



Annual Report

2021-2022

Building an Alliance of Educational Advocates



Vision: For all children to stay in school and thrive

Mission: Creating systemic change by removing legal barriers to educational equity

Motto: Building an alliance of education advocates



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Dear Friends,

In the past two years, we have seen tremendous support for Education Rights Counsel, as the need and opportunity to serve our community continues to expand. Reflecting on our remarkable growth humbles me as I reflect on the significance of your support. The ERC community, including educators, school districts, counties, courts, families, advocates, and funders encourage us to invest our expertise and passion into ensuring all children stay in school and thrive.



We remove legal barriers to educational equity by creating systemic change. We do this through three primary programs: Consults and Direct Representation; Training; and Research and Data. We have been specific in our implementation of a strategic plan to strengthen our infrastructure, amplify our impact, and maximize our relationships. This is evident in our growing team of attorneys and support staff. In recognition of our work we were privileged to receive the Award of Special Merit presented by the Nebraska State Bar Association in the fall of 2022.

ERC is building an alliance of educational advocates across the state whom we train, provide research, and consult with to ensure every student has access to a Free Appropriate Public Education (FAPE). We partner with the Children's Justice Clinic, through the University of Nebraska's College of Law, providing law students insight into the intersection of juvenile law and education. We wrote an article for Creighton's Law Review, reflecting on the impact of Title IX protections for children with special needs. We also trained over 1,834 community members including lawyers, teachers, CASA, DHHS, probation officers, and parent advocates, who are now invested in the importance of educational equity.

Our team celebrates our partners on this journey and is proud to serve Nebraskans across our state. I am fortunate to take this moment to share our stories and celebrate every child who has been given a better opportunity to learn. We know by improving the educational outcomes for our most vulnerable students, our entire state will benefit. Wishing you the best for 2023.

Warm Regards,

Lauren Micek Vargas
Executive Director





ERC Receives The Award of Special Merit

“Education Rights Counsel has been instrumental in advancing the administration of justice and the public interest as the sole entity in Nebraska providing direct representation specifically dedicated to the educational rights of children. The organization’s innovation of accepting limited representation appointments in juvenile court ensures the best possible care is provided to support these very vulnerable Nebraskans.” -Nebraska State Bar Association

Building an Alliance of Education Advocates

ERC is collaborating across disciplines and across the state to address critical determinants of student success, including juvenile justice, special education, student discipline, and appropriate educational resources.

Through direct representation, ERC is privileged to work with so many families who require specific legal supports that they cannot otherwise obtain. While this work is exceptionally meaningful, another more quiet but equally transformative influence for families comes through ERC’s work to increase effective advocacy through a network of partnerships with individuals and organizations serving our families in other areas. The notion that education rights can be supported in a variety of contexts, such as health care, or family law, supports our broader understanding of what access to education means.

For example, in 2022, ERC began partnering with health care providers who are asked to provide therapy to young children who have become depressed, anxious, or suffered trauma. This impacts their behavior, which in turn, stands between them and accessing education. What these health providers learn during therapy is that the children are being “informally removed” from schooling – being sent home early, having their school day involuntarily shortened, being required to work virtually when other students are receiving in-person instruction, and being



excluded from school-sponsored activities. In some cases, traumatized children are being forced against their will into “seclusion,” which can mean being left alone in a locked small room or closet to “calm down,” which only further exacerbates their trauma. None of this is appropriate. Our collaboration is ensuring that experts in medical trauma and behaviors know how to, and are now, participating in the

creation of legally compliant individual education programming and behavioral support plans.

They also are able to bring their expertise back to ERC through the creation, in 2022, of an ERC Advisory Board comprised of family members, educators, medical providers, probation officers, and many others whose work involves underserved communities, all of whom are expanding our understanding of needs in all parts of our state. Our organizational ambassador, Jean Ubbelohde, a former director of early childhood special education for a Nebraska school district, has been instrumental in building this outreach. She knows, like many, that families have so much on their plates that simply “telling them where to figure out their rights” is wholly inadequate. Many people need more than a brochure or a website. They need access to people who can answer their education questions, and who understand children with special needs. ERC is fully dedicated to building that group of people who can answer questions with authority.

