



Rooted in Action

ANNUAL REPORT 2023



Vision

**All Children Stay
in School and Thrive**

Mission

**Creating systemic change by
removing legal barriers to
educational equity**



A Letter From Our CEO

Lauren Micek Vargas



2023 marked Education Rights Counsel's 7th year serving children, families, and the community to ensure all students stay in school and THRIVE! It amazes me how much has happened in this time. We've had the opportunity to work with thousands of individuals and hundreds of organizations. Education Rights Counsel is hitting its stride. I want to use this milestone to reflect on how we have evolved, where we are going, and what we have learned along the way.

In 2017, ERC opened its doors with the simple idea that underserved families didn't have the support they needed to navigate complex education systems. As we grew in understanding, we found that to achieve equity for all students, we need systemic change: we need changes in how we see children with disabilities; we need effort across sectors to ensure equality of opportunity; and we need accountability.

To meet this need today, ERC has three key programs. 1). Access to Equity (consultations and direct legal representation for families) 2). Training (building an alliance of educational advocates across the state) 3). Research and Data (amplifying our impact through contracted research and policy advocacy.) Each of ERC's programs is essential to remove legal barriers to educational opportunity.

Our Board of exceptionally talented members supports our culture that embraces teamwork, inclusion, and a sense of urgency. As they embark on a new three-year strategic plan, our entire staff is involved. We want to hear from you as well. Please contact us via phone, email, or through our website to share what you see as the most compelling education challenges we need to address. While we have come a long way in a short time, the opportunities ahead are enormous. I personally thank each and every one of you for your passion and commitment to our vision and mission. You make us strong, which enables us to change lives and invest in our children - the future of Nebraska.

With gratitude,

2023 Board of Directors*

Dr. Debora Wisneski
President

**Christine Tran, DNP-
APRN, NP**
Vice President

David Pedersen, JD
Secretary & Treasurer

George Achola, JD

Denise Gehringer

Katie Weitz, PhD

*The below Board Members
will be added in 2024.

Kate Gallagher, PhD

Rob O'Neil

Yvonnda Summers, JD

Access to Equity

Consultations



When Joseph* was desperate to find a way for his son, who had just spent the year in the hospital, to get back into school, a hospital social worker directed him to contact Education Rights Counsel’s Consultation Program for assistance. ERC’s Consultation Program provides a pathway for all families seeking basic information and referrals to help in navigating Nebraska’s education system. ERC offers a 30-minute free consultation to all families, regardless of their income level. Consults do not include legal advice. Since 2020 ERC has consulted with over 480 families, stakeholders, and attorneys, the majority of whom live in greater Nebraska. Our growth across Nebraska has enabled ERC to bring on a full-time Consultation Legal Assistant focused on prompt responses and comprehensive referrals.

***All names and identifying information have been changed.**

ERC Families



Evelyn* was frustrated when her local district wouldn’t allow her daughter with autism to attend the local school but instead insisted she attend a school specifically designed for children with autism. She would now have to be bussed to an unfamiliar school, in an unfamiliar neighborhood. Evelyn was concerned about the transition for her daughter and the lack of inclusive services that would be provided to her. Evelyn was referred to ERC, who ultimately ensured her daughter could attend the local school. For qualifying families, ERC provides direct pro bono limited scope representation related to removing legal barriers for education matters. The majority of this work relates to students who have unmet special education needs. We continue to expand our representation across Nebraska. We remain the sole nonprofit focused on working in the state to ensure that youth have the full legal access to the educational supports and services guaranteed to them by state and federal law.

“I have an IEP meeting for my other child. Watching and listening to you will help me with his.”

