

The State of Education in East Jerusalem: Discrimination against the Backdrop of COVID-19

September 2020



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INTRODUCTION

This report was compiled before Israel's second nationwide lockdown and at a time in which the school system in East Jerusalem's "red" neighborhoods had been shut down (*based on the Israeli government's COVID-19 'traffic light' system as of September 13, 2020*). According to the National Emergency Portal, "formal educational activities are not being carried out in these neighborhoods, with the exception of matriculation examinations, special education, at-risk youth programs and daycare centers."

In addition to the school closures, a nighttime curfew was imposed on many Palestinian neighborhoods in East Jerusalem according to the September 8, 2020 decision taken by the Ministerial Committee for the Designation of Restricted Areas.

The schools, therefore, in the following neighborhoods have been closed since September 9, 2020 (as of this report's release in Hebrew on September 13, 2020):

Kufr Aqab, Beit Hanina, A-Tur, Al-Issawiya, Anata, the Shuafat Refugee Camp (including a nighttime curfew), as well as in the Armenian Quarter, the Christian Quarter, the Muslim Quarter and the Herod's Gate of the Old City, A-Sheikh, the Anatot Industrial Area, Wadi Joz, Shuafat and Sheikh Jarrah.

Alongside these neighborhoods, a nighttime curfew was imposed on three other Jerusalem neighborhoods while school closures also applied to the Jewish Quarter in the Old City.

As the data reveals, the education system was shut down in nearly every Palestinian neighborhood of East Jerusalem, with the exception of a few, most of which are located along the southern perimeter of the city.

The Jerusalem Municipality does not have figures on the number of children in the "red" neighborhoods under curfew. According to Ir Amim's estimates, **however, currently more than 80% of the students enrolled in Arab education in Jerusalem are not attending school.**

A near total shutdown of the school system in East Jerusalem is unfortunately not surprising. Contrary to the impression created within Israel, the closure of the education system is not due to a failure to adhere to public health regulations in these neighborhoods, but rather a result of overcrowding in schools, substandard sanitary conditions, and a severe shortage of classrooms in East Jerusalem. In

In addition to examining the state of education in East Jerusalem against the backdrop of the COVID crisis, this report likewise documents Ir Amim's queries vis-à-vis relevant Knesset committees and details the legal petition submitted concerning these matters.

According to the data, the profound disparities in East Jerusalem, including in the area of education, which exist under normal circumstances, were only exacerbated during the COVID-19 pandemic.

As opposed to this, the increase this year in the number of Palestinian students studying according to the Israeli curriculum demonstrates the government's priorities and highlights the extent in which the authorities are driven by political motivations rather than educational considerations and the needs of students. While the classroom shortage in East Jerusalem continues to grow and the number of students who have no place in an official educational framework increases, countless efforts are instead invested in shifting students to the Israeli curriculum and diverting funds to such institutions. These moves are in direct contravention of the agreements between Israel and the Palestinian Authority and infringe upon the national heritage, culture and rights of the Palestinian community as a collective.

Table of Contents

I.	Abstract of Findings	6
II.	Education in the Age of COVID-19	9
	A. The Current Status (as of the report's publication in Hebrew).....	9
	B. The Unique Needs of East Jerusalem during the Pandemic	10
III.	Distribution of Palestinian Students in the Education System	16
	A. Distribution of Students in the Education System in Jerusalem.....	16
	B. Distribution of Palestinian Students in the Education System in Jerusalem	17
	C. Absence of Data Regarding Private Schools in the Jerusalem Municipality's Education Administration	18
	D. Continued Rise in the Number of Students in Recognized <i>but Unofficial</i> Schools	18
	E. "Invisible Children" (unaccounted school-age children).....	20
IV.	The Classroom Shortage in East Jerusalem.....	22
	A. 3,794 Classrooms Lacking in East Jerusalem.....	22
	B. The Pace of Classroom Construction 2001-2020.....	24
	C. The Municipality's Five-Year Plan for Classroom Construction Exacerbates Disparities and Reinforces Discrimination.....	26
V.	School Dropout Rates in East Jerusalem	27
VI.	The Education Section in Government Decision No. 3790	27
	A. Implementation	27
	B. Coercive Use of Budgetary Allocations – Emphasis on Adoption of the Israeli Curriculum	28

I. Abstract of Findings

1. Number of East Jerusalem Palestinian neighborhoods in which schools were closed from September 9, 2020 (as of data from September 13, 2020)	15
2. Number of Palestinian neighborhoods in East Jerusalem under nighttime curfew	6
3. Percentage of East Jerusalem students from "red neighborhoods" who were not attending school since September 9 (as of data from September 13, 2020)	>80%
4. Percentage of East Jerusalem families living below the poverty line	77.5%
<u>For distance learning purposes:</u>	
5. Average number of people per household in East Jerusalem	5.3
6. Percentage of households in East Jerusalem with 7 or more people	30%
7. Percentage of households across Jerusalem with a home computer	64%
8. Percentage of households across Jerusalem with an internet account	60%
9. Percentage of students who could not participate in distance learning due to internet infrastructure problems during the first lockdown	40-60%