Another example of this is our collaboration with the Children’s Justice Attorney Education (“CJAE”) Program. As the Nebraska College of Law so aptly put it “there is nothing juvenile about practicing law in juvenile court.” ERC has been working in Douglas County Juvenile Court, offering limited representation education counsel for education decision makers since 2021. The CJAE recognized that attorneys in more rural communities in Nebraska needed support to create a reflective practice, and created a fellowship program. CJAE also recognizes that an understanding of school action or inaction can have deep and major consequences for a juvenile, whether that child is in the system due to

truancy, neglect or delinquency. In 2022, ERC was tapped as an expert organization to include in the mentorship of the CJAE Fellows. We are thrilled to have this opportunity to work with attorneys all across the state, each of whom is now a part of the alliance of education advocates effectuating systemic change.

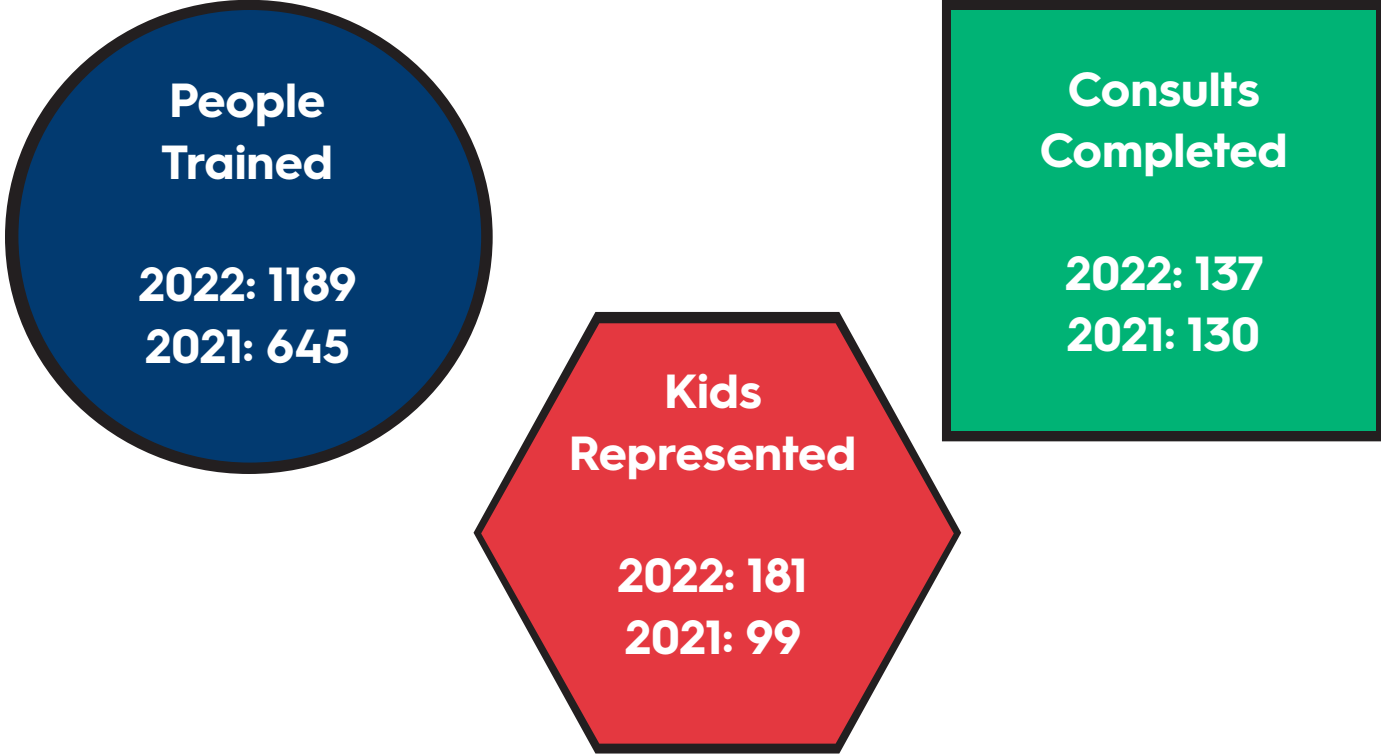


Our 2022 Staff

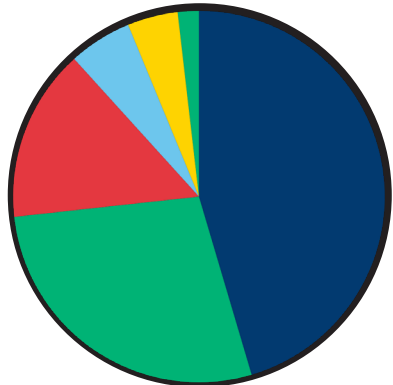
Left to Right: Jean Ubbelohde, Organization Ambassador; Liz McClelland, Senior Associate Attorney; Elizabeth Eynon-Kokrda, Managing Attorney; John Cavanaugh, Contract Attorney; Lauren Micek Vargas, Executive Director; Sarah Dee Hollibaugh, Office Manager



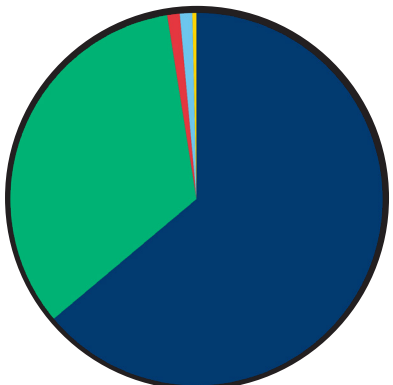
ERC's Work by the Numbers



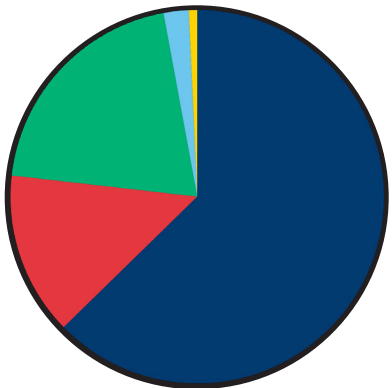
Demographic Breakdown



Race
Black: 45.4%
White: 27.8%
Hispanic: 15%
Mixed: 5.5%
Indigenous: 4.4%
Asian: 1.8%