Juvenile Court Appointments



Aria* suffered from depression, anxiety, and suicidal ideation after the COVID-19 pandemic. As a freshman, she retreated from social interactions, hid in the bathroom during lunch, began missing school, and fell behind academically. Ultimately, Aria was referred to the juvenile justice system for truancy. ERC accepts juvenile court appointments as limited representation education counsel in all of the separate juvenile courts in Nebraska (e.g., in Douglas, Sarpy, and Lancaster Counties.) ERC’s representation can be for children who have been subject to abuse and neglect and for children who have been charged with a truancy or a delinquency. In all cases, ERC’s goal is to help children successfully exit the juvenile system by helping their education decision makers navigate school issues. With ERC’s representation, Aria was placed in a smaller setting with accelerated credit recovery, enabling her to get the services, structure, relationships, and credits she needed to be on the path to graduate.

“Thank you! You did in an hour what I’ve been trying to do in three years.”

“Sam continues to express that she ‘loves’ her new school and while school isn’t her favorite place and she doesn’t want summer to be over, she admits she looks forward to going back!”



High Risk Youth

Every day children across Nebraska are coerced into commercial sexual exploitation, commonly known as sex trafficking. No school, community, or student demographic is immune from this crime. In 2023, ERC's High Risk Youth Program was established in collaboration with community partners to provide legal representation as education counsel for youth who have been identified as victims of, or at high risk of, being sex trafficked. The goal of this collaboration is to reduce and prevent criminalization of these vulnerable youth by creating a safe educational environment specifically aligned to their needs, where they will have the opportunity to thrive.

Victims of sex trafficking experience severe emotional, psychological, and physical trauma, which often manifests itself in the school setting. Trauma shows up through behaviors like withdrawal, anger, and truancy, all of which are easily misunderstood. ERC works closely with parents and schools to develop trauma-informed individualized education services and supports for specific at-risk students.

Education plays a crucial role in trafficking prevention, intervention, and aftercare for trafficked victims. Without appropriate educational services and supports, a child's inherent vulnerabilities are increased, which in turn increases vulnerability to trafficking, in an end-

less high-risk cycle. Research shows that graduating from high school is a specific protective factor for at-risk youth. We help educators work with youth to teach essential social-emotional and academic skills, and promote stability and connection with peers, appropriate adults, and community. Increased confidence empowers students to succeed. Education is a path out of trafficking.

ERC is excited about this much-needed community collaboration and passionate about joining the fight to end trafficking.



Kate Placzek, JD
Associate Attorney-High Risk Youth Lead

“We are all so lucky to have ERC fighting for Nebraska kids.”

261
Consults Completed

350
Students Represented

IMPACT

Client Overview

Race

Black: 30%
Hispanic: 18.2%
White: 30.3%
Asian/Pacific Islander: 3%
Native American: 3%
Two or More: 15.2%

Gender

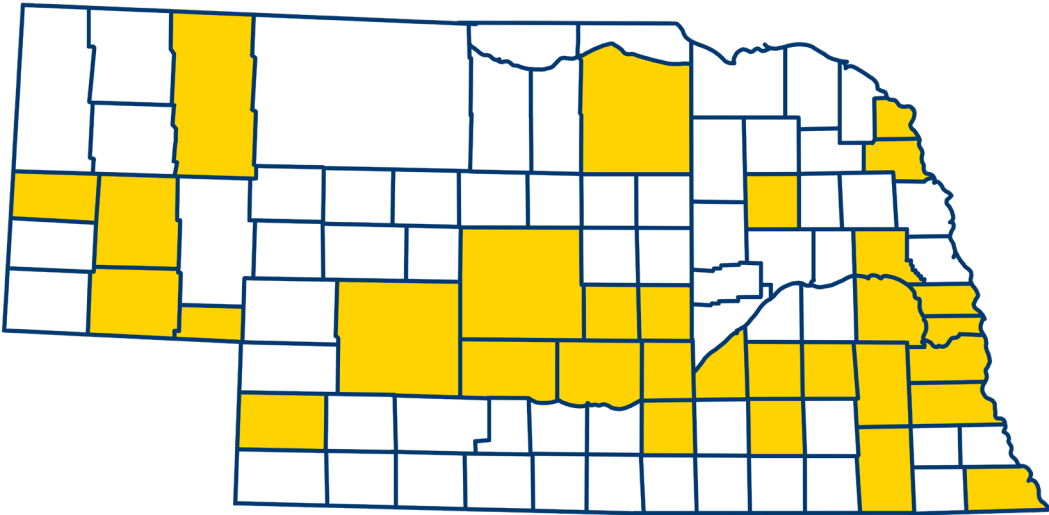
Cisgender Boy/Man: 65%
Cisgender Girl/Woman: 33.3%
Nonbinary: 0.4%
Trans Boy/Man: 1%
Trans Girl/Woman: 0.3%