10. Percentage of Palestinian students in the education system (official and recognized but unofficial) out of the total number of students in Jerusalem	35.7%
11. Percentage of Palestinian students in the official education system out of the total number of Palestinian students in East Jerusalem	40.2%
Downward trend	-1.1%
12. Percentage of students studying in official institutions within towns with an Arab majority population within the State of Israel (not including East Jerusalem)	82%
13. Percentage of Palestinian students in East Jerusalem studying in recognized but unofficial schools	45.4%
Upward trend	+1.5%
14. Number of Palestinian children of compulsory school age unaccounted for ("invisible") from official municipal data and records	31,485
15. Number of children who are not registered in any recognized educational institution <u>throughout the State of Israel</u> (not including East Jerusalem)	20,000
16. Percentage of "invisible" children out of total number of Palestinian children of compulsory school age in East Jerusalem	23%
17. Current classroom shortage in East Jerusalem	3,794
18. Percentage increase of classroom shortage	25.4%

19. Average number of classrooms constructed per year in East Jerusalem	36
20. Number of new classrooms required per year to solely accommodate natural growth	70
21. School dropout rate between 9 th –12 th grades (2015-2018)	26.5%
22. Rate of school dropouts in East Jerusalem out of total number of dropouts in the city	70%
23. Number of dropouts 1st – 11th grades in 2019-2020:	
Boys	1,964
Girls	1,305
24. Proportion of education budget conditioned on adoption of the Israeli matriculation curriculum pursuant to Government Decision No. 3790	43.4%
25. Rate increase in the number of Palestinian students studying according to the Israeli curriculum	>2.5
26. Percentage of Palestinian students studying for the Israeli matriculation out of total number of students in Arab education in Jerusalem	19.4%

II. Education in the Age of COVID-19

A. The Current Status (as of the report's publication in Hebrew)

This report was released in Hebrew during a time in which the education system had been shut down in East Jerusalem "red" neighborhoods (*based on the Israeli government's COVID-19 'traffic light' system as of September 13, 2020*¹). According to the National Emergency Portal, "formal educational activities are not being carried out in these neighborhoods, with the exception of matriculation examinations, special education, at-risk youth programs and daycare centers."²

In addition to the school closures, a nighttime curfew was imposed on many Palestinian neighborhoods in East Jerusalem according to the September 8, 2020 decision taken by the Ministerial Committee for the Designation of Restricted Areas.³

Since September 9, 2020 the schools in the following neighborhoods have been closed: Kafr Aqab, Beit Hanina, A-Tur, Issawiyeh, Anta, the Shuafat Refugee Camp (including nighttime curfew), as well as in the Armenian Quarter, the Christian Quarter, the Moslem Quarter, the Flower Gate area of the Old City, A-Sheikh, the Anatot industrial area, Wadi Joz, Shuafat and Sheikh Jarrah.

Alongside these neighborhoods, a nighttime curfew was imposed on three other Jerusalem neighborhoods while school closures also applied to the Jewish Quarter in the Old City.

As the data reveals, the education system was shut down in nearly every Palestinian neighborhood of East Jerusalem, with the exception of a few, most of which are located along the southern perimeter of the city.

The Jerusalem Municipality does not have figures on the number of children in the "red" neighborhoods under curfew. According to Ir Amim's

¹ *Israeli government's COVID-19 'traffic light' system as of September 13, 2020*

² *National Emergency Portal*

³ *September 8, 2020 decision of the Ministerial Committee for the Designation of Restricted Areas*

estimates, **however, currently more than 80% of the students enrolled in Arab education in Jerusalem are not attending school.**

A near total shutdown of the school system in East Jerusalem is unfortunately not surprising. Contrary to the impression created within Israel, the closure of the education system is not due to a failure to adhere to public health regulations in these neighborhoods, but rather a result of overcrowding in schools, substandard sanitary conditions, and a severe shortage of classrooms in East Jerusalem.

According to the data, the profound disparities in East Jerusalem, including in the area of education, which exist under normal circumstances, were only exacerbated during the COVID-19 pandemic.

B. The Unique Needs of East Jerusalem during the Pandemic

Prior to the Knesset Education Committee's discussion concerning preparations in the Arab sector for the opening of the new school year on August 17, 2020, Ir Amim in cooperation with the Association for Civil Rights in Israel (ACRI), requested that the education committee as well as the Children's Rights Committee examine in particular the level of preparation of relevant government ministries and the Jerusalem municipality in East Jerusalem.