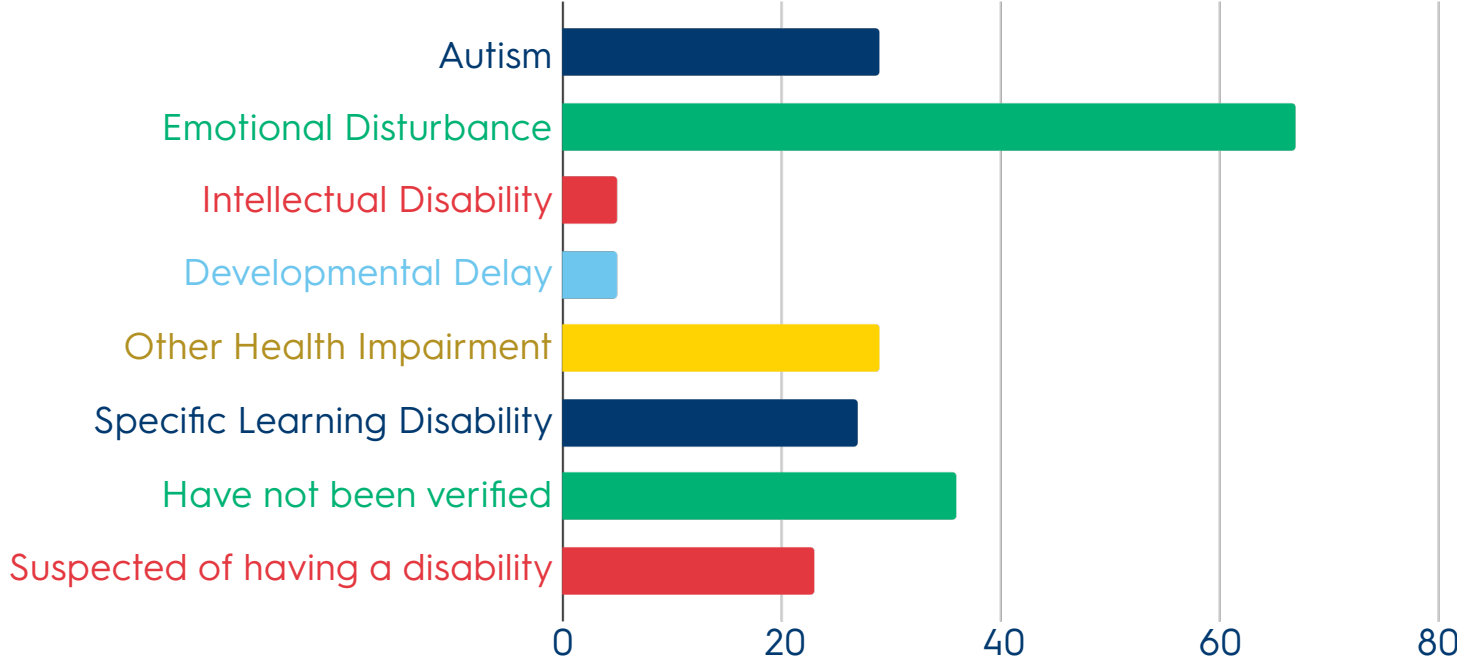


Gender
Cis Man/Boy: 63.9%
Cis Woman/Girl: 33.6%
Trans Woman/Girl: 1.1%
Nonbinary: 1.1%
Trans Man/Boy: 0.3%