Grade

High School: 66.4%
Middle School: 19%
Elementary: 11.2%
Pre-K/Kindergarten: 3.4%

Percents may not add up to 100 due to label rounding

Counties Served



Adams – Buffalo – Cass – Chase – Cheyenne – Custer – Dakota – Dawson – Deuel – Dodge – Douglas – Fillmore – Gage – Hall – Hamilton – Holt – Howard – Lancaster – Lincoln – Madison – Morrill – Otoe – Richardson – Sarpy – Saunders – Scotts Bluff – Seward – Sheridan – Sherman – Thurston – York

Training

“I have been teaching children for 25 years and I have never heard of a Manifestation Determination.”

“Now I am able to ask for the services my students deserve!”

These are just some of the testimonials from ERC’s statewide training focused on empowering an alliance of education advocates. ERC provides group training sessions that give an overview of education law, special education, student discipline, family and student rights, and the rights of youth involved in the juvenile system. This program is specifically designed to advance all stakeholders’ knowledge, skills, and understanding in order to negotiate for more appropriate education and supports for the students with whom they work.

2278

People Trained

40

Trainings Completed



Research & Data

108th Nebraska Legislature



The 108th Legislature brought many twists, turns, and a few surprises. ERC advocates for systemic change that helps students succeed in school. In the 2023 session, we had three priorities, highlighted below, each of which passed into law! LB 414 seeks to eliminate discrimination on the basis of disability in option enrollment. Prior to LB 414, many school districts had a standing practice of asserting their entire special education programming was always “at capacity.” This assertion was made without any actual review and without individual determination. This had the effect of ensuring that no child with a disability could avail themselves of option enrollment, even when there was “capacity” to permit general education students to enroll. LB 414 requires districts to make individualized capacity decisions for students with special needs, publish capacity for each school building, and report on option enrollment to the Nebraska Department of Education. LB 632 prohibits suspension and expulsion of children (pre-kindergarten through second grade). This is especially important due to the disproportionate impact

this discipline was having on children of color. Going forward, these students will not be removed from the educational setting, and instead should be evaluated for additional support. LB 774 clarifies the discipline statutes by providing procedural protections, including the ability to complete homework while suspended and earn credits while expelled; written notice to parents within 48 hours of a student suspension; access to a hearing prior to mandatory reassignment; access to an independent hearing examiner; timely decision-making; and appeal protections. LB 414, LB 632 and LB 774 each were amended into the Education Committee’s priority education package which passed on final reading 47-2, and which the Governor signed into law on June 1, 2023. The bill contained an emergency clause, which means the law took effect immediately upon being signed. We are so thankful to Senators Conrad, McKinney, and Vargas who introduced these bills, along with the many Senators who spoke out in favor, joined in support, and put children’s interests first. We are also grateful to our lobbyist, Spike Eickholt, and to all of you who advocated for these changes. Together we remain strong and committed.



