



**Between the Hammer and the Anvil:
Persistent Neglect and Attempted Coercion in the
East Jerusalem Education System
Annual Update**

Ir Amim
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Introduction

Over the last decade, beginning in 2001, hundreds of parents and several NGOs including Ir Amim have advanced legal petitions against the Jerusalem Municipality and the Ministry of Education challenging the severe shortage of classrooms in East Jerusalem. Last year, five years after the Supreme Court's ruling in HCJ 5373/08 *Abu Libdeh*,¹ Ir Amim indicated cautious optimism about the possibility of forthcoming progress. In its February 2011 ruling, the High Court of Justice had determined that the staggering shortage of classrooms in East Jerusalem in the official educational system constitutes a violation of the constitutional right to education for the students of East Jerusalem. The Court ordered the Jerusalem Municipality and the Ministry of Education to ensure that within five years (by February 2016) all students in East Jerusalem who elect to study in the official system would be able to fulfill that expectation. The Court also ruled that in order to realize the Compulsory Education Law, the state must underwrite the tuition of any student who is unable to secure a spot in the official education system and who is consequently forced to enroll in one of the recognized but unofficial schools operating in East Jerusalem.

Five years after the High Court ruling, and fifty years after the de facto annexation of East Jerusalem, the shortage of classrooms in East Jerusalem – which currently stands at 2,672 – has actually only worsened. A total of 23,500 Palestinian children in East Jerusalem are not registered at a known educational institution; and this year, for the first time, the number of students in unofficial classrooms in East Jerusalem exceeded the number of those in official institutions. While the Supreme Court ruling should have led to the accelerated construction of classrooms, and subsequently, to a significant increase in the number of students transferring from recognized but unofficial schools to official institutions in East Jerusalem, the data reveals that the trend has actually moved in the opposite direction.

Another “first” this year: after years of leveling harsh criticism against Ir Amim's data, the Jerusalem Municipality now admits to the vast and growing shortage of classrooms in East Jerusalem. Though the Municipality conceding that there is a

¹ HCJ 5373/08 *Abu Libdeh v. Minister of Education* (granted February 6, 2011).

shortage of more than 2,000 classrooms in East Jerusalem is an important development, it remains to be seen whether this admission will result in substantive change.

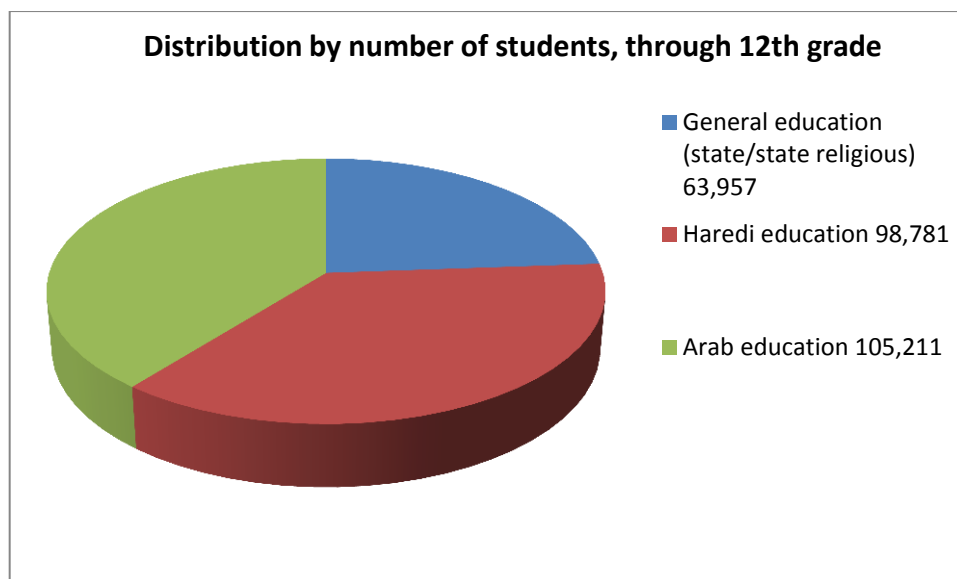
In recent years, the education system in East Jerusalem has been marred by the growing shortage of classrooms, its distinction for having the highest dropout rates in Israel, and aggressive pressure by the Ministry of Education and the Ministry of Jerusalem Affairs to impose the Israeli curriculum on the Palestinian national community in the city. The education system in East Jerusalem has reached an urgent state in which Palestinians are forced to cope with inadequate physical infrastructures while struggling to repel elaborate political attempts to influence their curriculum. The gulfs exposed in this report and intensifying pressure by the Israeli government have intolerable implications for tens of thousands of children in East Jerusalem.

2. Overview: Number of Students in Arab Education System in Jerusalem and Distribution by School Type

A. Number of Students in Arab Education System in Jerusalem

According to data provided by the Jerusalem Education Authority (JEA)'s [yearbook](#), during the 2015-2016 school year there was a total of **105,211 students from age three through high school** in the municipal Arab education system in Jerusalem (including official, recognized but unofficial, and private schools)², representing **39 percent of the total number of students in Jerusalem**. For the first time, the JEA's reports include students attending private institutions – an important development given that these students remain under the responsibility of the Ministry of Education and the municipal education system despite their attending schools outside the system.

² 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 owned and managed 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.



From the JEA Yearbook, 2015-2016

The JEA's figures must be compared to statistics regarding the total number of children of compulsory school age (age three through 18) in East Jerusalem. There is no data representing this information; accordingly, the figure must be estimated by combining and factoring in various other sources of data. According to the Central Bureau of Statistics (CBS), there are 112,200 children ages 5 through 19 in the Arab sector in Jerusalem.³ The latest CBS figures show that the number of children in the Arab sector ages three and four is 16,520.⁴ Adding these figures together, the total number of children ages three through 19 in the Arab sector in Jerusalem is 128,720 – approximately the number of children of compulsory education age in East Jerusalem. A comparison of the CBS statistics for the number of Arab children in Jerusalem and the JEA figures for the total number of students in Arab educational frameworks reveals that approximately **23,500 Palestinian children in East Jerusalem are not registered in any known educational framework**. By contrast, the Municipality

³ As of 2014. [Israel Statistical Yearbook 2015, No. 66, Section 2, Table 2.20](#) (in Hebrew).

⁴ As of 2015. Email from the head of the Information Dissemination Division, CBS, 25 August 2016.

estimates that “only” some 10,000 children are not registered in the education system.⁵

The gap between the CBS figures and those presented by the JEA is a perennial inconsistency. Both databases indicate a significant number of unmonitored, “vanishing” children. The JEA quotes the same figures every year, making no apparent attempt to examine the gap and ascertain what has become of tens of thousands of children left outside the system and potentially denied their basic right to education.

