



THE STATE OF EDUCATION IN EAST JERUSALEM: BUDGETARY DISCRIMINATION AND NATIONAL IDENTITY

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Zakaria Abu Alhlaweh





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INTRODUCTION

In recent years, the education system in East Jerusalem has been faced, on one hand, with an ever-increasing classroom shortage and on the other, with a host of government-imposed efforts to force the Israeli curriculum on Palestinian schools in the city. This combination has left the education system in East Jerusalem in an impossible state, forced to deal with crumbling infrastructure while defending against elaborate political efforts to influence educational content.

As early as 2001, the High Court of Justice recognized, in its decision on a petition submitted through Ir Amim, that the shortage of classrooms in East Jerusalem constituted a violation of the law and accorded the force of judgment to a plan presented by the government and the Jerusalem Municipality (hereafter, “Municipality”) to construct classrooms in East Jerusalem (HCJ 3834/01 Hamdan Badria et al. v. The Jerusalem Municipality et al.; unpublished, partial judgment rendered Aug. 29, 2001). Over the course of six years, a prolonged contempt of court process was carried out in Court due to the authorities’ failure to fulfill their obligations. In February 2011, in a petition filed by the Association for Civil Rights in Israel, the High Court of Justice held that the shortage of classrooms in the formal education system in East Jerusalem constituted a violation of the constitutional right to an education for school children in East Jerusalem (HCJ 5373/08 Abu Libdeh v. The Minister of Education, Feb. 6, 2011).

In spite of these rulings, the shortage of classrooms in East Jerusalem continues to grow. Throughout the years, the Municipality has denied the harsh reality captured by the data in Ir Amim’s annual education reports. Just two years ago, as part of a petition submitted by the Jerusalem Parents Association against the Education Administration of the Jerusalem Municipality (hereafter, Jerusalem Education Administration or MANHI) regarding the shortage of classrooms across Jerusalem (HCJ 6183/16), the Municipality for the first time acknowledged the accuracy of data evidencing the serious classroom shortage in East Jerusalem – until that time, presented exclusively by Ir Amim. On June 27 of this year, Ir Amim submitted a request to join the petition as *amicus curiae* after its examination revealed significant discrepancies between the Municipality’s declarations and its actual plans to construct classrooms in East Jerusalem. In effect, the plans exacerbate discrimination in Jerusalem by addressing the problem in other sectors of the population (the general and Haredi populations) without sufficiently tackling the classroom deficit in East Jerusalem.

The first part of this report surveys the government’s treatment of the education system in East Jerusalem and its policy of conditioning budgetary appropriations on adoption of the Israeli curriculum. The second part presents the increasing shortage of classrooms in East Jerusalem, growing disparities between the two parts of the city, and contradictions between the Municipality’s declared and actual intentions to address the classroom shortage.

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I. ABSTRACT OF FINDINGS

According to Government Decision No. 3790, a plan to invest 1.85 billion shekels in infrastructure and services in East Jerusalem announced in May 2018, 43.4% of the budget intended to narrow the discrepancies in education between West and East Jerusalem is conditioned on a transition to the Israeli matriculation curriculum, i.e. it is intended for only 6.6% of the students in the Arab education sector in Jerusalem.

Of compulsory school age Palestinian children (kindergarten through 12th grade), 18,600 – representing 14.6% of East Jerusalem children – are not registered in an educational framework recognized within the education system.

The Municipality admits to the shortage of 1,938 classrooms in the Arab education sector in the city. To this number must be added the shortage stemming from the difference between the total number of students in the education system and the total number of school age children in Jerusalem. According to our calculus, there is a shortage of 2,476 classrooms in East Jerusalem.

Ir Amim’s research reveals vast discrepancies between the Municipality’s declared goals for the construction of classrooms for the Arab sector and its actual implementation plan. The Municipality announced that within five years it would construct 2,486 classrooms. In reality, only 459 classrooms appear on the Municipality’s web-based software application (hereafter, “app”) and in response to a freedom of information request from Ir Amim, at the most, 834 classrooms.

The Municipality’s “Chomesh Plan for the Construction of Classrooms in Jerusalem” for the three educational sectors in Jerusalem will only widen the disparities between the sectors. At the end of 2022, the shortage of classrooms in Jerusalem will be located entirely in the Palestinian sector.

