

MATANEL FOUNDATION

ACTIVITY REPORT

Name of the Program: Rights in Education

Year of activity: 2012

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The current state of the program

In 2012, *Matanel's* support enabled us to expand Hila's information and consultation center for parents. Currently we are supporting parents in Hebrew, Amharic and Arabic and the scope of cases that we handle has grown larger. Based on problems brought up by individual parents we started and will proceed on 2 principal legal issues: *a demand that the Ministry of Education will translate its general directives into Arabic; and a legal action on the issue support for pupils with learning disabilities.* We are also checking the option to submit a court appeal on the issue of *illegal parent payments for high school tracks such as music, arts, sciences and more.*

2012 was a very difficult year for Hila since Tikva Levi the manager and founder of Hila passed away after a short but aggressive illness in August. This of course affected the organization and we were not able to implement our entire program.

The main achievements during 2012:

In the 2 parts of our project – *legal support to individuals and parent groups* and *legal action in the area of Educational Rights for parents as well as for students* we made good headway.

To expand our availability to individuals we hired an Arabic speaking advocate and started legal support in Arabic, on top of our ongoing support in Hebrew and Amharic. There is now a parent's advice column in Arabic news websites and more women –who now have access to information - are getting involved in their Arabic communities.

Regarding general legal actions this year we won an appeal submitted by Hila and the Movement for Freedom of Information (MFI), to the High Israeli Court of Justice that *obliges the Ministry of Education to publish Israeli comparative exams results by school*. We also won an appeal regarding an *unjust allocation of an Israeli Ethiopian pupil to a special education school*, an appeal that serves as an important precedent in the field.

Two recent changes in the Ministry of Education policy are a result of long term advocacy on behalf of Hila:

1. The Ministry of Education *raised the subsidies given to pupils from low income families for school trips*.
2. Dr Dalit Schtauber, the new General Director of the Min. of Education announced an inclusion policy *urging schools to give more support to pupils with learning disabilities and ADHD which should reduce the number of pupils who are placed in special education frameworks*.

Expanding individual and group legal support to parents and pupils

This is the first year that we were able to have information on our website and legal consultation in Arabic, currently the weekly column and online consultation is taking place in 6 popular local news websites. We have also published 8 information leaflets in Arabic this year and provided ongoing consultation to 4 school parent committees and 2 municipal parent committees. This activity is done by advocate Taghrid Shbita with the support of Hila's legal consultant Noga Dagan Buzaglo.

In the Israeli Ethiopian community Hila provided consultation to approximately 100 families. One reoccurring problem they suffer from is the referral of pupils to special education frameworks which reflects a more general social problem - of schools not knowing how to and/nor wanting to cope with problems of the second generation of immigrants. (See below Legal Action)

Legal Action

Unjust allocation of Ethiopian boy to a special education school

LH, a boy of 11 years from *Jerusalem* had learning and some behavioral problems that were mostly a result of improper treatment by school staff. A placement committee decided to transfer the boy to a special education *school* despite a contradictory recommendation from the private psychologist who had assessed the boy. Also the principal of the new school did not think that it was the right educational frame for LH. The whole placement process ignored the father's requests and did not follow proper procedures.

We decided to appeal to court; first of all to protect the boy's right to be placed in a special education *class* in a regular school but also on a more general level *to create a precedent and a principal case to highlight the problem of high numbers of Ethiopian children being referred to special education schools inadequately.*

On August 15th an appeal to court was made as a joint appeal by *Hila, Tebeka* and *the Educational Legal Clinic in Ramat Gan*. In the court session it was decided that the Ministry of Education and Jerusalem Municipality will conduct a new placement committee based on a new assessment that the family would provide done by a psychologist of their own choice.