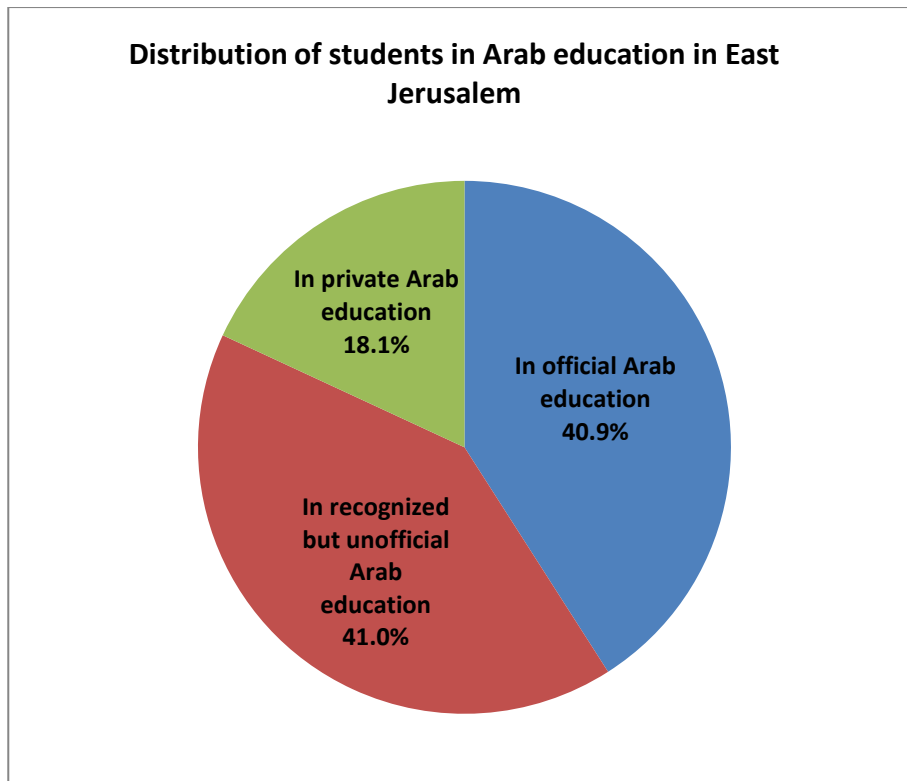
B. Alarming Increase in Number of Students in Recognized but Unofficial Schools and Private Schools

The total number of students in the Arab education system is divided among official institutions, recognized but unofficial institutions, and private institutions as follows:

	Number of students	Percentage of total students in Arab education
Official Arab education	43,074	40.9%
Recognized but unofficial Arab education	43,102	41.0%
Private Arab education	19,035	18.1%
Total students in Arab education in East Jerusalem	105,211	

The designation of private Arab education includes institutions run by the Waqf (the Muslim religious authority), United Nations Relief and Works Agency (UNRWA), and other institutions.

⁵ Jerusalem Municipality, *Presentation on the Construction of Classrooms in East Jerusalem*, Knesset Education Committee, 1 February 2016.



This year, for the first time, the number of students in recognized but unofficial education is higher than the number in the official education system. While the Supreme Court ruling should have resulted in the accelerated construction of classrooms, and to a significant increase in the number of students transferring from recognized but unofficial classrooms to official institutions in East Jerusalem, the data reveals that the trend has actually moved in the opposite direction.

During the 2001-2002 school year, the number of students in recognized but unofficial schools was approximately 2,000;⁶ by last year, this figure had soared to 43,102. In a period of 15 years, the number of students in East Jerusalem attending recognized but unofficial schools increased by a factor of almost 22. By contrast, the number of students in the official municipal system rose from 31,100 to 43,654 – an increase of 39 percent. The growth in recognized but unofficial education is due in part to private schools adopting the status of “recognized but unofficial” to secure state funding. In other cases, new schools have been established with the designation from the outset.

⁶ Jerusalem Institute for Israel Studies, *The Arab Education System in Jerusalem*, 2011 (in Hebrew).

As noted in Ir Amim's 2012 report,⁷ only a small percentage of the growth can be attributed to parents deliberately choosing to enroll their child at a recognized but unofficial school – including church run and other special institutions – because it represents a higher quality alternative to the school system. Those cases are exceptional and the more distinguished schools attended mainly by students from relatively affluent circles within East Jerusalem whose parents are able to afford the high tuition fees. The large majority of the recognized but unofficial schools were established by the numerous organizations that have moved in to fill the vacuum in East Jerusalem's educational system. By and large, they offer only the most rudimentary curriculum; and many are located in overcrowded buildings that do not meet basic safety standards, lack air-conditioning and heating, are not equipped with labs or libraries, and generally provide a substandard level of education.

3. Shortage of Classrooms

A. In First, Jerusalem Municipality Acknowledges Shortage of More than 2,000 Classrooms in East Jerusalem

On 10 August 2016, three weeks before the beginning of the school year, the Jerusalem Parents Association submitted a [petition challenging the shortage of classrooms in the city](#) (HCJ 6183/16).⁸ The petition, which relates to the shortage of classrooms across all sectors of the system in Jerusalem, was submitted against the Ministry of Education, the Minister of Education, the Jerusalem Municipality (JEA), the Finance Ministry, and the Budget Division of the Finance Ministry. In it, the Parents Association⁹ claims that there is a shortage of 3,600 classrooms in the city, including 2,000 in East Jerusalem. Pursuant to filing of the petition, a [press release published by the Municipality's spokesperson](#) declared that the Municipality “supports the demand by the parents and students to build thousands of missing classrooms in the city.”

⁷ Ir Amim and the Association for Civil Rights in Israel, [Failed Grade - East Jerusalem's Failing Educational System](#), August 2012.

⁸ In a decision granted on 10 August 2016, Justice Meltzer asked the respondents to submit their preliminary response by 1 September 2016.

⁹ This body is the official and budgeted organization of parents in Jerusalem. An East Jerusalem Parents Union is also active, with representatives in all the schools in East Jerusalem.

While Ir Amim welcomes the submission of the petition and the bold initiative taken by the central Parents Association to jointly raise the needs of Israeli and Palestinian students, the Municipality's response to the petition is not credible. Contrary to its intended impression, the Municipality has been responsible for years of foot dragging, with the pace of classroom construction failing even to keep up with the rate of natural population growth in East Jerusalem. The Municipality itself has acknowledged, in response to a freedom of information request submitted by the Parents Association, that there is a shortage of 2,000 – 2,500 classrooms in East Jerusalem alone.¹⁰ For years, the Municipality has harshly criticized Ir Amim's annual report and the certified statistics on which those reports have been based. Now, for the first time, the Municipality admits that there is a vast and growing shortage of classrooms in East Jerusalem.

The Parents Association's petition, submitted by Attorneys Ronen Weinberg and Yishai Morali, states: "These figures show that while, as of the date of submission of HCJ Petition 5373/08, there was an overall shortage of 1,479 classrooms in the official schools in East Jerusalem, **according to the figures provided by the Jerusalem Municipality, as of the date of submission of this petition, over five years after the ruling, there is a shortage of over 2,000 classrooms for the students of East Jerusalem.**" "Thus, despite the clear provisions of the said ruling, and although the period of five years established therein has elapsed, the figures provided by Respondent 3 [the Jerusalem Municipality, JEA] clearly show that not only has the gulf between the residents' demand to be included in the official system and the capacity of the education system in East Jerusalem not been reduced, **this gulf has expanded considerably, due to the Respondents' ineffectual conduct**" (sections 34, 36 of the petition; emphases in the original).