Utilizing the data detailed in their annual reports, Ir Amim underscored that the education system in East Jerusalem presents a unique situation, which necessitates unique solutions:

On one hand, there is a shortage of more than 3,000 classrooms in East Jerusalem and the existing school spaces are overly crowded with poor sanitary conditions, which affect the students' potentiality to return to school in compliance with public health regulations.

On the other hand, as was apparent during the first wave of COVID-19 and the ensuing lockdown, most of the students in East Jerusalem do not have access to on-line study and distance learning.

With the beginning of the first wave of the Coronavirus in March 2020, Ir Amim advised the Ministry of Education and the Jerusalem Municipality concerning the substandard state of the school system in East Jerusalem against the backdrop of COVID-19. In tandem, just several days prior to

the decision to close the school system in Israel, the union of parents' committees in East Jerusalem declared a strike in light of the dire situation in East Jerusalem schools. As a result, tens of thousands of Palestinian students stopped attending school.

On May 4, 2020, a petition was submitted to the Israeli High Court of Justice by ACRI and the Law and Education Policy Clinic of Haifa University Law School on behalf of students from disadvantaged populations and a number of representative organizations, including Ir Amim. The petition concerned the inaccessibility of hundreds of thousands of students to remote learning due to the absence of computers or insufficient internet infrastructure, including those in East Jerusalem (*HCI 2823/20 Nadar v. the Minister of Education, decision from May 20, 2020*). At the time of the hearing, the Court assumed that schools had resumed their routine operations and therefore, ordered the petition be dismissed. This assumption turned out to be premature and incorrect.

The attorneys requested that the Court provide for a resumption of the proceedings vis-à-vis the relevant bodies, arguing, among other things, that most of the students from East Jerusalem neither took part in online classes nor returned to school after the education system reopened due to the substandard and overcrowded conditions of the classrooms, lack of open spaces in the school and the unavailability of sanitation supplies.

As Ir Amim stressed in its exchanges with the relevant Knesset committees and the Jerusalem Municipality, appropriate preparation of the education system in East Jerusalem requires the following:

In-School Learning:

- 1. Addressing the classroom shortage, the lack of public spaces in schools and the severe overcapacity**
- 2. Tackling the poor sanitary conditions that have been exacerbated in the last two years due to the reduction in the number of janitorial staff in schools.**
- 3. Providing solutions to these challenges in both official schools and recognized, but unofficial institutions.**

As this report demonstrates below, more students are enrolled each year in recognized, but unofficial institutions. The growth in the number of students studying in recognized schools stems mainly from the increased classroom shortage which is a direct result of the failure of the authorities. They therefore have an equal, if not greater obligation to students enrolled in these types of institutions.

4. Refrain from conditioning solutions or assistance upon use of the Israeli curriculum.

The percentage of students studying according to the Israeli curriculum has indeed increased as a result of the profound efforts of Israeli authorities to advance this goal, including discriminatory budgetary allocations. Despite this, more than 80% of East Jerusalem students continue to study according to the Palestinian curriculum in accordance with agreements between Israel and the Palestinian Authority and in line with the constitutional right to education. Therefore, during this unique time of the COVID-19 crisis, it is even more unreasonable to condition the granting of special assistance upon use of the Israeli curriculum.

5. Issuance of clear guidelines in Arabic for school staff, parents and students along with coordination with the Union of Parents of Students in East Jerusalem schools.

According to the school principals and teachers, over the course of weeks during the previous school year, they were not provided with guidelines from the authorities regarding school operation and management in the face of the COVID-19 threat. Their repeated requests were likewise ignored. There must be a mechanism to ensure that clear guidelines are issued as required.

It is likewise critical that there is coordination between the authorities and the parents' union, whose representatives are chosen in a manner in line with the conditions set forth by the Director General of the Ministry of Education in the framework for Arab schools in East Jerusalem.

Distance Learning:

More than 77% of the families in East Jerusalem live under the poverty line.⁴ The average number of individuals per household is 5.3, while thirty percent of households in East Jerusalem are comprised of seven or more people. In 2018, 64% of all households throughout Jerusalem had a computer in the home, and 60% of all households had an internet account.⁵ As poverty rates are much higher among the East Jerusalem population and their level of digital familiarity lower than the average in Jerusalem, it is reasonable to assume that a lower percentage of East Jerusalem households have a computer or an internet account.

1. Distribution of Computers

During the first wave of COVID-19, school principals highlighted the shortage of computers as the central obstacle to distance learning, which became essential in the Coronavirus era. According to the principals, the majority of families do not have computers and certainly not for each school-age child in the home. They likewise noted that many children neither have mobile phones, especially those of elementary school age. In most circumstances, children could only participate in virtual classes with the parent's mobile phone, which is often the sole device in the family.