1. Percentage of the education budget conditioned on adoption of the Israeli matriculation curriculum pursuant to Government Decision No. 3790 43.4%
2. Percentage of Palestinian students studying for Israeli matriculation out of total number of students in both official and recognized but unofficial¹ Arab education in Jerusalem 6.6%

¹ Official schools are run by the state and/or the local authority and receive 100% of their funding from the authorities. “Recognized but unofficial” schools are not state-owned but rather owned by private bodies (profit or not-for-profit). They operate under a license from the Ministry of Education and with its recognition, and receive partial funding from the Ministry of Education and local authorities (in this case, the Jerusalem Municipality). Local authorities conduct school inspections on a limited basis.

3. Percentage of Palestinian students in both the official and in the recognized but unofficial education systems in Jerusalem out of total number of students in Jerusalem 35%
4. Percentage of Palestinian students studying in the official education system out of total number of Palestinian students in East Jerusalem 41.1%
5. The number of Palestinian children of compulsory education age who are “invisible” according to official data from the Jerusalem Education Administration [MANHI] 18,600
6. Current classroom shortage in East Jerusalem 2,476
7. Average number of classrooms constructed annually in East Jerusalem 36
8. Number of classrooms needed each year to address the increase in population in East Jerusalem 70
9. Number of classrooms the Jerusalem Municipality has committed to building for the Arab sector in Jerusalem 2,486
 - According to its declaration in the Chomesh Plan (According to the “Chomesh Plan for the Construction of Classrooms in Jerusalem” app) 459
 - According to the Municipality’s response to Ir Amim’s Freedom of Information request 834

II. GOVERNMENT DECISION NO. 3790: COERCED TRANSITION TO THE ISRAELI MATRICULATION CURRICULUM

On May 13, 2018, the Israeli government announced Government Decision No. 3790 – a 5-year NIS 1.85 billion investment plan to address the social and economic needs of East Jerusalem’s residents. The decision outlines the largest and most comprehensive investment plan for East Jerusalem since Israel annexed the territory 51 years ago. It is possible that the government will supplement the allocation with an additional NIS 62.5 million (for programs to encourage the employment of young women), on top of which the Municipality has committed NIS 100 million over the course of the five years and the Gihon Water Company has pledged NIS 60.7 million over an eight-year period. The total maximum budget of the program may reach 2.07 billion shekels.

Government Decision No. 3790 includes an expected investment of 445 million shekels for education over a five-year period.

Over the years, Ir Amim has published extensively on the egregious socio-economic disparities in Jerusalem. The organization has described, as part of its detailed annual education reports, the gaping inequalities in classroom construction and dropout prevention programs between West and East Jerusalem. In a detailed position paper published in February 2016, Ir Amim argued that “an emergency program for comprehensive, systematic corrective measures for improvement of living conditions in East Jerusalem must be put into effect.”

While the government plan is by no means problem-free, Ir Amim sees the planned investment as a positive development being as it is the first time the government has proposed a relevant level of investment to address the profound infrastructure deficits in East Jerusalem. In the sphere of education, Government Decision No. 3790 includes an expected investment of 445 million shekels over five years, according to the following breakdown: 18.3 million shekels for pedagogic guidance, oversight and enforcement; 68.7 million shekels designated for special programs in institutions teaching the Israeli curriculum; 57.4 million shekels for physical development to be provided to institutions teaching the Israeli curriculum; 206 million shekels for informal education; 15 million shekels for Hebrew studies; 12.5 million shekels for technology education; and 67 million shekels for rental of buildings for educational institutions teaching the Israeli curriculum.

In other words, **approximately 193 million shekels, constituting about 43.4% of the government budget designated for education in East Jerusalem, is explicitly conditioned on adopting the Israeli curriculum.** In other components of the education budget in which this stipulation does not explicitly apply, the Government Decision provides that the funding is intended primarily for institutions teaching the Israeli curriculum.

According to data from the Jerusalem Education Administration (MANHI), over the past school year a total of 6,071 children studied according to the Israeli matriculation curriculum in the official and in the recognized but unofficial school systems in the Arab sector in Jerusalem.² This figure represents 6.6% of the total number of students in Arab education in formal and recognized but unofficial institutions in Jerusalem (see footnote 1).