During [a discussion on this subject by the Knesset Education, Culture, and Sports Committee on 1 February 2016](#), Mr. Amnon Merhav, the director general of the Jerusalem Municipality, declared:

We see the sorry gulfs, and from our standpoint this is a sorry and

¹⁰ Reply of Mr. Elad Geva, Professional Assistant to the Head of the JEA, dated 6 March 2016 in response to the petitioners' request (appendix 5 to the petition).

alarming gulf of classrooms through the city. We have a shortage of 3,600 classrooms throughout Jerusalem, and you can see the distribution by sector... In the Arab sector the gulf is very wide – we need 700 classrooms to replace rentals in buildings that are not suitable for classrooms with buildings adapted for studies, and a further 1,300 classrooms that must be replaced in order to absorb private and recognized but unofficial [students], as well as natural growth of three percent a year...”

Thus, according to the Municipality’s figures, there is a shortage of at least 2,000 classrooms in East Jerusalem. Using the director general’s language:

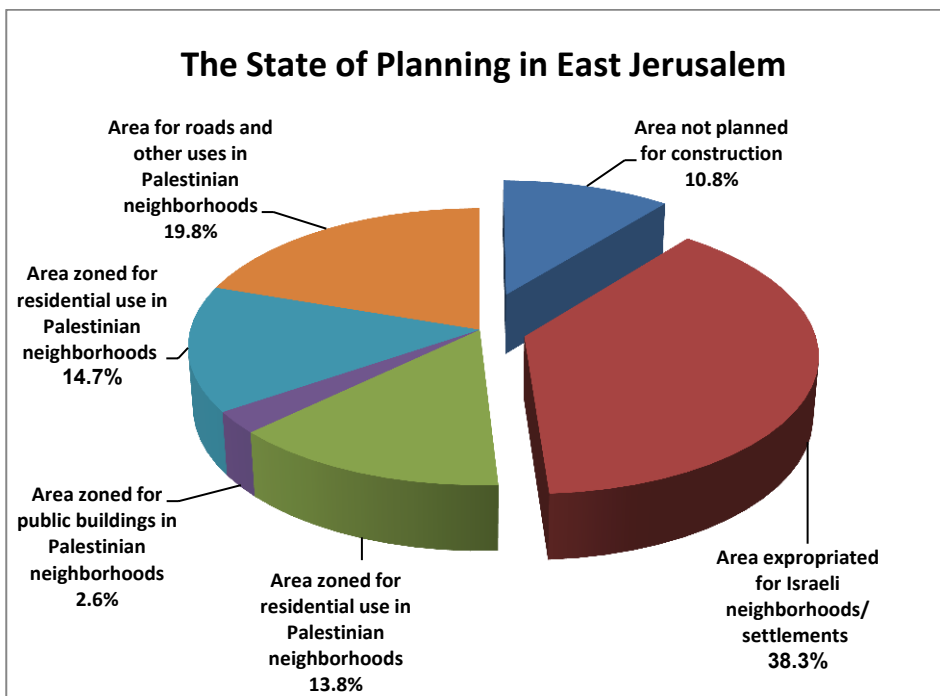
- 700 classrooms needed to replace “rentals in buildings that are not suitable for classrooms with buildings adapted for studies”
- An additional “1,300 classrooms that must be replaced in order to absorb private and recognized but unofficial [students], as well as natural growth of three percent a year.”
- To these figures must be added the shortage of classrooms relative to the number of Arab children in Jerusalem according to the CBS figures. As noted, a comparison between the number of Palestinian-Arab children in Jerusalem according to the CBS and the number registered with the JEA shows that 23,500 Palestinian children in Jerusalem are unaccounted for by the system. According to the JEA’s standard of 35 students to a classroom in East Jerusalem, this shortfall reflects a need for 672 additional classrooms.

The total shortage of classrooms in East Jerusalem is therefore 2,672:

Number of missing classrooms	
Classrooms needed to replace non-standard classrooms	700
Number of classrooms needed to absorb students from recognized but unofficial and private systems, as well as natural growth	1,300
Additional classrooms needed for children of compulsory education age according to the CBS figures	672
Total missing classrooms	2,672

B. Shortage of Classrooms due to Planning Discrimination

Until recently, the Jerusalem Municipality and the Ministry of Education have blamed a lack of available land for construction of educational facilities in East Jerusalem for the growing classroom shortage. The problem is not a shortage of land but rather a shortage of land zoned for public institutions due to the discriminatory planning regime in East Jerusalem. According to existing outline plans, the area zoned for public buildings for Palestinians living in East Jerusalem accounts for just 2.6 percent of the total land in the area:¹¹



In discussions held in the Knesset over recent months, Ir Amim was surprised to learn that for the first time, the Municipality attributes construction delays to a lack of funding from government ministries. For many years, municipal representatives have consistently maintained in meetings of the Knesset Education Committee that the failure to construct classrooms is not attributable to a lack of funding but to the more ostensibly objective rationale of absence of available land on which to build.

The Municipality's responses to the Parents Association's petition suggests that lack of funding does not explain its failure in the part of the city in which the shortfall and

¹¹ Figures provided by Bimkom – Planners for Planning Rights, referring to zoning as of the end of 2012.

consequent lack of classrooms is the most extreme, i.e. in East Jerusalem; at the very least, it is certainly not the primary reason for the enormous shortage of classrooms. According to [a letter from the director general of the Jerusalem Municipality to the Finance Ministry dated 3 February 2016](#), no municipal projects for the construction of classrooms in East Jerusalem have been delayed due to underfunding (as distinct from the situation in other parts of the city). In paragraph six of his letter, the director general once again references the well-known planning failure of the past as the reason for the dramatic shortage of classrooms in East Jerusalem – an explanation also emphasized in a presentation by the Municipality to the Knesset Education Committee on 1 February 2016:

Jerusalem's Challenges regarding the Construction of Educational Facilities

- Large number of sectors, including complex sub-sectors
- Land and statutory obstacles:
 - Serious shortage of brown land (particularly in east of city and Haredi sector)
 - Complex and extremely protracted expropriation processes (mainly in east of city)
 - Regulatory demands inconsistent with reality:
 - Guarantees and costs in East Jerusalem (partially resolved)
- Topographical challenges – not adequately reflected in funding
- Lack of peripheral infrastructures in East of city (roads, electricity, sewage, etc.)