This case drew a lot of attention and one of the articles that was written in connection to this was: <http://www.haaretz.co.il/news/education/1.1802557#.UCxx5k2pizo.email>
<http://www.haaretz.co.il/magazine/1.1855510#.UJTKdOQoC08.email>

The case was closed in October in a new placement committee and in consent with the father that the boy will attend a special education class in a regular school. The case is an important precedent and a warning to placement committees that they too often do not grant the parent's legal rights and with no consideration of the parent's wishes - which the court also emphasized.

Educational gaps exposed by the publication of national exam results

10 years ago the Ministry of Education introduced Israeli comparative national exams, on top of the international comparative exams. The Israeli exams are called Meizav and are conducted in 2nd, 5th, and 8th grade in the subjects: Hebrew language, Math, English and Sciences. Usually every school participates once every 4 years, in two subjects.

Schools prepare pupils for the exams a lot, since the schools and the principal's prestige is at stake. Until 2012, the results of these exams were published only by countrywide categories. Parents were not allowed to know the results of the class or their own child's results. This was the official situation, while in reality in some well achieving schools principals shared the information with parents while results were kept secret in underachieving schools.

On this ground Hila joined forces with "The Movement for Freedom of Information" to make school results transparent to parents and the public. *Hila does not support the exams and has criticized this measuring system, however we believe the system cannot be criticized when results are hidden. We also believe that by exposing the results, educational gaps that are created at a very early stage of schooling will be highlighted. This could lead to a healthy discourse.*

In 2006 Hila and "The Freedom of Information Movement" approached the Ministry of Education demanding that Meizav school results should be revealed. The Ministry announced that a committee would be set up to examine the policy, but no committee was nominated. Following correspondence of 2 years, we appealed in 2008 to the Administrative Court demanding transparency of national exam results. In 2011 the Administrative court rejected the appeal and accepted the Ministry's stand that transparency will undermine the purpose of the exams. In the beginning of 2012 an appeal was served to the High Court of Justice. On August 27th the High court issued a verdict in our favor, ordering the Ministry to publish the results and noting the paternalistic approach of the Ministry toward parents, keeping them ignorant for their own good.

The verdict and publication of the results stimulated a public discussion of the practice of the national exams, of gaps between different localities and schools.

Media coverage was good, examples of media article can be found here:

<http://www.themarker.com/career/1.1853060#.UJDjSLrgD04.email>

<http://www.calcalist.co.il/local/articles/0,7340,L-3583452,00.html>

<http://news.walla.co.il/?w=/90/2569831>

<http://www.haaretz.co.il/news/education/1.1829122#.UF9NulyiBH0.email>

<http://www.haaretz.co.il/opinions/editorial-articles/1.1830389#.UGewZwreuHY.email>

<http://www.haaretz.co.il/opinions/1.1847839>

Following the Meizav verdict, Danny Admasu, Hila's new manager represented Hila in a discussion in the Knesset Education Committee and on September 24th Danny participated in a panel in the morning show of Channel 2 together with former Education minister Yuli Tamir; on the same date Noga was interviewed to several TV programs and supplied information to journalists who covered the topic.

Subsidized parent payments

Extra curriculum activities in schools are funded by parent payments, a concept that was legalized and institutionalized many years ago. The result is that in poor communities these activities are fewer. The Ministry's aid fund is very small and not sufficient which results in that many students cannot join the yearly school trip. The inequality in parent payments is an issue Hila has been advocating about for several years. There was also a law proposal submitted to the current Knesset to stop parents payments and fund it through the social security fees, however only 15 Knesset members voted for it, the Minister of Education objected.

Also, since many parents support parent payments claiming that without them there will be no extra curriculum activities, it is very hard to change this practice. In the middle of last decade Hila tried to promote a law prohibiting parent payments but failed. We have however not deserted this effort and 2012 Hila was consulted by the Labour party about how to promote a fully public sponsored education system as part of their agenda. There was one small achievement though this year - that the Ministry of education raised the subsidy for low income families for school trips.

On top of the legal parent payment that schools collect there are also *illegal* parent payments in high school tracks such as music, arts, sciences and more. This is a problem that we have started gathering information about and we are investigating if we can make a legal action of this in 2013.