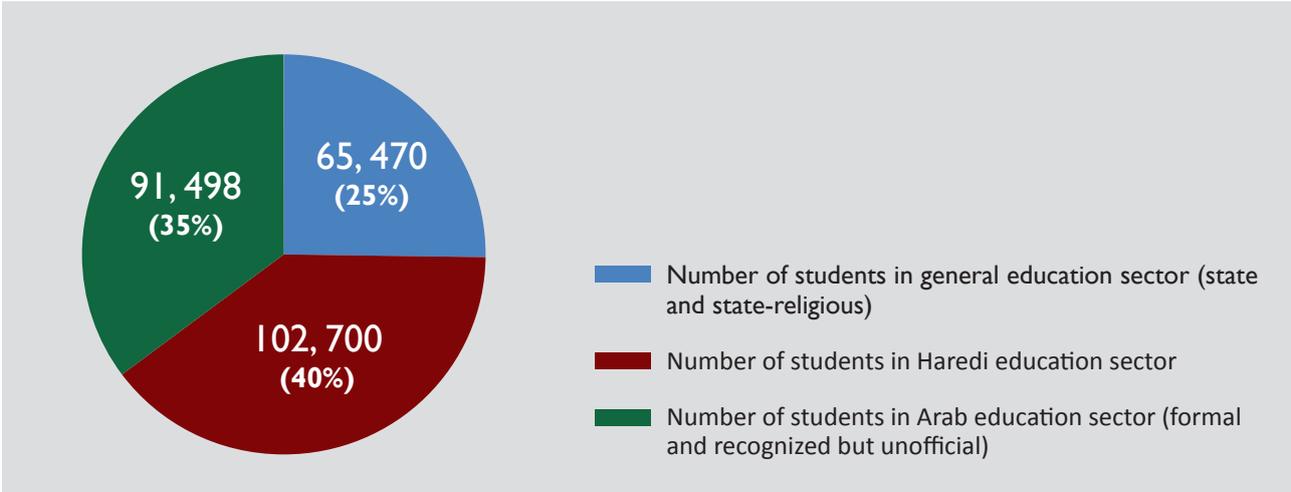
As detailed in previous IRAMIM reports, after the annexation of East Jerusalem in 1967 the Jordanian curriculum was implemented in East Jerusalem and since the signing of the Oslo Accords, for a period of more than 20 years the curriculum of the Palestinian Authority has been in use. In spite of the government's efforts in recent years to effect a transition to the Israeli curriculum, to this day less than seven percent of the students in East Jerusalem of compulsory education age in the official and the recognized but unofficial school systems study according to the Israeli curriculum.

This being the case, **43.3% of the education budget set forth in the Government Decision is meant for only 6.6% of the students in Arab education in Jerusalem.** In other words, the Government Decision is intended to invest only about one-half of the budget in responding to the needs of more than 93% of the students in East Jerusalem in spite of the dire state of the education system.

² Aug. 27, 2018 response of the Jerusalem Education Administration to a Freedom of Information request.

III. THE CLASSROOM SHORTAGE IN EAST JERUSALEM BY THE NUMBERS

A. Distribution of Palestinian Students in the Education System, 2017-2018
 [Distribution of students in the education system in Jerusalem (official and recognized but unofficial only).³

