



# RISING to the CHALLENGE

2020 Annual  
Report

# Message from the Board

Dear Friends,

Last year was a unique year in all our lives. The education challenges faced by families and children due to the coronavirus pandemic was, and continues to be, enormous. Some children are safer, and can thrive, in a remote learning environment. Others have little or no ability to access education without in-person supports. Remote isolation causes additional health and safety concerns. School districts across Nebraska are reacting in widely different manners to the pandemic. Some declined to provide any education services for several months; some have moved to completely synchronous “live remote” education; some are relying on part-time school and part-time packets. ERC has been called upon to help sort through this massive disruption and find a way forward, unique to each family and child. At this writing, we are working with many children to obtain recovery services.

Last March, ERC’s first undertaking was to become a primary source for family oriented COVID information, posting rights, responsibilities, and videos on the web and working directly with the Nebraska Department of Education to ensure families interests were represented in the guidance and requirements issued to school districts. Next, ERC pivoted to addressing the lack of instruction being provided to juveniles. When children were reported as truant, we intervened when lack of attendance was due to lack of access to technology, missing skills, or simply erroneous data. Working with the Douglas County Juvenile Court, we helped develop a process for the appointment of limited representation education counsel for students where a need is indicated.

ERC has increased its interactive programing for families, communities, and Nebraska attorneys, undertaking regular webinars and providing regular direct continuing legal education for legal counsel. To meet the needs of families, we have increased our staffing and doubled our partnership with outside counsel assisting children.

In 2021, the work of ERC remains critical, and we are excited to see new opportunities emerge as we partner more deeply with other community organizations and nonprofits. By joining with others to develop and implement solutions differently, we will create the systemic change necessary to ensure that all children, regardless of socioeconomics, color or ability can stay in school and thrive.

The more we invest in equity for all children, the stronger we are as a state and nation. Thank you for joining us in making their promise a reality.

Yours, with gratitude,

*Debora*

Dr. Debora Wisneski  
Chair, Board of Directors



## ABOUT US



Education Rights Counsel provides education, research and representation to families, educators, stakeholders, judges and attorneys. Our vision is educational equity for every child. Our mission is to amplify the voices of our most vulnerable children by removing legal barriers so that all children stay in school and thrive.

Access to public education is a legal right. The laws governing education are nuanced, layered and complex. Families without resources to navigate the system experience significant inequities, including denial of services, removal from school, and unnecessary referrals to the juvenile justice system.

Education Rights Counsel is generating systemic change in Nebraska by equalizing access to advocacy for under-resourced families, with a focus on special education support and due process. We partner with multiple individuals and organizations across the state to build understanding through education and engagement.

## OUR BOARD

**Dr. Debora Wisneski, Chair**  
**Christine Tran, Vice Chair**  
**David Pedersen, JD Secretary and Treasurer**

**George Achola, JD**  
**Denise Gehringer**  
**Katie Weitz, PhD**

## OUR LEADERSHIP TEAM

**Lauren Micek Vargas, Executive Director**

Elizabeth Eynon-Kokrda  
Managing Attorney



## OUR PROGRAMS



### Individual Representation & Advocacy

Providing advocacy and legal representation at no cost in limited engagements for low-income public school families needing help with special education and student discipline.



### Research & Support

Obtaining data and informing the public, elected officials, and other community organizations about the access-to-justice gap in Nebraska and its statewide impact on students.



### Education, Training & Collaboration

Providing interactive programming to teach special education and student discipline rights to families, community and Nebraska lawyers

## BUILDING AN ARMY OF ADVOCATES

Nebraska has 26,000 students with a verified disability living in poverty. Many need help obtaining appropriate services and working through discipline referrals. Education Rights Counsel expands our impact by:



- Working to educate Nebraska's legal community to increase knowledge related to education law;
- Representing Individuals to ensure their educational rights are protected
- Serving as a reliable sounding board for legal counsel and community advocates across Nebraska;
- Collaborating with advocacy organizations to provide comprehensive education law guidance in intersecting fields;
- Developing strong self-advocates by providing tools and supports to aid advocacy.