Inclusion policy for assisting students with learning disabilities

The education system does not have a consolidated policy about how to assist pupils with learning disabilities and therefore when it comes to poor families, who cannot effort private tutoring, these pupils are referred to special education frameworks and have very low chance to reach matriculation. This year the Ministry of education acknowledged for the first time this problem and declared an inclusion policy ***urging schools to give more support to pupils with learning disabilities and ADHD (estimated to 10% of all pupils) and to reduce the number of such pupils who are referred by schools to special education frameworks.***

However, there are no extra budgets and no pedagogical directives to determine which actions a school should take in assisting these pupils. In 2012 we started 2 actions; *first* Hila with the Ramat Gan Legal Clinic approached the Minister of Education to create and publish a comprehensive mandatory program for schools. *Secondly*, we joined a coalition of organizations who prepared a law proposal regarding subsidies of psycho-didactic assessments of such pupils. This is based on our experience that children from low income families are not diagnosed because of lack of resources.

Evaluation of 2013

This year was very hard since our manager, dear friend and one of the founders of Hila - Tikva Levi passed away. From the moment she found out about her illness in February/March it was a rapid decline until she passed away on August 1st. This influenced all of our activities and also the fundraising suffered. We decided to keep going and had to look for someone who could take over the managing part and parts of the fundraising. For our new manager Danny who is doing great, it has of course been a challenge to get into the organization and the work routines of Tikva without her here to show him the ropes. But we look to the future with careful optimism.

Evaluation of the legal support to individuals and parent committees

Statistics of consultation 2012 (comparative to 2011)

It is very clear from the statistics, that hiring an Arabic speaking lawyer did wonders to us helping the Arabic population. Also in other consultation we have had a sharp rise in inquiries all due to the parent's advice column that reached more areas in Israel in 2012.

Bear in mind that Hila's mission is to give parent's the tools to help themselves and also help other parents in their communities. The number of parents that have actually been helped is not distinguishable since we cannot count the number of parents that have been assisted by other parents.

Just make this calculation – if a parent who contacted Hila for information and support later spread that information and support to just *one* other parent in their vicinity - *the number of parents that have been helped is quickly doubled.*

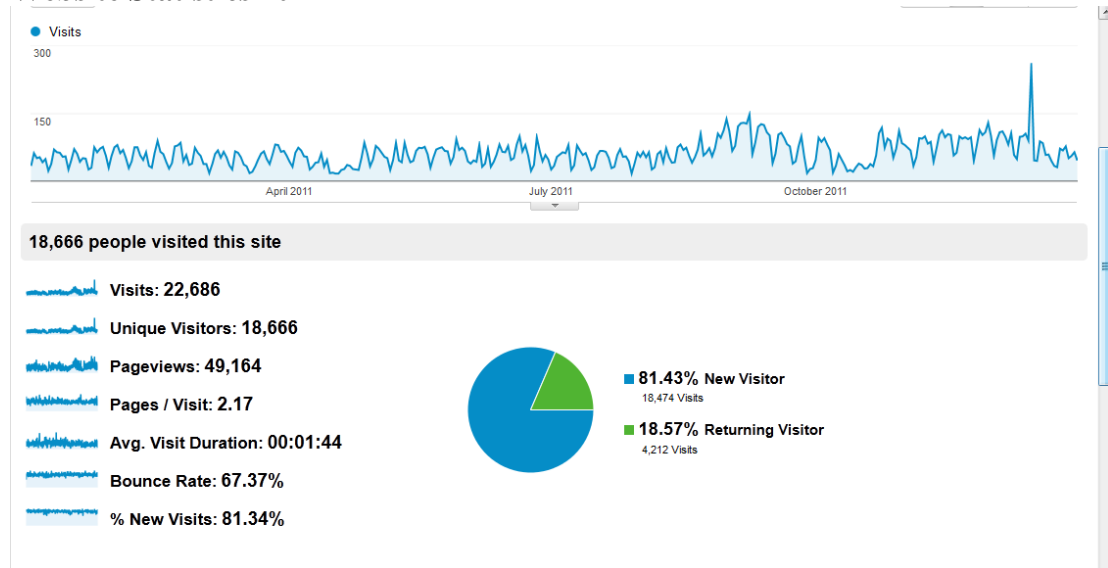
Individual	Simple Inquiries	Consultation cases
2011	1246	150
2012	1550	213
2011 Arabic	5	3
2012 Arabic	162	31
Groups	Simple Inquiries	Consultation cases
2011	53	37
2012	148	62
2011 Arabic	7	7
2012 Arabic	24	16