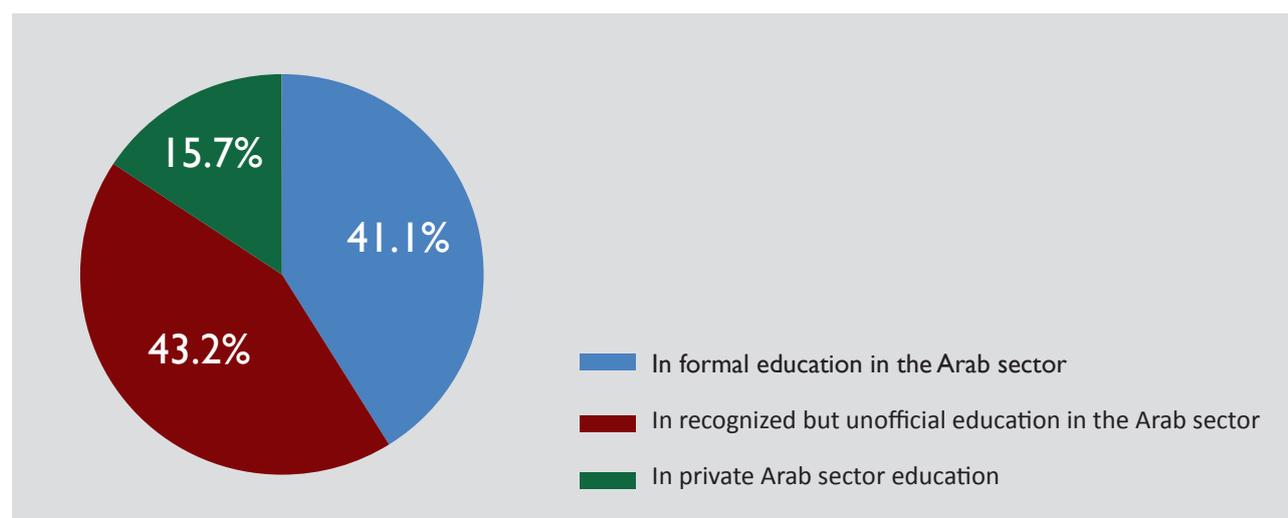


Distribution of Students in the Arab Education Sector in Jerusalem

	Number of Students	Percentage of Students out of the Total Number of Students in Arab Education
Arab sector In formal education	44,655	41.1%
Arab sector in recognized but unofficial institutions	46,895	43.2%
Arab sector in private education ⁴	17,048	15.7%
Total number of students in Arab sector education in East Jerusalem	108,598	

³ Data of the Jerusalem Education Administration for the 2017-2018 school year.
⁴ Aug. 27, 2018 response of the Jerusalem Education Administration to a Freedom of Information request.

Distribution of Students in the Arab Education Sector in East Jerusalem



B. “Invisible” Children

	Number of Children
Arab children in Jerusalem, kindergarten to 12 th grade, according to data from the Central Bureau of Statistics ⁵	127,198
Total number of students in the Arab sector in East Jerusalem	108,598
Number of “invisible” children (Central Bureau of Statistics Data minus Jerusalem Education Administration Data)	18,600

A comparison between the Central Bureau of Statistics’ data on the number of Arab school-age children in Jerusalem and the Jerusalem Education Administration’s figures on the total number of students in Arab educational frameworks reveals that 18,600 Palestinian children, comprising more than 14% of East Jerusalem children of compulsory education age, are not registered in any known educational framework and are not being tracked by authorities in the education system.

⁵ From the Response of the Central Bureau of Statistics to a request from Ir Amim, sent by e-mail on Aug. 1, 2018.

C. Calculating the Classroom Shortage

According to paragraph 14 of the Municipality’s July 6, 2017 response to a petition filed by the Jerusalem Parents Association regarding the shortage of classrooms in Jerusalem (HCJ 6183/16⁶), there is a shortage of 1,938 classrooms in East Jerusalem. To this number must be added the number of classrooms that would be needed to accommodate the “invisible” or unaccounted for children (see above) in accordance with the national average of 27 children per class, minus the number of students who drop out in grades 9 through 12, as noted in the Municipality’s response:

The Number of Missing Classrooms In East Jerusalem	
The number of classrooms needed to replace substandard classrooms	548
The number of classrooms needed for kindergartens	320
The number of classrooms needed to accommodate half of the students from the recognized but unofficial classrooms and official private schools, as well as natural growth	950
The shortage of classrooms for 4,073 students in 9 th through 12 th grades (for drop-out prevention)	120
Additional classrooms necessary for children of compulsory education age according to data from the Central Bureau of Statistics (minus the number of students who drop out in 9 th through 12 th grades)	538
Total Shortage of Classrooms	2,476

From the municipality’s response to the petition

D. The Municipality’s “Chomesh Plan” for the Construction of Classrooms in Jerusalem Increases Discrepancies and Reinforces Discrimination

On June 27, 2018, Ir Amim filed a request to join as amicus curiae to the petition filed by the Jerusalem Parents Association regarding the shortage of classrooms in Jerusalem (HCJ 6183/16).

