



September 2009

Status Report

The Arab-Palestinian School System in East Jerusalem

As the 2009-10 School Year Begins

Introduction: Children without a School

As the 2009-10 school year approaches, thousands of Palestinian pupils in East Jerusalem are denied access to free public education, despite the fact that they are entitled to it as permanent residents of Israel and according to the Compulsory Education Law.

The High Court of Justice has ruled that East Jerusalem children of compulsory education age must be allowed to register for regular schooling,¹ yet thousands of Palestinian children in East Jerusalem can exercise this right only partially, while thousands more cannot exercise it at all.

Last year fewer than half the Palestinian children in East Jerusalem – 40,745 out of approximately 90,000 pupils² - attended municipal public schools. The parents of many children for whom there was no room in the city schools were forced to send them to private or unofficial schools operated by private companies, churches, the Waqf [Islamic Authority], the UN, or other Palestinian organizations. Tuition is steep

¹ HCJ 5185/01 The Community Administration for the Development of Beit Hanina et al v. *Jerusalem Municipality and Ministry of Education*.

² Estimates are based on data received from all the aforementioned institutions and the Jerusalem Municipality, in preparation for deliberations of the municipal Education Committee, and from the Municipal website, August 2009:
http://www.jerusalem.muni.il/jer_main/defaultnew.asp?lng=1

in many of these schools, and some 5,500 students, conservatively estimated, are not registered in any educational framework whatsoever, either public or private.³

Of those lucky enough to find space in the city public schools, thousands learn in unsuitable structures. The city of Jerusalem rents and uses as classrooms many structures that are not suitable – small, crowded, unventilated, and lacking support classes or playgrounds.

In fact, half the city classrooms are below standard: 704 classrooms do not meet the criteria compared with 656 that do (these include compulsory preschools).⁴ Of the sub-standard classrooms, the city declared that 221 are operating in structures that are “unsuitable” (188 schoolrooms and 33 preschool rooms).

School-age Palestinian children in East Jerusalem, by type of school (2008-09)⁵

Type of School	Number of Pupils	Percentage of Pupils Registered
Municipal	40,745	45.8%
Recognized, unofficial	20,744	23.32%
Waqf-sponsored	13,500	16.49%
Private (including UNRWA schools)	13,955	15.68%
Total registered pupils	88,944	100%
Total school-age population	94,464	
School-age children not registered in any educational institution	Approx. 5,520	5.84% of total school-age population

³ In the absence of official data, this number is based on estimates we received from the Jerusalem Municipality: On 31 July 2009, there were 94,464 children aged 5-18 in Jerusalem. Compiling the data received from all the various educational frameworks, 5,520 of the children this age appear not to be registered in any of the city schools.

⁴ From a presentation made by the Jerusalem Board of Education in preparation for deliberations by the municipal Education Committee, August 2009.

⁵ See footnote 2.

Classroom Shortages: Promises and Reality

For many years, a shortage of classrooms has been the core problem of the East Jerusalem public school system. A master plan for educational institutions in East Jerusalem, prepared in 2002 by the Jerusalem Institute for Israel Studies at the behest of the Jerusalem municipality, forecast a shortage of 1,322 classrooms in 2005, and 1,835 classrooms by 2010. According to the most recent State Comptroller Report, there was a shortage in the 2007-08 school year of at least 1,000 classrooms at all levels in East Jerusalem: preschool, kindergarten, elementary, secondary, and special education.⁶ It is estimated that by the 2011 school year, at least 1,500 classrooms will be lacking.

The shortage of classrooms in East Jerusalem has been deliberated several times in recent years in the High Court of Justice, which ruled that the Ministry of Education and the Jerusalem municipality are obligated to construct hundreds of classrooms for the Palestinian pupils in East Jerusalem. Nevertheless, despite repeated promises by the state to build these hundreds of needed classrooms, the shortage continues.

In March 2007, for example, the Israeli government pledged in an affidavit to the Court that within five years (by 2012), 400 new classrooms would be built in Jerusalem to keep pace with the rapid natural growth of the population, and NIS 400 million were even allocated for this purpose. A promise was also made in this affidavit to deal with the current classroom shortage in East Jerusalem as part of the overall government plan to address the nationwide shortage of classrooms. That very month, the government decided to construct 8,000 new classrooms throughout the country, including the Arab sector, by the year 2011.⁷ That same decision explicitly states that some of the classrooms would be built in East Jerusalem. Despite this, through the two and a half years since then, the authorities have dragged their feet in discharging their obligations while the shortage of classrooms has only increased.⁸

⁶ State Comptroller Report, 2009.

⁷ Government Decision 1410 from 18 March 2007.