It is apparent that even when suitable land is available, political considerations sometimes influence the Municipality and the government not to use it for its intended purpose – the construction of classrooms for the children of East Jerusalem:

- In the neighborhood of **Sheikh Jarrah**, the local outline plan¹² zones an area of 4.3 dunams (just over one acre) “for a public building with a social-cultural

¹² Plan 2969.

function serving the population of the area.”¹³ Although there are no kindergartens or elementary schools in Sheikh Jarrah, the Israel Land Authority allocated the land in question to the Or Sameach organization for the purpose of establishing a yeshiva. The professional opinion presented to the Local Committee stated that “establishing a yeshiva in this area... is not the optimal use.”¹⁴ The plan¹⁵ was discussed by the Local Planning and Building Committee in January 2014, at which time three committee members from the Hitorerut, Yerushalmim, and Meretz parties voted against the plan, recognizing the impropriety of establishing a yeshiva in the heart of a Palestinian neighborhood suffering from a shortage of schools. However, Committee Chairperson Kobi Kachalon, from Mayor Barkat’s faction, joined forces with three Haredi members of the committee to advance the plan, which has yet to be deposited and discussed by the District Planning and Building Committee.

- In the neighborhood of **Silwan**, the existing municipal schools in the neighborhood meet the needs of less than 40 percent of school-aged children. Large sections of the neighborhood have been declared national park land, complicating attempts to identify suitable spaces for public buildings. The Jerusalem Municipality’s list of classroom building projects includes not one single project in Silwan. On the edge of the neighborhood, below the City of David national park site, a small single-story building holding just two classrooms serves as a municipal school. The building was constructed before 1967 on a large, vacant plot which could potentially accommodate a new and larger school. Such plans are absent on the Jerusalem Municipality’s project list; and there is likewise no plan for a plot of land at the entrance to the neighborhood, where one could imagine construction of buildings for the public benefit of the community. The Municipality and mayor have, however, intervened to provide enthusiastic support for the establishment of a massive

¹³ Block 30506, plots 11-14, 17, 45.

¹⁴ From the “Opinion of the Planning Policy Department” in preparation for discussion by the Local Committee on 1 January 2014.

¹⁵ Plan 68858.

visitor center promoted by the right-wing Elad settler organization on the adjacent parcel.

- In 2012, the Jerusalem Development Authority advanced a plan to establish an IDF college on a site of 11 dunams (approx. 2.7 acres) in the neighborhood of **A-Tur**.¹⁶ Despite area plans designating the land for public buildings, the mayor expressed his wholehearted support for the project, going so far as to personally attend the District Committee meeting to call for its approval. Promotion of the plan in question was halted in April 2015 when it was reported that a decision had been made to transfer the project to a different location in the city. A-Tur suffers from a severe shortage of schools, with existing resources satisfying the needs of just 60 percent of the neighborhood's children. Nonetheless, and despite the land in question having been expropriated from its Palestinian owners in the 1970s, the area does not appear in the Municipality's list of projects for the construction of classrooms in East Jerusalem.

Another plan in A-Tur that included construction of new schools was promoted by residents of the Khalt al-Ein section of A-Tur with the encouragement of the Municipality after residents reached agreement with the Municipality regarding the plan's boundaries. Despite their previous agreement, the Municipality now supports a plan by the Israel Nature and Parks Authority to declare a national park on the slopes of Mt. Scopus in an area incorporating the site in question. The Municipality is not only ignoring its promises to the residents; it has thus far failed to conduct a professional community needs assessment that would reveal the desperate need for additional classrooms.

These examples represent the broader picture in East Jerusalem. A mapping process undertaken in 2015 by Bimkom – Planners for Planning Rights found that approved plans in the Palestinian neighborhoods of East Jerusalem include 423 plots zoned for public buildings or public institutions. These plots comprise a total area of 1,864 dunams (approx. 460 acres). Of these plots, 184 are currently vacant or partially

¹⁶ Plan Number 51870, block 30521, plots 1, 2.

vacant and have yet to be developed. The Municipality could promote construction in these areas to address the shortage of schools among other outstanding community needs.

Overcoming the severe shortage of classrooms will require a dramatic change in the allocation of land for the construction of public buildings for the Palestinian population. Areas already zoned for this purpose must be more readily utilized. Delays in implementation, perpetuation of the status quo regarding zoning in East Jerusalem, and the current pace of classroom construction will lead to an increase in the shortfall of classrooms rather than to alleviation of the scale of the problem.

C. Construction and Classroom Rentals

The figures detailed in Appendix A below, provided by the JEA and the Jerusalem Municipality's Public Buildings Division, show that as of the beginning of the current school year in September 2016, 42 new classrooms have been constructed and are due to open. In addition, 46 classrooms are under construction, 124 are in some stage of planning, and 245 are in the preliminary stages.¹⁷ In total, there are 457 classrooms in some stage of construction.

According to the Ministry of Education's response to the petitioners' freedom of information requests,¹⁸ the Ministry of Education has only budgeted for construction of 56 classrooms (in the entire city) in 2016 while requests for the construction of 501 classrooms have been submitted in East Jerusalem alone.¹⁹

In its response, attached to the Parents Association's petition,²⁰ the Municipality states that in 2015 it rented a total of 675 classrooms in East Jerusalem (including 92 newly rented that year). The designation of rented classrooms applies to residential

¹⁷ The JEA reported 26 plots held by the Moriah Company that are in the preliminary stages; there are no figures yet available for the number of classrooms slated for construction in these plots. The Moriah Company was unable to provide an update by time of publication of this report.

¹⁸ Reply from Ms. Ilanit Shoshani of the Ministry of Education dated 17 July 2016 (Appendix 6 to the petition).

¹⁹ Ibid.

²⁰ Reply from Mr. Elad Geva, Professional Assistant to the Head of the JEA, to the petitioners' request, dated 6 March 2016 (Appendix 5 to the petition).

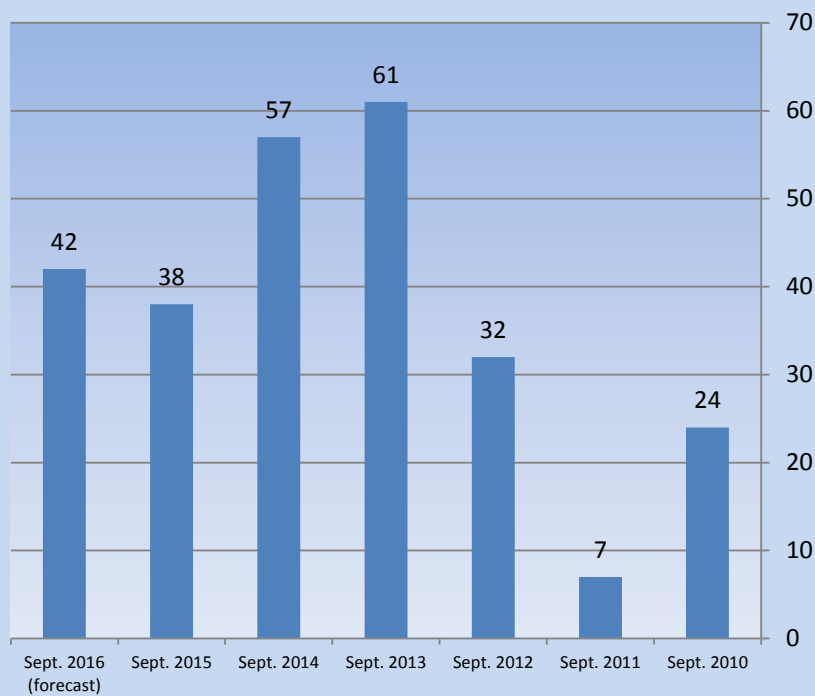
buildings not intended for educational facilities. These classrooms and the buildings in which they are situated do not provide adequate conditions for learning. The Municipality also clarifies in its response that the municipal budget for the rental of educational facilities in 2015 was NIS 87 million, of which NIS 43 million was invested in rentals in East Jerusalem as an alternative to the construction of missing classrooms. The Municipality adds that it estimates that “in the 2016/2017 school year, an additional 1,215 rented classrooms are needed, at a cost of more than NIS 100 million, including 820 classrooms in East Jerusalem at a cost of approximately NIS 56 million.”

