and another 23 classrooms are in mobile structures the municipality placed next to existing schools.⁶

More than a quarter of the below-standard classrooms (188 out of 647) are defined as being in an "unsuitable condition,"⁷ about one fifth (157) are defined as being in a "fair condition" and only 155 are in a "suitable condition;" another 147 below-standard classrooms operate in rooms intended to be "extra rooms."

Discrimination in administrative budget

On September 5, 2011 ACRI submitted an amended petition to the Jerusalem Administrative Court about the current administration budgets of the official public schools in East Jerusalem. The purpose of the administration budgets is, as their name suggests, to cover the daily costs of the administration of educational institutions such as electric and water bills, photocopying, supplies, cleaning materials and so on.

In the original petition submitted exactly one year ago, ACRI relied on calculations made by MANHI, according to which there was a NIS 10,600,000 (\$3,029,000) budget gap between the budget necessary for this purpose and the budget actually given to the official Arab schools. In response, the municipality said that the calculations, which, as aforesaid, were made by the municipality's own professional body, were inaccurate, were unprofessional and could not serve as the basis of a "real" financial demand.

Ahead of the discussions of the 2011 budget, MANHI says it made new, more accurate calculations, based on a needs survey conducted in several schools in East Jerusalem. According to these calculations, the gap between the budget given in 2010 and the budget

⁶ The figures were detailed in the East Jerusalem Education System Report: Classrooms and Curricula, Knesset Research and Information Center, May 10, 2010, p. 4.

⁷ The presentation the heads of MANHI gave the members of the Knesset education committee did not specify the attributes of a non-standard classroom in an unsuitable condition.

needed for the current management of the official educational institutions is NIS 4,500,000 (\$1,285,714 -- compared to \$3,029,000 needed the previous year).

As opposed to the MANHI recommendations, the municipality of Jerusalem did not put the full required amount in the 2011 budget but only one third of it – which is to say it added to the existing budget only NIS 1,500,000. Our repeated attempts to understand how the assessment of NIS 4,500,000 in needs was calculated and why the municipality budgeted less than its official body demanded were futile.

Therefore, on the instructions of the court, on September 5, 2011 ACRI filed an amended petition in which the court was moved to order the municipality and the Ministry of Education to reveal all of the data that led them to establish the amount of the budgetary demand and to order the municipality and the Ministry of Education to actually budget the official educational institutions in East Jerusalem according to their needs.

Discrimination in professional personnel standards

Along with the severe shortage of classrooms in the East Jerusalem school system there is also a severe shortage of professional personnel, including educational advisors, psychologists and inspectors.

In July 2011 Ir Amim and ACRI asked MANHI and the Ministry of Education to act immediately to add positions and fill them.

As detailed in our letter on the question of educational advisors, **while in the education system in West Jerusalem there were 257 educational advisors at all age levels in part-time positions, in East Jerusalem there were only 12 educational advisors at all age levels, with different levels of positions. So that in West Jerusalem there were more than 21 (!) times more educational advisors than in East Jerusalem**, even though the number of Jewish students in the official schools alone was less than 1.2 times the number of Arab students in the official Arab education in East Jerusalem.

As for psychologists, according to a similar computation, there should be at least 28 psychologists in East Jerusalem, rather than 16 psychologists filling only 14.5 standard positions.

Such discrimination in the number of staffed positions in critical and important professions in the education system is a severe violation of the constitutional rights of the students of East Jerusalem to equality, education and equality in education. As we wrote in our letter:

"...the condition of the education system in East Jerusalem, with its physical and substantive neglect, coupled with the harsh socioeconomic background of many of the students, would justify affirmative action resulting in an even greater number of educational advisors, higher than that required by the numerical rate of students, rather than as described."

Recently the organizations received the following baffling response from the Director General of the Education Ministry, Dr. Shimshon Shoshani, about the gap in the number of educational advisors: "The Education Ministry has done a lot in this term to improve the education system in East Jerusalem," wrote the director. "We will check your complaint as part of our priorities for improving the East Jerusalem education system and mainly on the basis of educational considerations and suitable personnel." We will continue to monitor the operative results of this vague answer.

The curriculum in East Jerusalem – attempts to change the status quo

Fears of an attempt to change the status quo arose in spring 2011, when MANHI demanded for the first time that the "recognized but unofficial" schools buy textbooks exclusively through it. These textbooks, although virtually identical to those printed under Palestinian authorities, use somewhat altered political terminology. In addition, the Knesset education committee, headed by MK Alex Miller, expressed its intent to apply the Israeli curriculum to East Jerusalem.

On June 6 this year Ir Amim asked the Prime Minister to act to block attempts to change the status quo of the last 40 years, according to which the East Jerusalem education system uses a curriculum consistent with the heritage, identity and culture of its tens of thousands of students. As explained in the letter to the Prime Minister, after Israel annexed East Jerusalem, Israel's leaders understood that the question of the contents of the curriculum that would apply there required a sensitive and creative approach, and a complex and delicate solution. Thus, in past decades, schools in East Jerusalem continued to teach the Jordanian curriculum; later, as per the second Oslo accords, they adopted the Palestinian Authority's curriculum, which they have been using for the past 15 years.

The residents of East Jerusalem understand the attempt to impose the Israeli curriculum on them as yet another unilateral and aggressive act adding tension to life in the city and further violating their basic rights. Conversely, the use of the PA curriculum in East Jerusalem is supported not only by the signed political agreement but by international law and the right to education, both as a customary duty and as recognized in international conventions Israel has signed and ratified.

The question of the curriculum in East Jerusalem, if there is one, should be discussed as part of political arrangements. If truly concerned with the level of education in East Jerusalem Israeli authorities could act vigorously to reinforce the inadequate and neglected educational infrastructure.

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