In April 2020, Ir Amim learned that the Jerusalem Municipality's Education Administration had begun distributing computers after the publication of a public call for this initiative.⁶ Ir Amim was unable to locate the aforementioned public call on any of

⁴ According to the Jerusalem Institute for Policy Studies' Statistical Yearbook for 2020, the incidence of poverty in East Jerusalem in 2018 was 59%. These figures show a significant decrease in the poverty rate in East Jerusalem as compared to 2017, when the poverty rate was 77.5%. In fact, they do not correctly reflect the reality in light of the difficulties encountered in the sampling of data for that year in East Jerusalem which was reported by the National Insurance Institute and led to the absence of a sufficient sampling.

⁵ The Jerusalem Institute for Policy Studies, The Statistical Yearbook for 2020, p. 62, 64.

⁶ According to the response of the Director of the Jerusalem Municipality's Education Administration, Mr. Aviv Keinan, to a Facebook post by a school principal on April 21, 2020.

the websites for the Education Administration, the Jerusalem Municipality or the Ministry of Education. Inquiries which Ir Amim made at the time revealed that none of the school administrators or principals in East Jerusalem were aware of it. They likewise expressed concern that the computers were being distributed to only students studying according to the Israeli curriculum. Ir Amim did not know of any distribution of computers that was carried out since then.

2. Massive Improvement of Internet Infrastructure

According to the estimations of school principals in East Jerusalem, some of which are based on an actual mapping carried out during the first wave of COVID-19, 40% to 60% of students could not participate in distance learning due to internet infrastructure issues. This figure is also supported by statements by Dr. David Koren, director of the Five-Year plan staff (*according to Government Decision No. 3790, see below*) in the Ministry of Education and Zion Regev, director of the Five-Year plan in the Jerusalem Municipality's Education Administration during discussions held at the Jerusalem Institute for Policy Research during the first wave of Corona.⁷

As noted by a member of the Five-Year Plan staff, at the outset of the crisis, according to a sampling conducted among principals and teachers, large gaps were revealed in terms of ICT and the tools necessary to maintain academic continuity. According to Zion Regev, COVID-19 brought the disparities between the Eastern and Western parts of the city, including access to computers and adequate internet infrastructure, to the forefront. At times, neighborhoods in East Jerusalem are devoid of internet infrastructure altogether.

⁷ Digital Deliberation – The East Jerusalem Think Tank: The Neighborhood Model for Education, April 2, 2020.

III. Distribution of Palestinian Students in the Education System (2019-2020 school year)

A. Distribution of Students in the Education System in Jerusalem

According to the Jerusalem Municipality's Education Administration (JEA) Data 2019-2020 (as of Aug. 10, 2020)

No. of Students Percentage of Students

General Education Sector (state & state religious)

66,953 24.6%

Haredi Education Sector

108,214 39.7%

Arab Education Sector (official & recognized but unofficial)

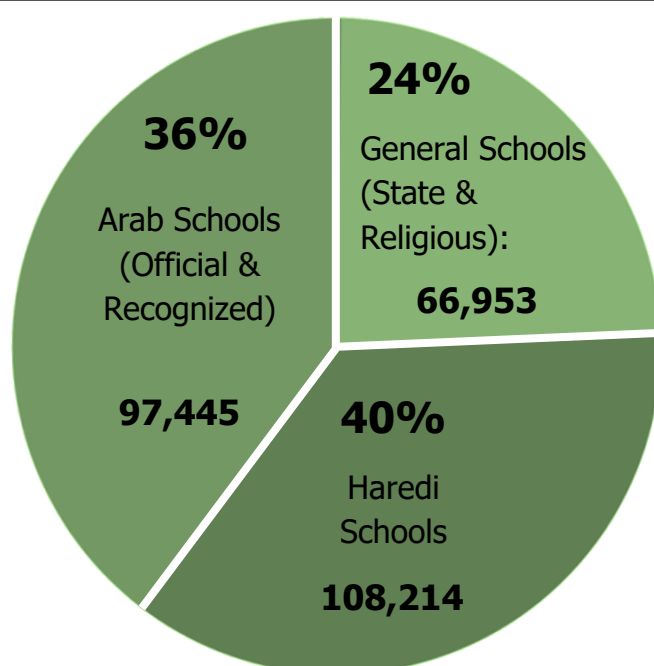
97,445 35.7%

Total

272,612

Number of Students in the Education System in Jerusalem

According to JEA data, 2020



B. Distribution of Palestinian Students in the Education System in Jerusalem

<i>According to JEA Data</i>	No. of students	Percentage of students	No. of students	Percentage of students
<i>2019-2020 School Year</i>	2018-19	2018-19	2019-20	2019-20
<i>(as of Aug. 10, 2020)</i>				
Official Arab Institutions	45,427	41.3%	45,815	40.2%
Recognized but unofficial Arab institutions	48,368	43.9%	51,733	45.4%
Private Arab Institutions	16,398	14.9%	16,398 ⁸	
Total no. of students in the Arab education sector in East Jerusalem	110,293		113,946	

⁸ The Jerusalem Municipality did not respond to an inquiry regarding the number of students in private schools. In the absence of data, shown here is the last known figure, from last year. There is no reason to assume that a significant change has occurred since then.