According to the Municipality’s court filings in response to the petition, there is a shortage of 3,800+ classrooms in Jerusalem: “In the Arab sector there is a shortage of 1,938 classrooms; in the Haredi sector, a shortage of 1,419 classrooms; and in the general sector, a shortage of 505 classrooms” (section 13 of the State’s Response from September 2017). **According to the Municipality’s response, the shortage in East Jerusalem is greater than 50% of the overall shortage.**

6 HCJ 6183 Jerusalem Parents Association in Jerusalem v. The Ministry of Education et al.

A thorough examination conducted by Ir Amim revealed that contrary to declarations by the Municipality – according to which, as part of its Chomesh Plan it intends to construct 2,486 classrooms for the Arab sector – official data from the Municipality testify to its true intent to construct only 459 classrooms (according to the “Chomesh Plan for the Construction of Classrooms in Jerusalem” app) and at most, 834 classrooms (according to the Municipality’s Jan. 23, 2018 response to Ir Amim’s Freedom of Information request). The detailed data include construction plans to address the shortage of classrooms in the Haredi and general sectors and even construction plans beyond the current shortage.

	Shortage of Classrooms	Percentage of Shortage	According to the Municipality’s Jan. 23, 2018 Response to Freedom of Information Request			According to the Municipality’s Chomesh Plan App		
	According to Municipality’s Data		Number of Classrooms to Be Built	Remaining to Be Built	% of Planned Building	Number of Classrooms Planned for Building	Remainder to Be Built	% of Planned Building
Haredi Sector	1,419	36.74%	1,609	-190	51.60%	1,681	-262	63.34%
General Sector	505	13.08%	675	-170	21.65%	514	-9	19.37%
Arab Sector	1,938	50.18%	834	1,104	26.75%	459	1,479	17.29%
Total	3,862		3,118			2,654		

While according to the Chomesh Plan, additional classrooms will be built for all three sectors in the city; in fact, while in the general and Haredi sectors all of the missing classrooms will be built, in the Arab sector only hundreds out of the thousands of classrooms needed to fill the vacuum will be constructed.

In other words, with application of the Municipality’s plan – to the extent that it is actually implemented – a shortage of more than 1,100 classrooms will remain exclusively in the Arab sector. In effect, **the Municipality’s Chomesh Plan actually exacerbates disparities between the various sectors: at the end of 2022, the shortage of classrooms in Jerusalem will remain entirely in the Arab sector.**

How to Equitably Address the Classroom Shortage across the Sectors

If the Municipality were to address the gaps in an equitable manner, it would need to carry out preliminary construction in stages to narrow the existing disparities between the various sectors and only afterwards proceed with equal levels of construction in the three sectors. In other words:

In the initial stage, the first 519 classrooms would be built in the Arab sector (if we subtract 1,419, the shortage in the Haredi sector, from 1,938, the shortage for the Arab sector).

In the second stage, based on a comparative analysis between the shortage of classrooms in the Arab and Haredi sectors, there would be a need for an equal distribution of new classrooms between the Haredi and Arab sectors in order to equalize the shortage to 505 classrooms each – the current shortage in the general sector. For this purpose, 914 classrooms would be required for the Arab sector and 914 classrooms for the Haredi sector.

Up to this point, out of the total of 2,347 classrooms, there would be a need for construction of 1,433 classrooms in the Arab sector.

In the third stage, only after achieving parity among the three sectors, the remainder of classrooms to be built would be distributed equally among the three sectors, including the general sector.

At minimum, in order to avoid increasing the disparities between the sectors and deepening inequalities in the Arab sector, the Municipality would need to build – by 2022 and in each of the five years of the plan – according to each sector's percentage of the total classroom shortage. In other words, for each year, the respondents must build at least 50.2% of the classrooms for the Arab sector, 36.7% for the Haredi sector, and 13.1% for the general sector.

As maintained in its petition to join as *amicus curiae*, Ir Amim does not dispute the fact that construction for the Arab sector presents additional challenges for the authorities. That being said, the authorities have been aware of these challenges for at least 17 years and a series of decisions issued by the High Court of Justice have made it clear that they bear the onus for addressing them. Moreover, the construction barriers in East Jerusalem described by the Municipality, e.g. the absence of infrastructure and a lack of lots earmarked for construction, only provide further evidence of discrimination against East Jerusalem. In fact, there is no shortage of land for construction of classrooms for Palestinian students. The shortage occurs in “areas designated for public buildings,” given ongoing discrimination in planning that also originates within state institutions. According to the existing master plan, only 2.6% of all of the land in East Jerusalem is allocated for public buildings for Palestinians living in East Jerusalem.