⁸ In July 2000, 117 minors who were turned away for lack of space in the official schools near their East Jerusalem homes petitioned the High Court of Justice. The case was closed in February 2001 after schools were found for all the petitioners. Following a second petition on this issue submitted in May 2001, the Ministry of Education informed the Court of its agreement to allocate funds to construct 245 more classrooms in East Jerusalem within four years, the city of Jerusalem pledged to ensure implementation of the plan, and the Court gave the validity of a decision to these official commitments in August 2001. Four years later, however, in September 2005, the Ir Amim organization and others found it necessary to submit another petition on the grounds of contempt of court by the authorities in light of their failure to abide by their previous Court commitment. In November 2005, the High Court of

As a result of the severe shortage in classrooms, the Jerusalem public schools are unable to absorb all the school-age children. Each year, the city turns away a large number of East Jerusalem children who seek to register for school, claiming insufficient space. The lucky ones among those rejected attend private schools. Others never make it to school.

Land Shortage?

Although there is no dispute that over 1,000 classrooms are needed in East Jerusalem, only 39 classrooms were in the process of construction over the past year throughout all of East Jerusalem – all in the Comprehensive School for Girls in the Ras al-Ammud neighborhood.

The main reason given by the Jerusalem municipality for the failure to build classrooms is the unavailability of land for construction, but as the mapping of property submitted by the city to the Court in 2006 clearly shows, sixteen lots of land were available for construction at the time. After payment of approximately \$10 million in compensation, it would have then been possible to immediately build 123 classrooms. Another 17 lots could have been appropriated at a higher price (an estimated \$28 million) and allowed for construction of an additional 262 classrooms.

In addition, the Master Plan for Arab Education in Jerusalem from 2002 contains a list of many lots that would be suitable for the construction of schools.

Despite the promises and commitments, barely any progress was made in recent years on the construction of classrooms or even the appropriation of land for construction (see the appendix for data about the classrooms built and land appropriated for classroom construction since 2001).

Justice confirmed that the authorities had not met their obligation to add more classrooms and that the classroom shortage had worsened since the previous decision. The Court even stipulated that in addition to fulfilling its previous undertaking, the city of Jerusalem must conduct a needs survey of the East Jerusalem school system, in light of data about the number of children at compulsory school age in the Arab sector of Jerusalem. The Court also stated that the parties to the petition should discuss and create a suitable plan for resolving the problem. Despite all this, another petition was submitted in August 2006 on the grounds that the problem was not resolved and had only worsened. In another decision on 1 July 2009, the High Court of Justice again declared that an “objective, serious, and broad-scoped” problem exists that will not be resolved without the personal intervention of the head of the Budget Division, the director general of the Ministry of Education, and the Mayor of Jerusalem; and that it will follow the progress of the plans to appropriate land and construct the classrooms.

Slight Improvement for 2009-10 School Year: Too Little Too Late

In recent months, efforts appear to have been made in the Jerusalem municipality and the Ministry of Education to correct some of the failings that led to the severe shortage in classrooms.

Only recently and at long last did the city complete appropriation procedures for five lots on which 60 classrooms are planned for construction, in addition to having begun appropriation procedures for another five lots on which some 90 classrooms are planned, while a plan to appropriate 15 lots for building some 500 classrooms was submitted for approval to the Ministry of Education – a total of 25 lots to be appropriated to construct 650 new classrooms.

Most of the lots proposed for appropriation are not yet budgeted, however, and even if budgeted and carried out, this construction is far from meeting the needs of the existing shortage since, as noted, by the 2011 school year a shortage of 1,500 classrooms is forecast for East Jerusalem.

The Jerusalem municipality promised the High Court of Justice in 2001 to construct 245 classrooms (by 2005), and it promised in 2007 to build 400 classrooms (by 2011) – a total obligation to build 645 classrooms by 2011. Even assuming that the city will meet its obligations to the Court and build 645 classrooms, this constitutes only 43% of the number of new classrooms required by 2011.

Since the commitment by the city to the Court in 2001, 257 new classrooms have been constructed and put into use out of 645 promised (40% of its commitment). Another 158 classrooms are at various stages of construction.

In summary: From 2001 until 2011, a total of 415 classrooms are expected to be constructed out of 645 promised by the municipality to the Court (64%). Even on the assumption that these classrooms will be built by 2011, a shortfall will remain that year of over 1,000 classrooms. Thus, if all the existing and budgeted plans are met, at most 27% of all the needed classrooms in the East Jerusalem school system will have been built by 2011. This construction, if it actually takes place, will meet the needs only of the natural population growth in the number of students, and not address the classroom shortage that already exists of some 1,000 classrooms (as noted in the State Comptroller Report of 2008).

Thus, although progress is evident by the Jerusalem municipality and the Ministry of Education during the last few months, in light of the huge gap to be filled, the progress is happening at too slow a pace.

Number of Classrooms	2009	2011
Classrooms lacking	Over 1,000	Approx. 1,500
State promises to High Court of Justice	645	645 (43% of classrooms lacking)
Classrooms actually built 2001-2009	257 (40% of those promised the Court)	If all are built: 415 (27% of classrooms lacking; 64% of those promised the Court)
Classrooms budgeted for planning and construction by 2011	158	

Irregularities in Data and Registration for East Jerusalem Schools

As a result of the severe classroom shortage in East Jerusalem, the city public schools cannot absorb all the children who seek to register for studies in them.