C. Absence of Data Regarding Private Schools in the Jerusalem Municipality's Education Administration

In the Municipality's response to Ir Amim's Freedom of Information (FOI) request, the Municipality wrote that "the data concerning the private [education] system were received from the Palestinian Authority, and we are unable to confirm their validity."⁹ Unlike in previous years, and as opposed to what was published in the Municipality's Education Administration yearbooks up until two years ago, it does not provide figures on Palestinian students attending private schools. The failure to provide such data constitutes a breach of its obligation to track every student of compulsory school age. It is incumbent on the municipality to know the details of all students for whom it is responsible, including where they are studying, as well as, to provide inspection and oversight of private schools. Ir Amim is concerned that rather than enhancing its knowledge and supervision of private schools, the Jerusalem Municipality has chosen to completely overlook the data and abdicate responsibility for these students, and has thus exacerbated its failure in the matter.

D. Continued Rise in the Number of Students in Recognized *but Unofficial* Schools

The number of students studying in official schools has nearly remained the same while the slight rise recorded is even lower than the annual increase attributed to population growth (2%-3%). As opposed to this, the upward trend in the number of students studying in recognized but unofficial institutions has continued.

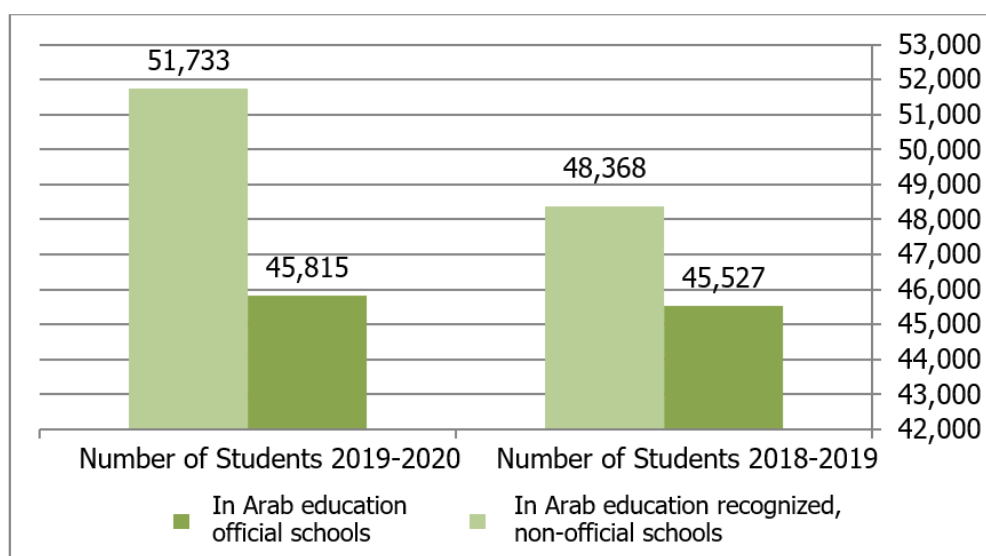
According to a special report published on the topic of Jerusalem in June 2019 by the State Comptroller (hereinafter – the State Comptroller's Report¹⁰), the proportion of students attending official institutions in East

⁹ The Jerusalem Municipality's response to Ir Amim's freedom of information request.

¹⁰ State Comptroller, *Special Report: Developing and Strengthening the Status of Jerusalem – Part 2* (Hebrew), Jerusalem, June 2019 (hereinafter: "State Comptroller's Report, p. 374

Jerusalem is vastly lower than that in Arab communities inside Israel (82%). The report likewise noted that the amount of students attending official education institutions in East Jerusalem is on a decline compared to the rate over the past five years (approximately 59%; p. 374).

Comparison of Students in Official Schools vs Recognized, Non-Official Schools



This worrisome trend continues and explicitly proves that the authorities have not fulfilled their commitment to enable interested students to transfer from recognized to official schools (HCJ 5373/08 *Abu Libda v Education Minister*, decision from 6/2/2011).

As the State Comptroller emphasizes in the report's key recommendations section:

Failure to fulfill the obligation to provide free education due to the shortage of classrooms: The Jerusalem Municipality and the Ministry of Education must fulfill their obligation to enable students and kindergarten children to realize their right to free education at official educational institutions, or alternatively at recognized but unofficial institutions if a solution is unavailable in an official institution. Ahead of the 2019-2020 school year, it is incumbent upon the Municipality to inform

parents of students and kindergarten children who do not study in the official educational system of their right to submit a request to the Municipality, asking for placement in the official system.

In the event their request is denied, the Municipality must refer them to a recognized, but unofficial educational institution. This should be undertaken after the Municipality and the Ministry of Education reach the appropriate financial agreements with the respective institution in a manner which ensures the parents will not be required to bear the cost of their children’s elementary studies, as stated in the Israeli High Court ruling [in the case of] Abu Libdeh [vs. Minister of Education] (p. 382).