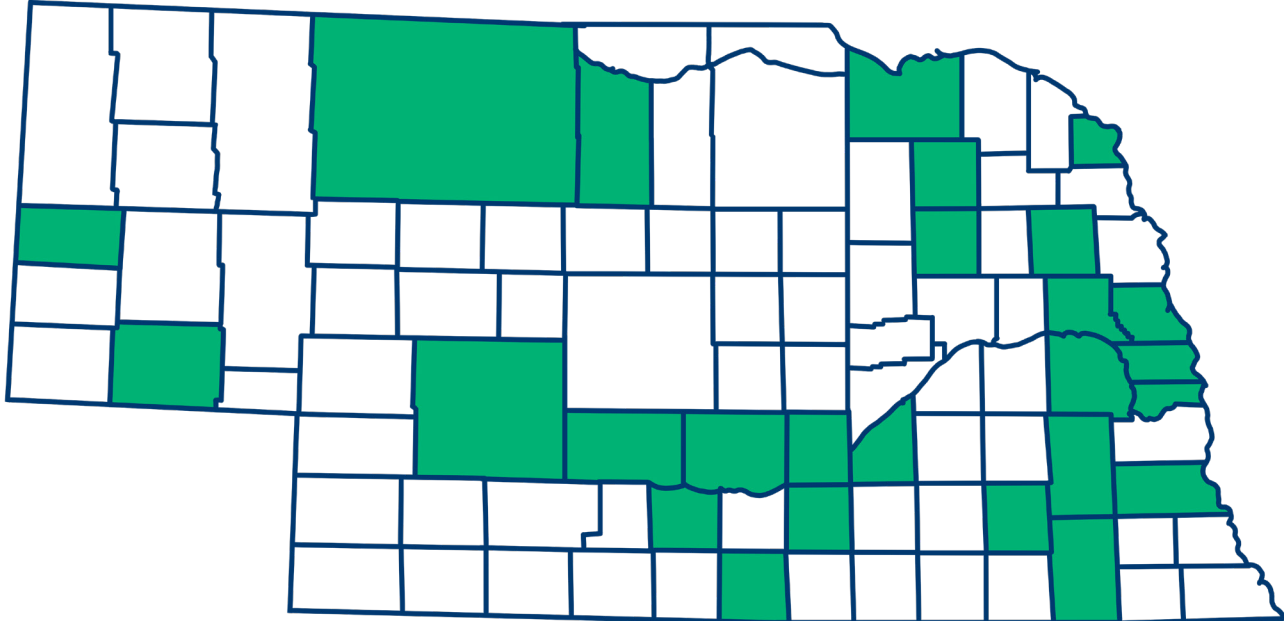


Grade Level
High School: 62.7%
Middle School: 14.1%
Elementary: 20.3%
Pre-K/Kindergarten: 2.2%
Transition: 0.7%

Verification of Disabilities of Students



Counties Served in 2021-2022



Adams - Brown - Buffalo - Cherry - Cheyenne - Cuming - Dakota - Dawson - Dodge - Douglas - Franklin - Gage - Hall - Hamilton - Knox - Lancaster - Lincoln - Madison - Otoe - Phelps - Pierce - Saline - Sarpy - Saunders - Scotts Bluff - Washington



Why ERC's Work Matters

In 2021 and 2022 we provided direct representation to over 300 students and families. If we had space to share each child's story we would, but instead, let us give you a few examples.

James lives in a small town about 2-3 hours from Omaha. In kindergarten he had been referred to a medical provider by his school for assistance due to limited phonemic awareness as well as behaviors that seemed to meet criteria for Attention Deficit Hyperactivity Disorder (ADHD). In fact, he was diagnosed shortly thereafter. However his district did not do what would be expected, which is to evaluate him for special education supports. In first grade, the family moved so James' mother could take a better paying job at a nearby plant. His new district, even smaller than the first, noted fairly quickly that James was