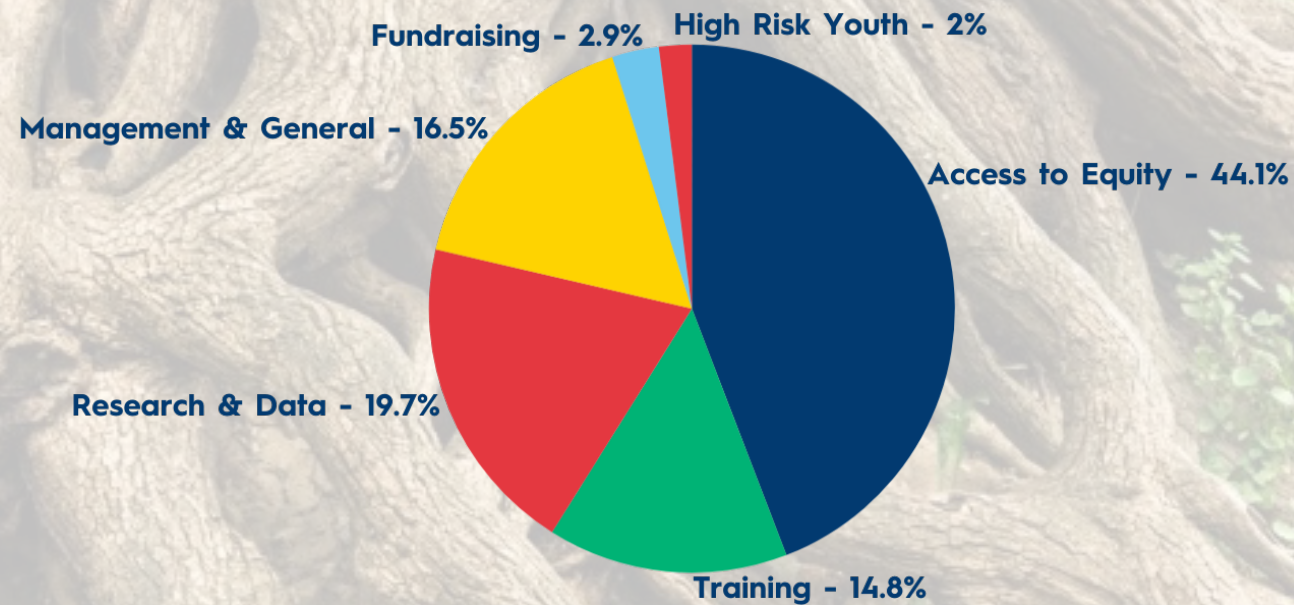
Elizabeth Eynon-Kokrda, JD General Counsel
Spike Eickholt, JD Lobbyist

Growth

Financials

Revenue
\$882,539

Expenditures



2023 Staff*

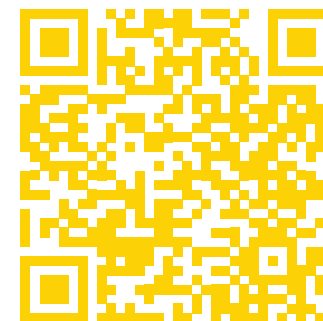
Lauren Micek Vargas, Chief Executive Officer
Elizabeth Eynon-Kokrda, General Counsel
Liz McClelland, Managing Attorney, Juvenile Lead
Sarah Dee Hollibaugh, Director of Operations
Kate Placzek, Associate Attorney, High Risk Youth Lead
Hannah Randolph, Data Coordinator
Salvador Robles, Community Outreach Coordinator

*Two new staff members will be added in 2024
Erin Dolph, Associate Attorney
Maria Smith, Legal Assistant

Get Rooted with ERC

ERC is the only nonprofit in Nebraska providing direct representation specifically dedicated to the educational rights of children. Our goal is to make lives better by empowering families and removing legal barriers to educational opportunity. We remain grateful for the ongoing support we receive from the entire Nebraska community. Thank you for standing with us and supporting educational equity in Nebraska. Your involvement and generosity make our work possible. We look forward to another year of partnership and progress.