E. “Invisible Children” (unaccounted school-age children)

<i>According to the Municipality’s response to Ir Amim’s FOI request</i>	No. of Children
Palestinian children of compulsory school age (3-18) in Jerusalem	137,250
Students in Arab education in East Jerusalem	96,328
“Invisible Children” (based on the difference)	40,922
“Invisible Children”, according to the Municipality’s response to Ir Amim’s FOI request	31,485
Missing classrooms needed to accommodate the “invisible children”, according to the Municipality’s figures (<i>based on an average of 27 students per classroom</i>)	1,166

According to its September 2020 response to Ir Amim's FOI request, the Jerusalem Municipality acknowledged that it lacked data as to where **31,485 Palestinian children** were studying in the 2019-2020 school year.¹¹ **This figure constitutes 23% of East Jerusalem children of compulsory school age. Hence the educational status of nearly one-quarter of Palestinian children in Jerusalem is not known to the Municipality.**

As noted in the 2019 State Comptroller's report, according to figures from the Ministry of Education, the number of children not registered in any educational framework known to the authorities in the State of Israel as a whole (excluding East Jerusalem) is approximately 20,000 (p. 383). This figure is less than the total number of "invisible" children in East Jerusalem alone. The report states:

These findings point to the incompetence and apathy of the Ministry of Education and the [Jerusalem] Municipality in locating these missing East Jerusalem children in order to provide them a basic education...

The Jerusalem Municipality and the Ministry of Education should act immediately in accordance with their legal obligation to locate the place of study or whereabouts of some 23,000 child residents of East Jerusalem [the figure quoted in the State Comptroller's report] who are not registered in any educational framework known to the authorities. They should also act to establish a database concerning all children of compulsory school age in East Jerusalem and to create an effective mechanism for locating unaccounted for children in the future, in order to ensure they receive a basic education (State Comptroller's report, p. 348).

¹¹ According to the calculation cited in the Jerusalem Municipality's response to the FOI request from Sept. 8, 2020, there are 43,760 children of compulsory school age in which "their educational framework is not known." 12,227 children of that number have been deducted since they are either age three and have not yet begun school or age 18 and have completed their schooling.

IV. The Classroom Shortage in East Jerusalem

A. 3,794 Classrooms Lacking in East Jerusalem

In his 2019 report, the State Comptroller found that profound gaps continue to persist in the scope and quality of educational (and welfare) services provided to the population of East Jerusalem. He wrote, "the failure to narrow these gaps impairs the ability of the population in East Jerusalem to improve its socioeconomic condition. This is liable to exacerbate deprivation among this population and to endanger the resilience of Jerusalem as a whole (p. 338).

The State Comptroller's conclusions come after years of legal proceedings from nearly two decades prior concerning the acute classroom shortage in East Jerusalem. As early as 2001, the Israeli Supreme Court found that the Israeli authorities were violating their constitutional obligations in the field of education in light of the severe deficit of classrooms in East Jerusalem (HCJ 3834/01 *Hamdan et al. v Jerusalem Municipality*; HCJ 5185/01 *Badriya v Jerusalem Municipality* (unpublished, partial ruling granted August 29, 2001); HCJ 5373/08 *Abu Libda v Education Minister*, granted February 6, 2011).

Despite the court's findings, the dearth of classrooms in East Jerusalem is continuing to grow, as illuminated in this report along with previous ones. **The construction pace stands at just a few dozen new classrooms per year, which fails to adequately address the ever-increasing gap. The classroom deficit has now reached at least 3,794.**

The Number of Missing Classrooms in East Jerusalem – 2020-2021	
Classrooms necessary to replace substandard ones <i>(according to the Municipality's response to the FOI request)</i>	765
Number of missing classrooms <i>(according to the Municipality's response to the FOI request)</i>	905
Estimated number of classrooms necessary to accommodate half of the students from the recognized but unofficial institutions <i>(according to the Municipality's estimate in the past)</i>	958
Additional classrooms required to accommodate the "invisible children" <i>(see calculation above)*</i>	1,166
Total Shortage of Classrooms	3,794

* It is assumed that the number of classrooms required for the "invisible children" includes those necessary to accommodate the number of children ages 3-4 who are currently not in an educational framework, based on the Municipality's calculation in its response to the FOI request (197 kindergarten classrooms are lacking).

B. The Pace of Classroom Construction 2001-2020

Number of Classrooms in the Building Process						
At start of school year	Completed	Under construction	Under Planning and Implementation	Under Process of Expropriation or Legal Complications	Planning yet to begin	Total in 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	32	35	266	131		464
9/2018	35	444		355		834
9/2019	44	108	26	752	382	1312

In lead up to 9/20 ¹²	6*	198*	621	85	409	1319
Total class-rooms completed	635					

* According to the Municipality's response to Ir Amim's FOI request, it appears only six classrooms are expected to be completed in 2020. While 118 additional classrooms are listed as expected to be finished in 2020, they are still technically "under construction." Since the date of their completion has not been clarified, they appear in the table above in the column "under construction."