struggling to stay still and remain focused, and were told of his diagnosis, yet again, this new district did not take specific action to evaluate James for supports. Instead they started informally removing him

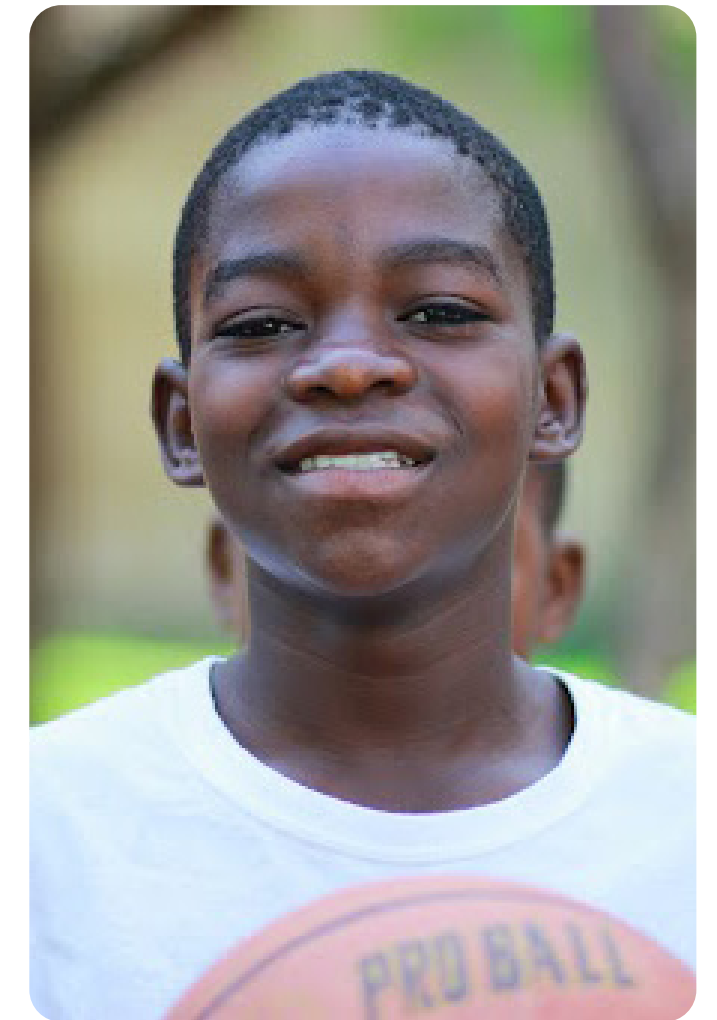
from class, or calling his mother to leave her job to come and get him. This additional stress played out at home, and James' father and mother separated, causing more anxiety for James, and more behaviors. Instead of creating an individual education plan, in October the new district, in direct conflict with federal and state law, demanded that James stay home. He was literally told to pack up his desk and not return, because he wasn't welcome. ERC was asked to help his now-single mother understand her rights. As we became involved, we learned that not only had the district been "removing" him from class, that removal was to a locked plywood closet that had been constructed by the janitor in the corner of another room. This closet had no windows, no ventilation, no capacity to monitor the interior, and had a padlock on the outside. James said that when placed in there, he would think about suicide until he fell asleep. Fortunately, ERC was able to report these violations, obtain an appropriate education plan and get James enrolled in a new district.