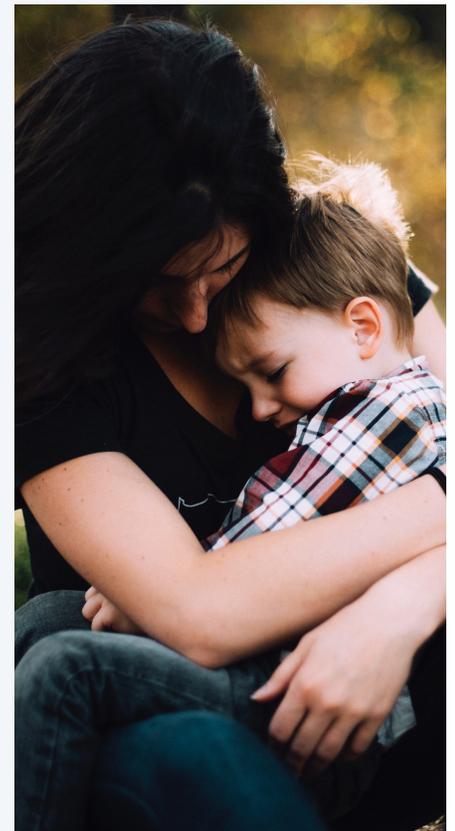
### AMY & MAX

Amy first came to ERC two years ago, struggling on behalf of her kindergarten son, who had no IEP.

*"I felt lost, confused, hopeless. I didn't know how to help my child. I felt like the school system was against us and not helping us as far as what Max really needed, because he wasn't a bad kid, he just needed help in different areas... For a couple of weeks, they were telling me that they were putting him in a safe room when he would have these outbursts and temper tantrums. I was told that he needed to start his day off in that room and work his way out, so I offered to take him back there. He screamed and kicked and begged me the entire time to not take him to that room... it was a completely padded room with a small window and a door. When I sat in that room with him, I couldn't leave him in there...I ran out of the school with him and we sat outside and cried."*

ERC worked with Amy and Max, putting in place a solid IEP. Today Max is very successful in his regular classroom. Importantly, Amy has become a solid parent advocate.

***"I'm pretty confident going into these things now. I know that, as a parent, we're not helpless, there's things that we have control over. I know sometimes we feel overpowered by the school system, and I don't feel that way anymore."***



## MAKING A DIFFERENCE TOGETHER

Board President Debora Wisneski and Executive Director Lauren Micek Vargas were interviewed on UNO TV via Zoom to discuss the rights of children in education.

Lauren was featured in One Day Magazine as one of four women who are **Lawyering For Good**, highlighting the work of Education Rights Counsel.

Board Member George Achola provided an editorial in the Omaha World Herald concerning the harms and disparate impact this bill would have had on children of color. ERC is grateful this bill did not pass.

"We've grown in terms of our clients and advocacy. We've been able to train an army of advocates to not only make sure there is legal access to attorneys in the school system, but that we are breaking down systemic racism for individuals with disabilities and kids of color. That's influencing legislation, training attorneys to take cases for us so more attorneys are doing this type of work, and challenging what's happening for our kids."

The Lincoln Journal Star reported on ERC's opposition to a bill introduced in the Nebraska Legislature permitting the physical restraint of students and preventing legal claims for harm arising from that restraint.

In a letter covered by the Omaha World Herald in July, Education Rights Counsel joined other non-profit organizations seeking increased funding for counseling and other mental health services.

Lauren was invited to address the Nebraska State Bar Association's virtual Pro Bono Summit, discussing the work of Education Rights Counsel, the importance of pro bono advocacy, and introducing the keynote speaker.

# IMPACT

## DIRECT REPRESENTATION AND CONSULTATION



ERC provides consultation with families, advocates and stakeholders across the state, working to ensure that parents have needed legal support and are equipped to advocate on their child's behalf. In 2020 we served 18 families directly and consulted with over 60 individuals to help them understand their educational rights.

