

Vermont Bar Foundation Access to Justice Campaign

funding the Vermont Poverty Law Fellowship

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*Vermont Access to
Justice Campaign*
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Esteemed Members of the Vermont Bar:

Thank you for supporting the Vermont Poverty Law Fellowship. In 2012, you gave me the opportunity to work for justice and equality - the exact reason I, and many of us, decided to become lawyers. Your support of the Fellowship allowed me to represent Vermont's poorest children in administrative, judicial, and legislative settings. Together, we have helped low-income children receive a fairer shake in our schools, improved child protection policies, and advocated for ending child homelessness in Vermont. Without your concern and generosity, none of this would have been possible. There is still work to be done, but your support has made a lasting difference in the lives of many Vermonters. Please continue to support the Vermont Poverty Law Fellowship.

On a personal note, my wife and I would like to express our sincere gratitude for the opportunity to move to Vermont, work on behalf of its people, and explore its beauty.

With warm regards and many thanks,

Jay Diaz, Esq.
Staff Attorney
Vermont Legal Aid, Inc.

A few major accomplishments:

- Petitioning the Secretary of Education to ensure access to McKinney-Vento (Homeless Education Assistance Act) services for homeless students such as improved identification mechanisms, more educational continuity at the school of origin, and broader access to transportation to the school of origin.
- After filing federal administrative complaint against a large Vermont school district with the US Department of Education's Office for Civil Rights regarding gender discrimination of a parenting student, the parties agreed to a favorable settlement. The settlement requires the creation of a district-level policy and procedures that will ensure equitable educational access and stability for pregnant and parenting students, training of guidance and administrative staff, and services to help pregnant and parenting students stay connected and more quickly return to school. The policy will be the first of its kind in Vermont and a model for schools statewide. Jay also filed an administrative complaint with the US Department of Education's Office for Civil Rights against a second school district for discriminating against a student based on their disability.
- Kids in state custody/foster care experience more identity theft than any other demographic group – and they don't even realize it until they leave the foster care system and find that they can't open a bank account, get an apartment, buy a car to get to work, or qualify for student loans to attend college. Jay worked to ensure that Department for Children and Families (DCF) policies and practices follow federal law requiring DCF to check credit reports and clear up issues before youth age out of foster care.

- An evidenced-based report (forthcoming) with legislative recommendations on the use of exclusionary school discipline in Vermont that disproportionately affect low-income students, students of color, and students with disabilities.
- Trained hundreds of youth care workers, advocates, lawyers, teachers, parents, and students on the civil rights of students.
- Advocating for legislative, regulatory, and district level changes to improve school discipline policies, ensure adequate implementation of special education services, end unnecessary school referrals to court, and increase educational equity for disadvantaged students. Jay successfully advocated for a legislative study committee to review mental health services in school.
- Jay collaborated with juvenile defenders to represent a student who was suspended for disability-related behaviors but not receiving disability-related educational services, and was then charged with truancy in family court for the days she was suspended. Jay researched the relevant education law and crafted the argument with juvenile defenders. The judge granted the student's motion to dismiss, definitively stating that disability-related behavior was a "justification" for absences and that absences due to school suspension or "send-homes" were excused absences.
- Held a bi-monthly free legal advice clinic for low-income and homeless youth at Spectrum Youth Services Drop-In Center, serving over 50 youth that otherwise would not have received legal advice, in addition to the nearly 100 low-income and disabled student clients that Jay represented as an education attorney in Vermont Legal Aid's Poverty Law Project.