It was further from work, but at least safe.

Bridgit, a forceful redhead with a quick laugh and fierce determination, lived in Omaha in foster care when ERC was appointed by the juvenile courts to address her lack of attendance at school. A review of records showed her mother had voluntarily terminated parental rights, placing Bridgit in the care of the state, where she had over the course of several years, been in over 20 homes. As a ninth grader, Bridgit generally could be found wandering the halls, seeking adult attention, avoiding class, and arguing vehemently when directed to finish assignments. The school's response was to repeatedly suspend her. ERC worked to figure out why Bridgit wasn't attending class, advocated for significant accommodations for her anxiety, and helped her enroll in a summer program where she excelled. What she needed was a smaller setting with adults who saw her talents despite her challenges. Bridgit enrolled in a smaller school, and over the course of two years earned enough credits to graduate. She also obtained enough confidence to enroll in an Iowa community college where she continues today.

Taylor is a bright funny third grader. In first grade he was sent home early nearly every day of school because by the end of the day he was dysregulated and disruptive. He was trying to communicate, to have his voice heard, but his school chalked up his behaviors to an emotional disturbance. They sought to have him self-regulate through a variety of changing interventions, mostly disciplinary, and none of which worked. Taylor and his sister were in the process of being adopted, but with all the school problems, his

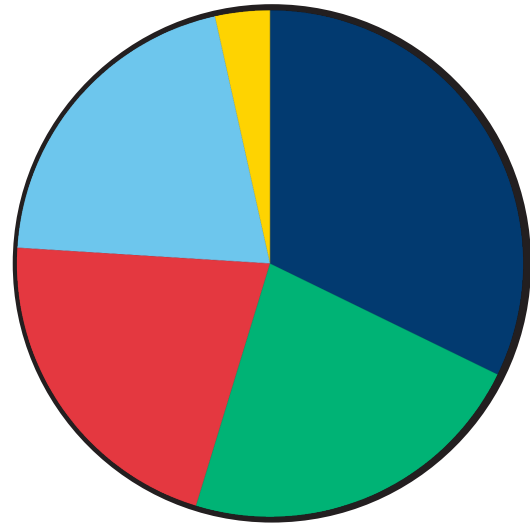
adoptive mother was worried about completing the process. All that stood between Taylor and adoption was an educational solution. ERC helped get a new evaluation for Taylor which revealed that in fact, he was on the autism spectrum. This means he has sensory sensitivities, needs consistency, and needs direct instruction to understand his own emotions and those of others. ERC helped the family advocate for a complete change in how the school was working with Taylor. Today he still struggles from time to time, but he is in school all day every day, learning and growing. More importantly, his adoption is complete and he is in his forever home.