Statistics of usage of Hila's website 2012 compared to 2011

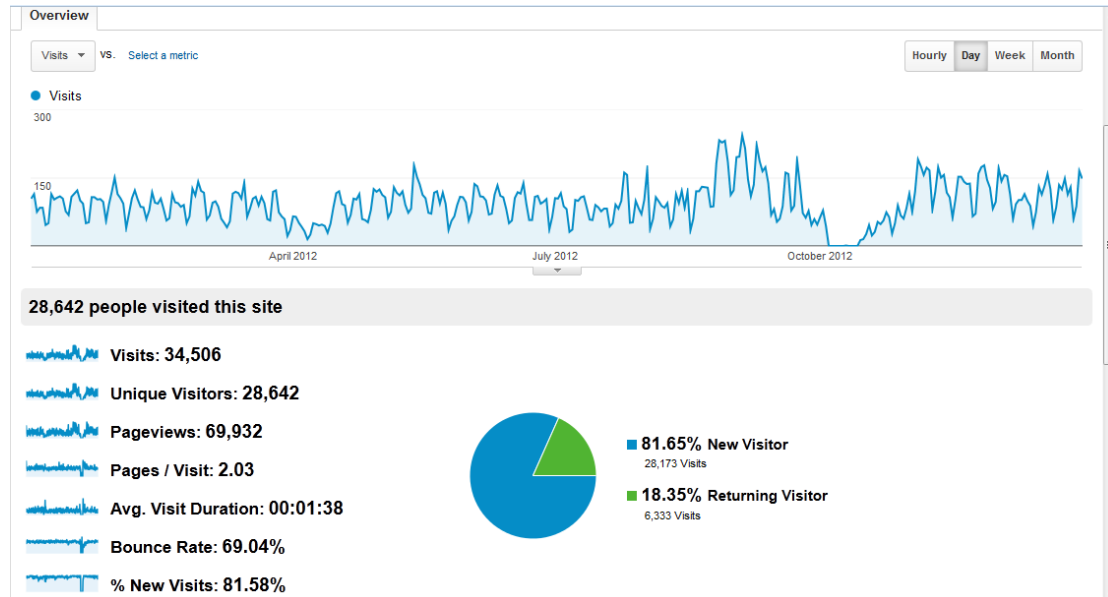
In 2011 we did not have any informative pages for parents in Arabic. These pages were only published in the 2nd quarter of 2012. And since then each month we are getting more and more visitors to them. At the end of 2012 we had had 1,822 visitors to the Arabic pages.

To the pages of information for parents in Hebrew we had 29,388 visitors in 2012 which is a 57% raise from 2011 when we had 18,666 visitors to the site.

Website Statistics 2011



Website Statistics 2012



Evaluation of legal actions

Hila's focus on the massive exclusion of pupils from underprivileged communities in Israel is an ongoing effort.

The unjust placement of pupils in special education frameworks is a major problem for unprivileged populations in Israel and an easy way for schools to exclude children with social difficulties who are defined as individual psychological problems. The Israeli Central Bureau of statistics has published data that reinforce Hila's claims that there is a disproportional number of pupils from low socio economic background in special education frameworks.