E. The Pace of Classroom Construction: 2001-1018

According to the Municipality's response to Ir Amim's Freedom of Information request from Jan. 23, 2018, 834 classrooms in East Jerusalem will be completed accorded to the following plan:

Number of Classrooms according to the Jerusalem Municipality's Response to Freedom of Information request, Jan. 23, 2018	2017	2018	2019	2020	2021	2022	Total for the Entire Period of the Plan
Supplied	8	-	-	-	-	-	8
Under construction	-	27	-	-	-	-	27
Being planned	-	-	23	153	136	78	390
Ready for tender	-	-	30	24	-	-	54
Planning yet to begin	-	-	-	-	129	226	355
Total number of classrooms	8	27	53	177	265	304	834

According to Ir Amim’s annual monitoring, together with the latest data from the Municipality, from 2001 to the start of the current school year, construction of 585 classrooms has been completed:

Number of Classrooms in the Building Process					
At the Start of the School year	Completed	Under Construction	Under Planning and Implementation	Under Process of Land Identification and Expropriation	Total all Stages
2001 – 9/2009	257				
9/2010	24				
9/2011	7	89	193	86	375
9/2012	32	85	173	84	374
9/2013	61	75	110	147	393
9/2014	57	56	157	108	378
9/2015	38	44	168	259	509
9/2016	42	46	124	245	457
9/2017 (projected)	32	35	266	131	464
9/2018 (according to the Municipality’s response to FOI request of Jan. 2018)	35	444		355	834
Total number of classrooms completed	585				

The annual rate of construction is, on average, 36 classrooms per year. According to estimates from MANHI, there is a 3% natural growth increase in the school age population in East Jerusalem each year, amounting to approximately 2,000 additional schoolchildren per year and the need for an additional 70 classrooms per year.⁷ If these numbers are accurate, **the average pace of construction is not even keeping pace with population growth** and so long as the current pace of construction continues, not only will the authorities fail to decrease the shortage of classrooms, the shortage will actually continue to grow on an annual basis.

On the positive side, it should be noted that over the past year, 370 classrooms were added in the Arab sector. Assuming that the plan referenced in the Municipality's response to Ir Amim's Freedom of Information request from January 2018 is implemented (see above for Municipality's various versions in the petition regarding the shortage of classrooms), this is a significant albeit not wholly sufficient increase of about 80%.

⁷ From the Municipality's presentation to the Knesset Education Committee, Feb. 1, 2016.

IV. CONDITIONAL EDUCATION

The shortage of classrooms in East Jerusalem continues to grow. Instead of giving serious attention to this problem, the government invests in efforts to impose the Israeli curriculum on Palestinian students, going so far as to exploit the shortage of classrooms as a means of pressuring students to study the Israeli curriculum. The Minister for Jerusalem Affairs, Ze'ev Elkin, was one of the sponsors of Government Decision No. 3790, which outlines a program of socio-economic investment in East Jerusalem – a worthy decision for the most part but not so with respect to conditioning of budgetary allocations for East Jerusalem's failing educational system on a transition to the Israeli matriculation curriculum.

Jerusalem is the home of two peoples. The state of the education system in East Jerusalem has been in a constant state of decline throughout the 51 years since Israel's annexation of East Jerusalem. It is Israel's obligation to ensure a proper educational infrastructure. Attempts to link fulfillment of its obligation to further erosion of the Palestinian national identity in East Jerusalem simply add insult to injury. An acceptable education system must, at minimum, meet requisite physical infrastructure standards; but it must also be connected to the heritage, culture and national life of the community it serves as a necessary condition for defending the life of the Palestinian community in Jerusalem and ensuring the future of its children.



Ir Amim (“City of Nations” or “City of Peoples”)

is Israel’s longest standing NGO focused on Jerusalem within the context of the Israeli-Palestinian conflict. The mission of Ir Amim is to render Jerusalem a more equitable and sustainable city for the Israelis and Palestinians who share it and to help secure a negotiated resolution on the city.

27 King George St., P.O. Box 2239, Jerusalem 94581

Tel: +972-2-6222-858 | Fax: +972-2-623-3696

mail@ir-amim.org.il | www.ir-amim.org.il