Every year, the city of Jerusalem turns away a large number of Palestinian children from East Jerusalem who come to register for its public schools because of insufficient space. The city does not even bother to document the applications that were rejected, and therefore has no accurate data about the number of pupils who wish to study in the school system, but for whom there is no room.⁹

Already in August 2001, the High Court of Justice asserted that the state is responsible for enabling Palestinian children in East Jerusalem to register every year for a kindergarten or school in the area of their residence. The Jerusalem municipality declared to the Court that it is trying to absorb every child that registered for kindergarten or first grade, but in response to a question from the Knesset Education Committee in October 2006, the city's Board of Education reported that "there is no precise recording" of the number of pupils who apply to city schools and are turned away for lack of space. Despite the absence of records, the Jerusalem municipality estimates the number of pupils turned away to be in the hundreds, from second grade and up.¹⁰

⁹ As noted in footnote 3 above, this number is estimated at 5,520.

¹⁰ From "Education in East Jerusalem", a report of the Knesset Research and Information Center, 16 October 2006.

In addition to not accepting all pupils from East Jerusalem and failing to record those who are turned away, the Jerusalem municipality continues to make it difficult administratively and otherwise for these parents who try to register their children in city schools:

a. Waiting lists

In many kindergartens and schools in East Jerusalem, it is common to place the children on waiting lists. Many parents believe erroneously that this ensures their child a place in the school system, and the clerks often do not correct this mistaken impression.

b. Failure to issue receipt of registration or transfer

The Department for Arab Education in the Jerusalem municipality does not always issue written receipts to parents who go to the municipal offices to register their children for public kindergartens and schools, despite the legal directive to do so,¹¹ which obligates the authorities to issue a copy to the applicant of the completed request for registration or transfer. Indeed, without a copy of the request, the parents have no legal proof that they tried to register their children for school and the office handled their request. These receipt forms did not even exist in the Department for Arab Education until two years ago. Only following an appeal filed in February 2007 by the Coalition for Advancing Arab Education in East Jerusalem did the city of Jerusalem issue registration and transfer forms in Arabic, for the first time in forty years, of which a copy must be given to the parents who come to the municipality to arrange schooling for their children.

c. Registration fees

Some schools in East Jerusalem charge service fees at the time of school registration, although this is illegal.¹² While the municipality deals with specific cases that are brought to its attention, in the absence of general supervision or control, it is reasonable to assume that irregularities like this persist in schools in other city neighborhoods. These fees, which sometimes add up to hundreds of shekel, are

¹¹ Compulsory Education and State Schools (Pupil Registration) Regulations (1959) and State Schools (Pupil Transfer) Regulations (1959).

¹² The Compulsory Education Law (1949) stipulates that the state has the obligation to provide education to every child in Israel and that free compulsory education shall be given to all children in Israel aged 3 through 18.

onerous for residents, many of whom are poor, as 67% of the families in East Jerusalem live in poverty.

Our Position Concerning Education in East Jerusalem

For many long years, the authorities defied the law by not fulfilling their promises to correct the severe shortcomings in the public school system of East Jerusalem, as described above.

The refusal to provide children with their basic right to education is also a severe violation of their fundamental rights to development and self-realization. Clearly the result will be irreversible damage to the ability of East Jerusalem children to develop as they grow older. It is imperative to end the ongoing travesty of the school system in East Jerusalem.

The undersigned organizations call upon the government of Israel to recognize the critical importance of this matter and give it priority in the distribution of resources from the Ministry of Education, so that the required allocations will be made quickly and efficiently to render deep-seated change. It is unconscionable that education reforms in other parts of Israel should preempt the most basic obligation – the provision of free public education in East Jerusalem.

To fulfill its legal obligations and the rulings of the High Court of Justice, the Ministry of Education and the Jerusalem municipality must:

1. Immediately make available free public education to all children in East Jerusalem.
2. Bring transparency to the school registration process, and ensure ongoing supervision of the registration and transfer procedures in the Department of Arab Education in the Jerusalem municipality.
3. Allocate funds, engage in planning, and construct educational institutions to address the dearth of classrooms – 1,000 short at the time of this writing.
4. Until the classrooms are provided, the state must reimburse the tuition fees paid by parents who are forced to send their children to private and other schools that are not run by the city.¹³

¹³ The law mandating free education enables the Minister of Education to finance the expenses entailed by sending children to private schools, when only this option is available.

The Association for Civil Rights in Israel (ACRI): *Israel's leading human rights organization, and the only one that addresses the entire spectrum of human rights in Israel and the Occupied Territories. ACRI's work encompasses litigation and legal advocacy, education, and public outreach as the most effective way in which to build toward our long-term vision of a just and democratic society that respects the equal rights of all persons.*

Website: www.acri.org.il/eng/

Ir Amim: *A nonpartisan, nonprofit Israeli organization that addresses the complexity of life in Jerusalem in the context of the Israeli-Palestinian conflict, and works to render Jerusalem a more viable and equitable city, while generating and promoting a more politically sustainable future.*

Website: <http://www.ir-amim.org.il/Eng/>