Financials

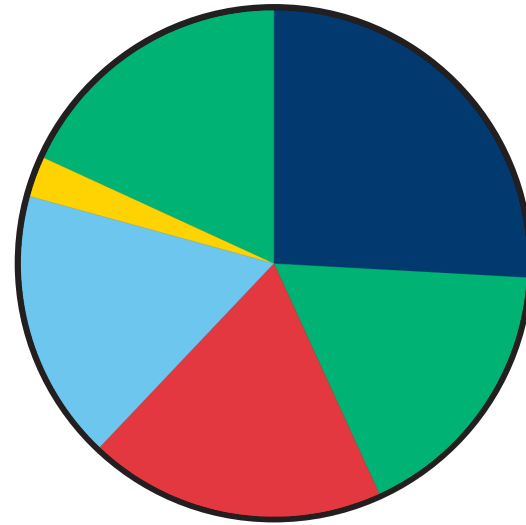
2022

Expenditures



Representation & Consults: 32.2%
 Training & Contracted Services: 22.5%
 Research/Support/Data: 21.3%
 Management & General: 20.5%
 Fundraising: 3.5%

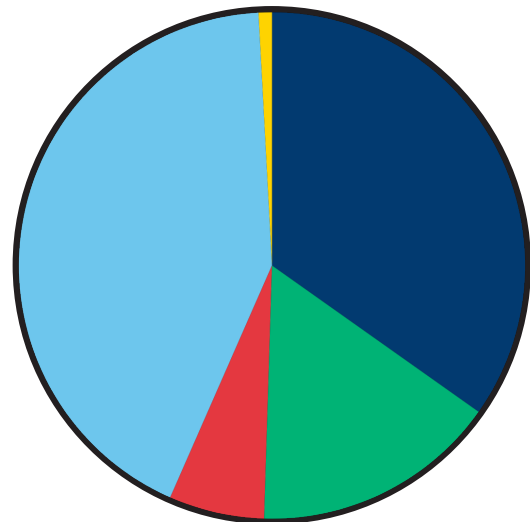
Revenue



Representation & Consults: 25.9%
 Training & Contracted Services: 17.3%
 Research/Support/Data: 18.9%
 Management & General: 17.2%
 Fundraising: 2.6%
 Client Representation-DC: 18.2%

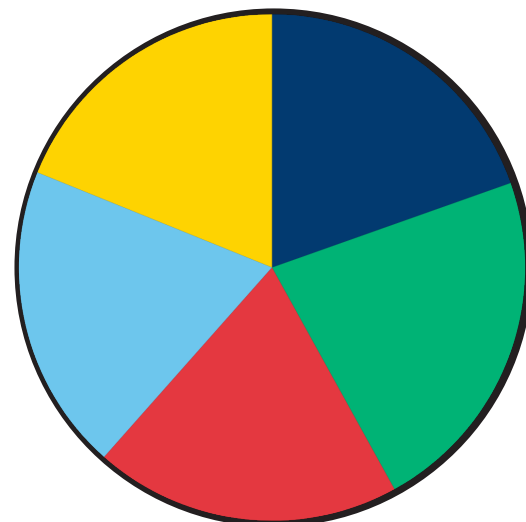
2021

Expenditures



Representation & Consults: 34.8%
 Training & Contracted Services: 15.7%
 Research/Support/Data: 6.1%
 Management & General: 42.6%
 Fundraising: 0.9%

Revenue



Representation & Consults: 19.6%
 Training & Contracted Services: 22.4%
 Research/Support/Data: 19.6%
 Management & General: 19.6%
 Fundraising: 18.9%

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How to Help

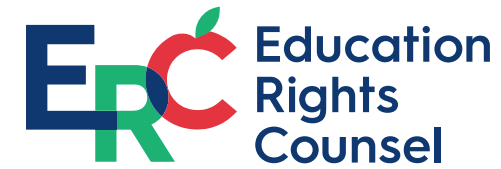


The individual support we receive from each of you means more than we can say. Whether you give your time, talent, or treasure, you are helping to make our entire community a stronger and more vibrant place. We are asking for your continued support and so appreciate your donation.

Many of you have contributed to making our Giving Tuesday campaign a success, and many of you have also decided to make a small monthly recurring gift - you do this because you share our passion for educational equity. One of our favorite things is when you send us a note about what matters to you. We cannot wait to spend more time with you in 2023.



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