Volunteer Spotlight:
Education Rights Counsel
by Laurie Heer Dale, Volunteer Lawyers Project

Education Rights Counsel is a 501(c)(3) non-profit dedicated to providing access to counsel and legal support for Nebraska’s indigent public school children, with a focus on special education and due process. Education Rights Counsel’s mission is to close the access-to-justice gap and decrease the school-to-prison pipeline. Approximately 50,000 students in Nebraska are verified for special education services, and over half of these students qualify under federal poverty guidelines for free and reduced lunch. In addition, over 14,000 students are suspended or expelled annually in Nebraska, and nearly half of those students come from under-resourced families. Children with disabilities that are not immediately visible are not provided necessary services and support and are suspended at disproportionately high rates. Access to appropriate counsel can make an enormous difference.

In 2016, Lauren Micek Vargas, Executive Director of Education Rights Counsel, a juvenile public defender with a Master’s Degree in Special Education, recognized the various legal issues concerning education that were not being addressed for students she was representing. Lauren reached out to long-time education lawyer Elizabeth Eynon-Kokrda, and together they found that no non-profit in Nebraska was focused specifically on legal representation for students despite the fact that access to public PK-12 education is a legal right governed by nuanced, layered, and complex laws. In October 2017, Education Rights Counsel was formally organized.

The Program

Through training, support, and direct representation, Education Rights Counsel seeks to leverage the expertise of Nebraska lawyers to create systemic change in child advocacy and improve the educational and life outcomes for Nebraska’s under-resourced children. Direct representation provided by Education Rights Counsel includes flat-fee and pro-bono services to qualifying families based on a sliding scale tied to federal poverty guidelines. Representation generally encompasses 30 hours of consulting & advocacy, seeking to help families become better-informed and better self-advocates while assuring that they don’t inadvertently waive or lose rights due to lack of information or supports. Lawyers who affiliate with Education Rights Counsel agree to provide representation at a reduced hourly rate, paid by Education Rights Counsel. Any fees paid by families help address expenses.

Services are provided state-wide. Common activities include assisting families in student discipline hearings, attending Individual Education Plan (IEP) team meetings, change of placement issues, helping families obtain Individual Educational Evaluations, access to records, due process hearings, preparing complaints and briefs in support of complaints made to the Nebraska Department of Education, negotiations, and mediation.

Eligibility for Services

Services are available to Nebraska public PK-12 students and families with income no greater than 250% of the federal poverty income guidelines, with income adjustments for dependents. Education Rights Counsel provides 30 minutes of free intake consultation per family and evaluates need on a case-by-case basis. Income eligibility requirements assure lawyers that the program has established procedures to provide direct services only to students and families who do not have the financial means to pay for legal counsel.

Participation

To learn more about Education Rights Counsel, contact Lauren Micek Vargas at lmv@educationrightscounsel.org.