D. Pace of Classroom Construction - 2001-2016

According to Ir Amim’s annual monitoring, **from 2001 through the opening of the 2016-2017 school year, 518 classrooms were constructed:**

Number of Classrooms in Development					
At beginning of school year	Completed	Under construction	Planning and implementation	Location of land and expropriation stages	Total across stages
2001 - Sept. 2009	257				
Sept. 2010	24				
Sept. 2011	7	89	193	86	375
Sept. 2012	32	85	173	84	374
Sept. 2013	61	75	110	147	393
Sept. 2014	57	56	157	108	378
Sept. 2015	38	44	168	259	509
Sept. 2016 (forecast)	42	46	124	245	457
Total completed classrooms	518				

Number of Classrooms Opened at Beginning of School Year, 2010-2016



The pace of construction over this period averages 37 classrooms a year.

Based on a conservative natural growth estimate of three percent a year in East Jerusalem, the JEA estimates that some 2,000 students join the education system every year, creating demand for approximately 70 additional classrooms.²¹ **The pace of construction is therefore insufficient even to keep pace with the rate of population growth and the minimal need for 70 new classrooms a year.** If the current pace of construction endures, the shortfall of classrooms will continue to increase each coming year.

²¹ From the Municipality's presentation to the Knesset Education Committee, 1 February 2016.

Municipal Claims vs. the Truth	
The Municipal Claim	The Facts
<p>"During Barkat's period, there has been a significant improvement in the education system in East Jerusalem and 800 new classrooms have been built – six times more than during the period of the previous mayor, Uri Lupoliansky..."</p> <p>Municipality's response as published in Mynet Jerusalem, 1 August 2016 (in Hebrew)</p>	<p>During Barkat's tenure (since 2009) and through the start of the 2016-2017 school year, only 261 classrooms have been built in East Jerusalem – approximately one-third of the claimed figure. During Lupoliansky's shorter period in office (2003-2008), 191 classrooms were built.</p>
<p>"During Barkat's period, over 800 new classrooms have been built in the east of the city to date, and approximately another 1,000 are in planning and implementation..."</p> <p>Municipality's response to Channel 10's "Hamakor" program, "The Truth behind United Jerusalem", 18 May 2016 (in Hebrew).</p>	<p>Last year, the Municipality announced that it had opened 180 new classrooms. It emerged that only 38 of these were newly constructed classrooms.</p> <p>Nir Hasson: "How Many New Schools Has Israel Built in East Jerusalem? Depends Who's Counting," Haaretz, 31 August 2015.</p>

In its presentation to the Knesset on 1 February 2016, the Jerusalem Municipality included a slide presenting its plan for reducing the shortfall of classes:

Narrowing the Gap in 5 Years: Creating a Stock of Classrooms for Planning and Construction						
Potential to create classrooms for planning and construction	2015-2016	2017	2018	2019	2020	Total
Conventional construction	85	200	300	400	500	1,485
Additional stories above existing stories	30	50	100	110	150	440
Construction in clusters	42	80	100	120	120	462
Haredi sector	228	250	250	250	250	1,228
Total	385	580	750	880	1,020	3,615

Total: approx. 3,600 classrooms in 5 years

If the Municipality meets its ambitious plan, excluding the figure applying to the Haredi sector, a total of 2,387 classrooms will be constructed by 2020. Even assuming that most of these classrooms are earmarked for East Jerusalem, a sizeable gap would

still remain. To date, Ir Amim has been unable to obtain the Municipality's detailed plans to assess the actual prospects for implementation – which would be welcome progress even with a shortage of approximately 400 classrooms due to natural growth after the plan's completion.

A Glimmer of Light: The Municipality Plans an Educational Campus in Jabal Mukabber (TPS 213306)

The plan for Jabal Mukabber was deposited in May 2016 at the initiative of the Moriah Development Company, under the authority of the Municipality. It is one of the first projects launched by the new body for classroom construction established by Moriah last year to promote the construction of classrooms in East Jerusalem. The plan seeks to rezone the area from “open landscape”, a justified deviation from the Jerusalem 2000 outline plan, under which it is zoned as an “open area.”

Plan 213306 provides for the establishment of an educational campus in Jabal Mukabber on an area of 30 dunams (approximately 7.4 acres), alongside what is known as the “American Road.” The plan for the construction of the campus includes 12 kindergarten classrooms, 18 elementary school classrooms, and 54 additional classrooms in three schools whose functions (elementary or high school) have yet to be determined. If the plan is approved and implemented, it will lead to the addition of 84 classrooms serving more than 2,000 students.

V. Highest Dropout Rates in Israel and Severe Discrimination in the Provision of Dropout Prevention Programming

One of the most sobering results of the shortage of thousands of classrooms in East Jerusalem is the alarming student dropout rate – the highest in Israel. As noted in previous publications,²² the dropout rate among all students in East Jerusalem reached

²² Ir Amim and the Association for Civil Rights in Israel, *The Failing Education System in East Jerusalem – Annual Update*, August 2013.