## LIMITED REPRESENTATION JUVENILE COURTS



ERC helped establish a process for the appointment of education counsel in cases involving delinquency, status offenses and neglect cases and subsequent to implementation, individuals affiliated with ERC served as limited representation education counsel in 13 cases.

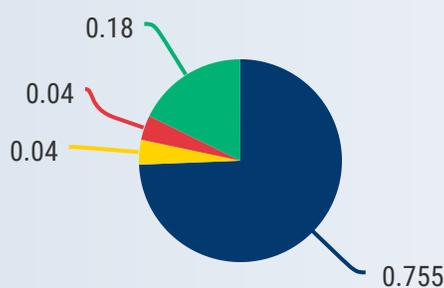
## PROFESSIONALS TRAINED



ERC provides continuing legal education courses approved by the Nebraska & Iowa state bars. These CLEs are free. Lawyers that undertake ERC's 8 hour curriculum are requested to assist by engaging as counsel for at least one child in need.

# FINANCIALS

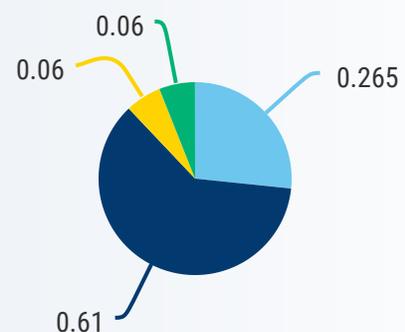
## Revenue



● Grants   
 ● Donations & Other   
 ● Contracts  
● In-Kind Services

Grants*	191,923
Donations	7,955
Contracts	10,000
In-Kind	48,000
<b>TOTAL</b>	<b>257,878</b>

## Expenditures



● Personnel   
 ● Programs & Consultants   
 ● Office  
● Training & Web

Personnel	53,525
Programs & Consultants	123,336
Office	12,420
Training & Web	12,980
<b>TOTAL</b>	<b>202,261</b>

\*excludes a grant earmarked for 2021 in the amount of \$99,844

A special thank you to all  
who helped make our work possible in 2020



Lisa Braun  
Octavia Butler  
Alexander Cayetano  
Mary Pat Coes  
Danielle Conrad  
Katie Coughran  
Mia Crawford-Gray  
Sandy Day  
Vanessa & Chris Denney  
Mary Dvorak  
Daniel Esch  
Marian Fey  
Rebecca Forsyth  
Hannah Frey  
Denise Gehringer  
Easter Givens  
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Stephanie Hunt

Laura Ishmael  
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Miriam Kuhn  
Bridget Lachowsky  
Susan Lebens  
Aubrey Mancuso  
Cliff McEvoy  
Mary McHale  
Michelle McKay  
Debra McKnight  
Gary & Kaye Micek  
Carolyn Miller  
Megan Moslander  
Olga Navedo

Rob O'Neil  
Dave Pantos  
David & Mary Jo Pedersen  
Karen Pesek  
Carol Short  
Juliet Summers  
Korey Taylor  
Susan Thomas  
Christine Tran  
Jean Ubbelhode  
Lidia Vargas  
Kate & Roger Weitz  
Katie Weitz  
Adam Wells  
Rachel Wise  
Debora Wisneski  
Sara Woods  
Kim Yeager  
Callie Yrkoski

**The Holland Foundation**  
**MPS Clarke Community Initiative**  
**NE and Douglas County DHHS Cares**  
**Little Leaf Learning Center**  
**Nebraska Civic Engagement Table**  
**Omaha Community Foundation**  
**The Weitz Family Foundation**

"I am so grateful  
ERC was able to be  
there for my  
daughter"



# Education Rights Council

## Support ERC

Your contributions help us provide vital programs and services to students, families and our community

ERC is a 501(c)(3) Public Charity  
Your contribution is tax deductible  
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DLN 17053360313017



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