Over the years we have been able to expand parent's rights in placement processes and to restrict the provision of Ritalin medication as an "instant" solution to masses of pupils. Hila is the only organization in Israel promoting and supporting the right to regular education and that emphasizes the fact that special education frameworks has become a convenient solution for schools who wish to exclude pupils.

Our legal action in 2012-2013 continues the effort on the declarative level, the Ministry of Education has an integration program and lately included the inclusion policy but there is a huge gap between these declarations and implementation.

Our legal action in 2012-2013 targets this gap with the intention of exposing it as well as reducing actual numbers of unjust placements to special education frameworks.

Difficult struggle against parent payments within the public education system

In contrary to other countries, in Israel there are only few private schools, rather there is a strong process of privatization within the public system. This leads to improved schooling for pupils of wealthy families subsidized by the general public, and huge gaps within the education system that are class based.

The issue of private education given in the public system based on additional parent payments can only be solved by a *total negation* of parent payments in the public system, so if parents want exclusive schooling for their children they will have to bear the full cost of it.

To this there are strong opponents both within the Ministry of Education and within the upper class in Israel who enjoy the current situation. In the beginning of 2012 we thought we could find a way to attack the issue of parent payments legally and we checked the option of a filling a representative public appeal. However, while considering this option, parents who sent their kids to exclusive schools appealed to court to allow parents to pay more for extra activities in schools. The fact that these parents expressed their will to pay more undermines the claim that all parents are objecting this practice. We have reached the conclusion that the whole practice of parent payments has to be forbidden by law and that currently there are not enough M.P.s who would support such a law. Yet we do not want to give up on this important issue and will try to target specific issues such as specific illegal payment, and lack of enforcement of the Ministry of education rules on payments and subsidies.

Plans for next year:

1. Research if it is possible to tackle legally the Ministry's current regulation regarding travel expenses for pupils.
2. Proceed with the issues of learning disabilities (Law proposal and possible court appeal)
3. Investigate if legal action can be made regarding illegal excessive parent payment for high school tracks
4. Legal action regarding the translation of education general directive to Arabic
5. Hila is starting a public campaign together with 3 other organizations against unjust and partly illegal selection of pupils to schools. This selection gives preference to students with high achievements and from higher economical background. It is done by a variation of acceptance tests, interviews and barrier of extra parent payments. As from end of January 2013 we will publish an ad calling parents whose children were discriminated against in this selection process to approach us. This can also lead to legal action on the same.



ילדים נדרשים לעבור מבחני קבלה? ראיונות? אינם מתקבלים בשל ציוניהם? מתבקשים להוסיף תשלומים מיוחדים?

במערכת החינוך קיים מגוון רחב של מיוני קבלה לבתי ספר ולכיתות ייחודיות, שרבים מהם אסורים. שיטת המיונים פסולה מסיבות רבות: היא מייצרת השפלה ופגיעה בילדים - כאשר ילדים נאלצים לעבור הליך מיון וסינון הקובע מי מהם "ראוי" ו"מתאים" למסלול מיוחד ונחשק, הדבר עלול לפגוע בתחושת הערך העצמי שלהם כבני אדם. כמו כן המיונים מגדילים את הפערים בין תלמידים - הם מאפשרים לחלק מהם ליהנות מחינוך משופר בתוך מערכת החינוך הציבורית ובכך מחזקים את האוכלוסיות החזקות ממילא על חשבון השאר.



6. Following the declaration of the inclusion policy for pupils with learning disabilities we intend to follow up on it, publishing information on the scope of allocation of pupils to placement committees for special education. We have submitted together with the Freedom of Information a request to the Ministry of Education according to the freedom info law, asking for data on:

- numbers of pupils referred to special education frameworks;
- numbers of parent appeals that are accepted and rejected;
- numbers of pupils returning to regular education form special education frameworks.

Legal action takes time - it is very hard to achieve in a short term and evaluate after one year because most of the actions are still in process. For example, the high court appeal about the comparative exams was a process that started in 2008 with an appeal to the administrative court. The verdict was only issued in 2011 after which we could appeal to the high court.