13 percent in 2012,²³ compared to a dropout rate of 2.6 percent in general post-elementary education in Israel, 4.6 percent in Arab post-elementary education in Israel,²⁴ and one percent in West Jerusalem. Most of the dropout occurs during high school, with the cumulative dropout rate over the course of education translating to 36 percent of children in East Jerusalem failing to complete 12 years of school.²⁵

The figures presented to the Knesset Education Committee by the Municipality on 1 February 2016 show that the Municipality has been able to slightly reduce the dropout rate in East Jerusalem. However, dropout rates at the high school level remain high. Approximately one percent of students drop out in the transition to ninth grade; **21 percent drop out in the transition to 10th grade; 13 percent in the transition to 11th grade; and nine percent in the transition to 12th grade. Every year, more than 1,300 students drop out of the education system in East Jerusalem.**

By way of comparison, in the 2013-2014 school year, ahead of the following year, the dropout rates across Israel for students entering 10th, 11th, and 12th grade were 2.1 percent, 5.0 percent, and 1.1 percent, respectively. In Arab education in Israel, the highest dropout rate was seen in 10th grade: 5.9 percent for boys and 2.3 percent for girls.²⁶

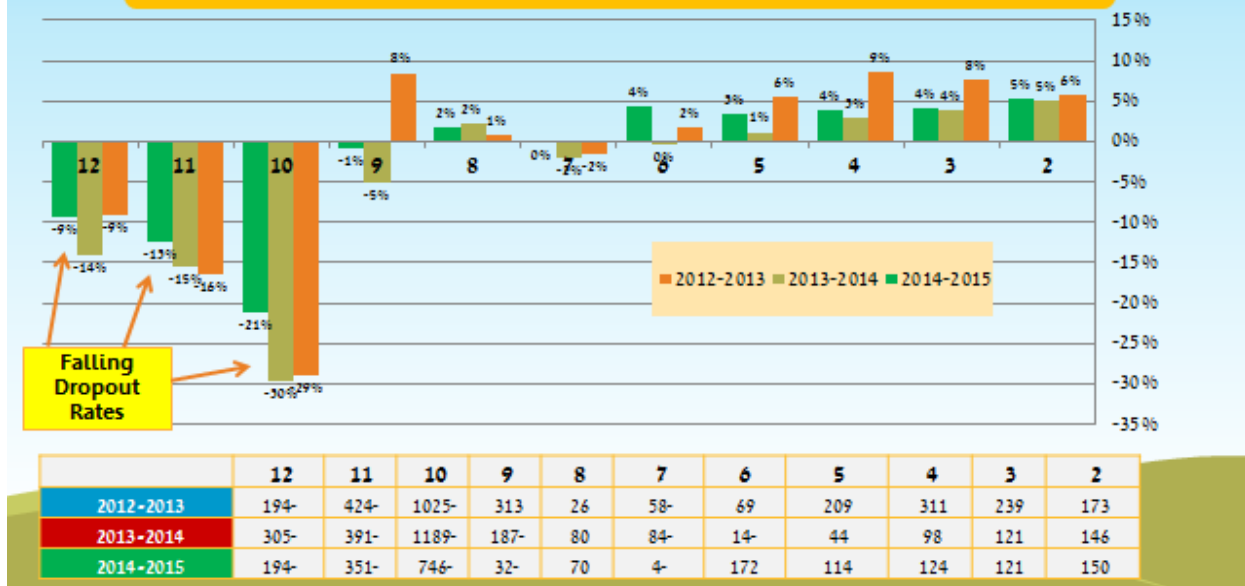
²³ Tzachi Golan, head of Individual Support in the JEA, *Strengthening Perseverance and Retention of Students in the Municipal Education System in East Jerusalem*, 24 September 2012, p. 1 (in Hebrew).

²⁴ Central Bureau of Statistics, *Israel Statistical Yearbook 2012*, Table 8.33 (in Hebrew).

²⁵ Presentation: "The Education System in East Jerusalem – Challenges and Tasks," presented at a roundtable meeting of the JEA on 27 June 2013, p. 6.

²⁶ Shlomo Swirski et al., [Where is the Other Half of the Age Cohort? Twelfth Graders Who Don't Matriculate](#), Adva Center (16 August 2016), p. 10 (in Hebrew).

Dropout in the Official Education System



These alarming dropout figures, together with the inconceivable poverty rates in East Jerusalem, demand intense investment in education, particularly in dropout prevention programming. The poverty rate among the Palestinian population in East Jerusalem as a whole is 79.5 percent and the poverty rate among children is 84 percent.²⁷ The poverty rate among Palestinian families in Jerusalem is 3.5 times the rate for Jewish families.

On 13 December 2015, the Law and Education Policy Clinic at the University of Haifa contacted the minister of education and the mayor of Jerusalem on behalf of Ir Amim regarding discrimination in budgeting for dropout prevention programs. As explained in Attorney Haran Reichman's [letter](#) and in [Ir Amim's recent reports](#), despite the high dropout rates in East Jerusalem, there are significant gaps between the implementation of prevention programs in East and West Jerusalem, along with clear discrimination in funding levels. Although the Municipality and the government have doubled the budget for dropout prevention in East Jerusalem, the investment totals just NIS 1.2 million a year. The JEA has calculated in the past that NIS 15 million a year would be required in order to secure an immediate reduction in dropout rates.

²⁷ National Insurance Institute, [Poverty Levels and Social Gaps \(December 2015\)](#), p. 30 (in Hebrew).

Substantial discrepancies can also be seen between West and East Jerusalem in terms of the number of dropout prevention programs:

- General dropout prevention programs in Jerusalem: 21 general programs are in operation in the Jewish education system in Jerusalem, compared to eight programs in the Arab education system.
- Of 45 educational institutions in Jerusalem operating programs by the Education and Welfare Services Division of the Ministry of Education, only four are in East Jerusalem.
- In the city's Jewish education system, 123 Shajar classes operated with 2,471 students, compared to 41 classes and 785 students in the Arab education system.
- Of the 63 regular matriculation classes operating in the city, only three were located in East Jerusalem.
- Of 39 "Challenge" program classrooms, only five operate in East Jerusalem.
- In West Jerusalem, 11 alternative study frameworks offer solutions for some 1,100 students. In East Jerusalem, there are only two schools intended for at-risk youth.

As Attorney Reichman noted in his letter, there are grounds to suspect that these disparities reflect not only socio-economic discrimination but also discrimination on the basis of national origin and/or political beliefs. So long as the legal situation in Jerusalem permits the option of using the Jordanian/Palestinian matriculation curriculum in official municipal educational institutions, students must not face discrimination on this basis and authorities should ensure the allocation of appropriate resources and programming for dropout prevention.

The Municipality's response arrived four months after submission of the letter, offering an inadequate and unclear explanation – general information, including for instance, details of programs to extend the school day, which are not primarily intended as dropout prevention measures. In other cases, it was ambiguous as to whether, and to what extent, the details provided applied to East Jerusalem. Ir Amim also presented data on the high dropout rates to the Knesset Education Committee,

and will continue to exhaust all channels regarding the severe discrimination in dropout prevention programs.