Schedule a Training



Join an Advisory Board

Join ERC's Giving Circle



2023 Advisory Board Members

James Bankhead
Colleen Betita
Marlon Brewer
Joseph D. Bryant, EdD, JD
Beth Ferree, MPA
Beth Johnson
LaDonna Jones Dunlap
McKayla LaBorde
Yolanda Nuncio
Tim Royers
Michelle Settlemeyer
Dr. Carley Starling
Dr. Alger Studstill
Dr. Hope Voto

Grantors



THE HAWKS FOUNDATION



HOLLAND foundation



Sponsors



Individual Donors

Brian Adams
Margaret Aguilera
Elizabeth Aguilera
Susan Aguilera-Robles
Anonymous
Amanda Austin
Kristen Beck
Colleen Betita
Bruce Bockman
Annaliese Bosco
Ben Bosco
Brickway Brewery & Distillery
Carol Burk
Joseph Cabral
Kristi Chambers
Ashlee Chavez
Yolanda Chavez Nuncio
Community Foundation for Western Iowa
Martin Cozzola
Laurie Dale
John Derrick
Julie Dierberger
Ashley DuBois
Mary Dvorak
Spike Eickholt
Daniel Esch
Elizabeth Evans
Elizabeth Eynon-Kokrda
Christina F.

Beth Ferree
Sheryl Fisher Stowe
Jeff Formanek
Teresa Franks
Hannah Frey
Michelle Friend
Bryan Frost
Kathleen Gallagher
Jennifer Gaughan
Judy Gaylor
Denise Gehringer
Kenny German
Claudia Granillo
Harin Greer
Tara Gregg
Daniel Gutman
Vanessa Hastings
Kim Hawekotte
Liam Heerten-Rodriguez
Jenna Herrick
Tracy Hightower-Henne
Jennifer Hirsch
Christopher Hoffman
Leslie Hollibaugh
Tess Houser
Sara Howard
Lacey Hudnut
Tracey Hulstein
Hyvee
Ike Igbokwe

Mary Lyn
Amy Jacobsen
Rochelle Johnson
Jessie Kamens
Carol & Kari
Carol Kloss McClellan
Robert Kokrda
Jennifer Kotowski
Susan & Mike Lebens
Benjamin Lerner
Nancy Liebermann
Jolene Loetscher
Kyle Loos
Victoria Lopez Parrott
Dennis Marks
Elizabeth McClelland
Mary P. McHale
Heath Mello
Derek Micek
Kaye Micek
Gary Micek
Ann Miller
Kaytlin Narva
Rob O'Neil
Lauren Patton
David Pedersen
Petco
Shannon & Mike Peter
Mary Potter
Denise Powell

Katherine Powers
Jessica JRock Rangel
Dawn Raun
Raygun
Carla Rizzo
Salvador Robles
Dawn Rockey
Rosie Jane
Colleen Roth
Carol Russell
Kaitlin Salisbury
Briana Schneider
Caitlin Sellnow
Jen Shafer
Nikki Shasserre
Audrey & Dan Shedivy
Vanessa Small
Jeff Spiehs
Carley Starling
Christine Tran
Jean Ubbelohde
Yessenia Valenzuela
Mia Vargas
Anthony Vargas
Kate & Roger Weitz
Katie Weitz
Erin Wiesen
Aron Wisneski
Debora Wisneski
Kim Yaeger

2023 Aequitas Award Winners

Ambassador for Youth Rights

The Ambassador for Youth Rights is awarded to an individual or family who advances the education rights of children across the state of Nebraska.



Dr. Carley Starling



Michelle Paxton, JD

Advocacy in Education

University of Nebraska College of Law's Children's Justice Clinic

The Advocacy in Education Award is given to a lawyer or legal entity who advances the education rights of children across the state of Nebraska.

Community Champions

The Community Champion Award is given to community members or public servants dedicated to systemic change in education.



Terrell McKinney



Danielle Conrad, JD



@edrightscounsel



@edrightscounsel



@educationrightscounsel



educationrightscounsel.org