As revealed in the graph above, the rate of construction has not changed substantially over the years, and continues to average 36 classrooms per year. Based on an annual 3% natural growth rate in the population of East Jerusalem, the JEA estimates that approximately 2,000 new students enter the education system each year, requiring an additional 70 classrooms.¹³ That being said, the average rate of construction (36 classrooms per year) is not even keeping pace with natural population growth (70 classrooms per year) much less rectifying the acute shortage.

At the current pace of construction, the shortage of classrooms has continued to climb every year. While last year there was a deficit of 3,026 classrooms, **in 2020, the shortage has grown by more than a quarter to 3,794 classrooms.**

Moreover, since last year there has only been an increase of seven classrooms in the expected inventory for the entire construction cycle projected for the coming years.

¹² According to the Municipality's response to Ir Amim's freedom of information request.

¹³ From the Municipality's presentation to the Knesset Education Committee, Feb. 1, 2016.

C. The Municipality's Five-Year Plan for Classroom Construction Exacerbates Disparities and Reinforces Discrimination

Over two years ago, on June 27, 2018, Ir Amim submitted a request to join as amicus curiae to a legal petition filed by the Jerusalem Parents Association concerning the classroom shortage in Jerusalem (HCJ 6183/16).¹⁴ This petition is still in the midst of court proceedings today.

As noted in Ir Amim's request to join the petition, a thorough examination conducted by the organization revealed substantial discrepancies between the Municipality's declarations on plans for constructing classrooms in the Arab sector in East Jerusalem and its own official data. In accordance with the Municipality's statements before Court, its five-year plan will lead to the construction of 2,486 classrooms in the Arab sector. However, official municipal figures indicate that the actual number of classrooms to be constructed totals no more than a few hundred, ranging from just 459¹⁵ to 834 classrooms.¹⁶

As Ir Amim laid out in the abovementioned request, rather than narrowing the gaps, the Municipality's five-year plan instead exacerbates the disparities between the various sectors. While all missing classrooms in the general and Haredi sectors will be constructed, by the end of 2022 the classroom shortage in Jerusalem will be confined to the Arab sector alone.

Following the petition and per the recommendation of the court, a joint team comprised of the Ministry of Education, the Ministry of Finance, and the Jerusalem Municipality was formed in July 2018 to address the shortage of classrooms in the city. The state not only refused to allow a representative of the Jerusalem Parents Association to participate in the team's discussions, even as an observer, but it also declined to publish minutes of the proceedings.

The latest court decision on the petition from September 2, 2020 gave the Ministry of Education and the Ministry of Finance until November 30, 2020 to submit an updated response.

¹⁴ HCJ 6183/16 The Parents' Organization for the School System in Jerusalem et al. v. the Ministry of Education, et al.

¹⁵ According to the "Five-Year Plan for Construction of Classrooms in Jerusalem" app

¹⁶ According to the Municipality's January 23, 2018 response to Ir Amim's Freedom of Information request

V. School Dropout Rates in East Jerusalem

According to the Municipality's response to Ir Amim's FOI request, 1,964 boys and 1,305 girls from East Jerusalem between grades 1-11 dropped out of school during the 2019-2020 school year. These figures, however, are incomplete because according to the Municipality's data, the total number of students who dropped out does not include students in both official and recognized schools. The numbers concerning dropouts from 12th grade are likewise not included.

The cumulative dropout rate must also be examined, however, the Municipality neglected to provide Ir Amim with this data. As noted in the 2019 State Comptroller's Report, the dropout rate for students in East Jerusalem between grades 9 through 12 (2015 – 2018) was 26.5%. In other words, approximately one in every four students drops out of school. This rate is not only high in comparison to the national average (5.4%), but also in relation to the dropout rate (7.4%) in the Arab sector as a whole in Israel (excluding East Jerusalem). According to the State Comptroller's findings, East Jerusalem children account for 70% of the entire dropout rate in the city.

As laid out in the key recommendations section in the State Comptroller's Report: "In light of the scale of school dropouts in East Jerusalem, the Ministry of Education and the Jerusalem Municipality should significantly increase their activities to tackle the phenomenon of school dropout in East Jerusalem" (p. 346).

VI. The Education Section in Government Decision No. 3790

A. Implementation

In May 2018, the Israeli government announced Government Decision No. 3790 - Narrowing Socioeconomic Gaps and Promoting Economic Development in East Jerusalem – a 5-year investment plan of up to approximately NIS 2.1 billion. The decision includes six key areas of activity – education and higher education, economy and employment, transportation, improving services for citizens and quality of life (leisure facilities and water and sewage infrastructures), health, and land

registration. Education is one of the main areas earmarked for investment in the decision with a five-year budget of up to NIS 445 million, which constitutes the second highest budget in the plan following transportation.