5. Israeli Attempts to Force Schools to Adopt the Israeli Curriculum

A. Conditional budgeting

Today, schools in East Jerusalem use the Palestinian curriculum. Prior to the Oslo Accords, students followed the Jordanian curriculum. When Israel annexed East Jerusalem in 1967, the government sought to replace the Jordanian curriculum with the curriculum used in Arab schools in Israel.²⁸ In response, the Palestinian public boycotted the official education system, and after two years the Israeli government acquiesced and reinstated the Jordanian curriculum. Subsequent attempts to include elements of the curriculum used by Arab schools in Israel also proved unsuccessful. Eventually, at the initiative of then Mayor Teddy Kollek, the decision was made to allow students to take the Jordanian matriculation examinations. Students in 7th to 12th grade were allowed to choose between a so called “Jerusalem” curriculum – essentially the Jordanian curriculum, with the addition of Hebrew and civic studies – and the Israeli curriculum. All students chose the Jerusalem curriculum and during the second half of the 1970s, the Jordanian curriculum was gradually reinstated in all municipal schools in East Jerusalem (first in post-elementary schools and later in elementary schools), with the addition of Hebrew studies from the third grade.²⁹

Under the Second Oslo Accord, the curriculum of the Palestinian Authority replaced the Jordanian curriculum and over more than 20 years has been institutionalized in East Jerusalem. After completing their studies, students take the *tawjihi* – or Jordanian/Palestinian – matriculation exams. The use of the Palestinian Authority curriculum in East Jerusalem is supported not only by the diplomatic agreement signed by both sides, but also by international law and in accordance with the right to education as recognized in numerous international treaties signed and ratified by Israel. The right of children in East Jerusalem to education consistent with their

²⁸ Moshe Amirav, *Jerusalem Syndrome*, Sussex Academic Press, 2009.

²⁹ Yuval Wargen, *The Education System in East Jerusalem: Classrooms and Curricula*, [Knesset Research and information Center](#), May 2010, p. 4 (in Hebrew).

culture and national affiliation is also congruous with the basic right to education recognized in Israeli law; and with students' right to equality in education, liberty, and protection of national identity. These rights not only impose an obligation on the state to refrain from violating their provisions, but also establish a positive obligation to act toward the realization of these rights.

Of 12th grade students who studied in the municipal Arab system, 98% took the Jordanian matriculation exams.³⁰ According to JEA publications, in 2013 the proportion of students in East Jerusalem studying toward the Israeli matriculation examination was just 5% of the 12th grade cohort though the JEA notes that this figure has been rising consistently.³¹

For some time it has been apparent that financial incentives are being used to pressure schools into adopting the Israeli curriculum. In January it was reported that the Ministry of Education, headed by Minister Naftali Bennett (Jewish Home), was formulating a plan to provide additional funding to schools in East Jerusalem, conditional on their adoption of the Israeli curriculum.³² Published data show that over recent years the number of students taking the Israeli matriculation has risen, reaching 1,900 last year with a forecasted record of 2,200 next year. As Ir Amim responded in the report:³³

The severe neglect East Jerusalem schools have suffered means that this is not a real choice, but rather a matter of survival. The choice by parents, lacking any alternative, may be understandable on the individual level but comes at a heavy price in terms of the fabric of the Palestinian community in East Jerusalem. If Israel were genuinely concerned about the socioeconomic situation in East Jerusalem, it

³⁰ Amnon Ramon & Lior Lehrs. 2014. *East Jerusalem*. Summer 2014. Jerusalem Institute for Israel Studies, quoted in Swirski et al., *Where is the Other Half*, note 26 above, p. 10.

³¹ Nir Hasson, [More Arab Students in East Jerusalem Seeking Israeli Matriculation Certificate](#), Haaretz, 30 April 2015.

³² Or Kashti & Nir Hasson, *Israel's Education Ministry to Pay East Jerusalem Schools to "Israelize" Curriculum*, [Haaretz](#), 29 January 2016.

³³ In Hebrew version; only partial response included in English version.

could take the actions needed to strengthen educational infrastructures, open Israeli universities to students who take the Palestinian matriculation exam (something other respected universities worldwide have done), and work to combat employment discrimination.

Given the complex fabric of life in Jerusalem, and in order to promote rational management of the city, it is essential to enable different national narratives to exist alongside one another. Attempts to impose the Israeli curriculum on Palestinian students have been made in the past, and have ultimately been regarded as a unilateral and aggressive act that increases tension in the city and undermines the rights of the Palestinian community. The issue of the curriculum in East Jerusalem is and should continue to be addressed solely in diplomatic agreements.”

It was recently [reported](#) that the Ministry for Jerusalem Affairs has imposed similar conditions.

The Israeli authorities have gravely neglected the infrastructures of the education system in East Jerusalem, thereby creating a shortage of more than 2,000 classrooms and dropout rates reaching 36% of all students. The vacuum created by the authorities has facilitated the entry of private organizations, most of which offer no more than a substandard level of education. Now, in the name of “helping” the population and allowing it to “choose,” residents are being offered funding in exchange for an agreement to adopt a curriculum that is inconsistent with the heritage, affiliation, and culture of tens of thousands of Palestinian children.

B. Censorship in Textbooks

For years, the JEA has outsourced inspection of the textbooks used in the official education system in East Jerusalem, which may involve the removal of content and the reprinting of books. According to a report of the Knesset Research and Information Center, “The JEA transfers books received from the Palestinian Authority for review by an external examiner, who is expected to mark any section that includes incitement

against Israel and Jews.”³⁴ The JEA instructs schools to use only books inspected by the authority.

As noted in the past,³⁵ the report of the Jerusalem Municipality’s Works Delivery Committee showed that the books are inspected by a private body external to the Ministry of Education and the Municipality, selected through a municipal tender process. The vetting procedures employed by the Ministry of Education and the Municipality, as well as the professional and educational criteria utilized, remain unknown. As noted in the decision of the municipal committee responsible for managing the tender process, the agency contracted for the current school year was chosen by virtue of the fact that, “The selected supplier is the cheapest supplier.” The delegation of responsibility for such a sensitive and controversial matter to a private contractor is patently inappropriate – a problem exacerbated by cost being the apparent sole criterion for the selection process.

While incitement on either side is to be opposed, it would appear that, in this instance, definitions of incitement can all too easily be used to rationalize attempts to erase the legitimate narrative of the Palestinian national community in Jerusalem. As was [recently reported](#), examples of censorship have included the deletion of passages from the Koran included in textbooks, as well as lines from national poems relating to the struggle of the Palestinian people. The Palestinian flag and hymn have also been removed. Combined with attempts to impose the Israeli curriculum on the Palestinian community, and the appalling neglect of physical infrastructures and maintenance of educational standards, censorship only serves to heighten the pronounced frustration in East Jerusalem.

To make matters worse, because the inspection process is conducted during the summer break, censorship of materials leads to extensive delays in acquisition of textbooks. Censorship is often undertaken in crude form, including deletion or

³⁴ Yuval Wargen, *Claims regarding the Use of Unauthorized Curricula and Study Materials in the Education System in General, and in the Non-Jewish Sector (including East Jerusalem) in Particular*, [Knesset Research and Information Center](#), March 2011, p. 13 (in Hebrew).

³⁵ Section G of the report by Ir Amim and the Association for Civil Rights in Israel, [Failed Grade - East Jerusalem's Failing Educational System](#), August 2012.

blackening of pages. As parents of students in East Jerusalem have noted, “When the teacher in class tells the students that some lines are missing, he or she will also have to explain why.”