While the COVID-19 pandemic significantly affected implementation goals for the 2019-2020 school year, and in particular for the Hebrew instruction and informal education programs, a complete evaluation of the pandemic's impact has not yet been made available to Ir Amim.

B. Coercive Use of Budgetary Allocations – Emphasis on Adoption of the Israeli Curriculum

As Ir Amim has published previously, out of an expected government investment of 445 million shekels in the education sector, approximately 193 million shekels, constituting around 43.4% of the total budget designated for education in East Jerusalem, is explicitly conditioned on use of the Israeli curriculum. In other items of the education budget in which this stipulation does not explicitly apply, the Government Decision still provides that the funding is designated primarily for institutions teaching the Israeli curriculum.

According to the Jerusalem Affairs Ministry's 2019 Status Report regarding the Implementation of the Government Decision, the budget transferred from the government and the Municipality to the area of education in 2019 was 89 million ILS (2/3 for the 2018-2019 schoolyear), and it was utilized in its entirety.

In the past two school years—2018-2019 and 2019-2020—nearly 50% of the budget was allocated to programs to encourage a shift to the Israeli curriculum and for the physical development and renovation of institutions studying by the Israeli curriculum. **On the contrary, no resources are allocated within the decision's framework for the physical development of schools who have not adopted the Israeli curriculum nor have classroom construction been added from this budget.**

In the area of informal education, most of the activities pursuant to the Government Decision are facilitated in official schools while only some are

held in the recognized but unofficial schools, but which use the Israeli curriculum.¹⁷

In terms of Hebrew instruction, there is likewise a significant gap between the hours of instruction allocated to students using the Israeli curriculum and those allotted to students studying under the Palestinian curriculum. According to the State Comptroller's Report, students using the Palestinian curriculum in official schools receive only 71% of the minimal number of hours allocated for Hebrew study in schools using the Israeli curriculum, while the recognized but unofficial schools receive even less - only 44% (p. 396).

A special team focused on the integration of the Israeli curriculum in East Jerusalem schools within the framework of the Government Decision is comprised of representatives from the Jerusalem Municipality's Education Administration, the Ministry of Education, the Unit for Public Participation on behalf of the Development of East Jerusalem Company and the Jerusalem Affairs Ministry. This team focuses on developing work plans per neighborhood with the goal of increasing the number of first grade classrooms by 15 per year.¹⁸

According to the minutes from an October 2019 meeting of the permanent committee—the steering committee for Government Decision No. 3790—there is preference for opening new elementary schools that will use the Israeli curriculum exclusively in order to prevent the influence of those in existing schools who object to its use. In the words of Lara Mobarichi, Director of the Arab Education Branch of the Jerusalem Municipality's Education Administration who was quoted in the minutes, “A school that is entirely Israeli is much more effective – both vis à vis the school principals and vis à vis the residents.” The head of the Jerusalem Municipality's Education Administration, Aviv Keinan, went even further, stating that “the crisis surrounding the recognized but unofficial schools can be exploited to steer students to institutions using the Israeli curriculum.”¹⁹

¹⁷ Informal Education as a Tool to Reduce Gaps in East Jerusalem, The Jerusalem Institute, 2020

¹⁸ The Status of the Government Decision 2019 – The Permanent Committee, *supra*, p. 6.

¹⁹ Summary of Deliberation – Implementation of Government Decision No. 3790 from Oct. 29, 2019, the Ministry of Jerusalem Affairs.

The Israeli authorities' bias in favor of shifting students to the Israeli curriculum has started to become more evident in the past year. While in the 2018-2019 school year, there were only 7,376 Palestinian students studying according to the Israeli curriculum, in 2019-2020 school year, that number increased by more than 2.5 times to 18,953 students (13,739 in official institutions and 5,214 in recognized, but unofficial institutions). These figures still constitute less than 20% of the student population in East Jerusalem, for whom approximately half of the education budget from the Government Decision is designated.

It is unfortunate that crises are "exploited" (*in the words of the Jerusalem Education Administration Director quoted above*) for this purpose and that resources are invested in a clearly biased manner rather than utilizing them to address the severe and increasing shortage of classrooms. Likewise, the rise in the number of Palestinian students using the Israeli curriculum demonstrates the government's priorities and underscores its ability to act quickly and decisively when motivated by irrelevant political considerations rather than educational considerations made in the best interest of the students.

As a result, the classroom deficit continues to grow and the number of students with no placement in an official school continues to rise, while immense efforts are instead invested in diverting students to the Israeli curriculum through biased allocation of budgets. Not only do these measures violate the agreements between Israel and the Palestinian Authority, but also infringe on the culture and rights of the Palestinian community as a collective.