6. Fifty Years: The Need for Policy Reform to Ensure Fair Educational Prospects for the Palestinian Community in Jerusalem

Jerusalem is the current home and the future capital of two peoples. Safe and stable life in East Jerusalem depends, first and foremost, on ensuring the future wellbeing of children in their families and communities. Every parent desires an educational system for their children that provides a supportive framework to advance students, is related to the fabric of community life, and creates opportunities for the future. A proper education, delivered in an appropriate physical environment and connected to the community’s heritage, culture, and national life, is an essential condition for ensuring children’s futures and protecting community life in East Jerusalem.

As noted in [Ir Amim’s policy paper](#), *Jerusalem: Present Home and Future Capital of Two Peoples*, in the current reality, policies must be adopted to improve the quality of life and personal security of all residents of the city. In contrast to the ongoing neglect and unilateral attempts at coercion described in this report, Jerusalem desperately requires a policy that nurtures positive prospects, including the right of the Palestinian community in the city to a proper and just educational system for its tens of thousands of children. Such a system must fundamentally provide for adequate infrastructures; it must also respect the community’s culture, heritage, and identity.

7. Appendix A – Monitoring of Construction of Classrooms in East Jerusalem (As of August 2016)

Monitoring of Construction of Classrooms in East Jerusalem August 2016								
Category	Planning Instruction No.	Project Name	Institution Code	UBP No.	No. of Classrooms	Neighborhood	Type of building	August 2016
Ready for use	593	Preschool in Shuafat, plot 12	353458	א/3456	18		School	Due to open in September
	585	Shuafat boys' high school - additional classrooms	148155	ב/א3456	12	Shuafat	School	Due to open in September
	602	Issawiya girls' junior-high school - additional classrooms	193003	2316	12	Issawiya	School	Due to open in September
		Total classrooms			42			
In Construction	619	Al-Sala'a preschool - Jabel Mukaber	5000375	ג/א2683	2	Jabel Mukaber	Preschool	Site confiscated but work has not begun due to objections
	600	Wadi al-Joz preschools	978866/1999305	3533	2	Wadi al-Joz	Preschool	In construction
	601	Wadi al-Joz elementary school	3194/1023633	6320	18	Wadi al-Joz	School	Burial caves were discovered and the work has been frozen. Discussions are underway with the Antiquities Authority and the burial society.
	607	Coed high school in Beit Safafa - expansion of existing school	148056	1760	18	Beit Safafa	School	In construction
	621	A-Thuri girls	118299	א/1864	6	Abu Tor	School	In construction
		Total classrooms			46			

Monitoring of Construction of Classrooms in East Jerusalem | August 2016

Category	Planning Instruction No.	Project Name	Institution Code	UBP No.	No. of Classrooms	Neighborhood	Type of building	August 2016
In planning	635	Shuafat preschools		7611	6	Shuafat	Preschool	Released for tender - the process of approving funding with the Ministry of Education was protracted because the "cluster" includes other elements as well as classrooms
	636	Shuafat preschools		7619	12	Shuafat	Preschool	Released for tender
	637	Shuafat preschools		7620	6	Shuafat	Preschool	Released for tender
	644	Shuafat preschools		7618	12	Shuafat	Preschool	Released for tender
	647	Shuafat preschools		7621	6	Shuafat	Preschool	Released for tender
	641	Preparatory for girls 1st-9th A-Tor	118299	4640	9	A-Tor	School	Released for tender
	645	Girls' high school Sur Baher	5002964	κ2302	8	Sur Baher	School	Released for tender
	648	Boys' elementary school Issawiya		2316	8	Issawiya	School	Released for tender
	667	Boys' comprehensive Beit Hanina	5011341	κ7159	24	Beit Hanina	School	Advanced planning
	649	Al-Sala'a elementary school, plot A		κ2683	18	Sawahreh	School	Advanced planning
			Sharafat, plot 2, A-Salaam School		4552	15	Sharafat	School
		Total classrooms			124			

Monitoring of Construction of Classrooms in East Jerusalem | August 2016

Category	Planning Instruction No.	Project Name	Institution Code	UBP No.	No. of Classrooms	Neighborhood	Type of building	August 2016
Projects in JEA (Before Public Buildings Committee) and in Expropriation Process		A-Tor School, compound B		4904	24	A-Tor	School	No progress due to opposition in the neighborhood.
		Co-ed school in Wadi Qadum - Silwan, plot 7		2668	24	Silwan	School	Expropriation proceeding continues. Prioritized for compensation from Finance Ministry. Legal proceedings due to illegal construction
		Boys' elementary school, Sheikh Jarrah		8620	24	Sheikh Jarrah	School	Land confiscated and transferred to Municipality. No progress due to conflict over a parking lot.
		Abu Tor, plot 100G, elementary school		5222	18	Abu Tor	School	Expropriation proceedings under sections 5, 7. Requires eviction of illegal construction from the plot. In legal proceedings.
		Preschool in Abu Tor, plot 29A		5222	4	Abu Tor	Preschool	Plot includes trees to be uprooted and an access road must be built.
		Preschool and school in Beit Hanina, plot 1		6671	30	Beit Hanina	School / Preschool	Plot includes illegal construction.

	Preschool and school in Shuafat		3974	21	Shuafat	School / Preschool	Trees are to be uprooted in the plot.
	Preschools in Issawiya		2316	14	Issawiya	School / Preschool	Three different plots, all of which include illegal construction.
	Special education school in Sheikh Jarrah		2591	10	Sheikh Jarrah	School	Part of the plot is occupied by two buildings.
	Preschool in Sheikh Jarrah		3386	6	Sheikh Jarrah	Preschool	
	Preschool in Sheikh Jarrah		2591	3	Sheikh Jarrah	Preschool	
	Preschool in A-Tor		9/25	12	A-Tor	Preschool	Difficulties encountered in surveying. Residents will not allow surveyors to enter.
	Preschool in Jabel Mukaber, plot 34		8815	12	Jabel Mukaber	Preschool	
	Preschools in Sawahreh / Um Lisan, plots J, K		≈2683	12	Sawahreh	Preschool	Soccer pitch on part of plot 10
	Preschool in Sur Baher / Um Tuba, plot S-3		≈2302	4	Sur Baher / Um Tuba	Preschool	Surveying difficulties
	Preschool in Sur Baher / Um Tuba, plot S-4		≈2302	4	Sur Baher / Um Tuba	Preschool	Surveying difficulties
	School in Sur Baher / Um Tuba, plot S-2		≈2302	12	Sur Baher / Um Tuba	School	Surveying difficulties
	Preschool in Sur Baher / Um Tuba, plot S-20		≈2302	5	Sur Baher / Um Tuba	Preschool	
	Preschool in Sur Baher / Um Tuba, plots S-13 and 201		/≈2302 13768	6	Sur Baher / Um Tuba	Preschool	Plot includes a building serving as a private school, constructed

								with a permit and not slated for demolition.
		The JEA states that 26 plots held by Moriah are in preliminary stages, without details of classrooms at this stage. Moriah was unavailable to provide an update as of the date of publication of this report.						
		Total classrooms			245			

Summary	
Ready for Use	42
In Construction	46
In Planning	124
Projects in JEA (before Public Buildings Committee) and in Expropriation Process	245
Total Classrooms	457