

**PRESS RELEASE
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**CLASS ACTION LAWSUIT FILED
CHALLENGING STATE OF NEBRASKA'S REFUSAL TO ALLOW ADC
CLIENTS THE RIGHT TO PURSUE FOUR-YEAR DEGREE PROGRAMS**

On September 7, the Nebraska Appleseed Center for Law in the Public Interest's Welfare Due Process Project filed a class action lawsuit in Lancaster County District Court challenging the State of Nebraska's refusal to allow clients of *Employment First* (the cash assistance welfare program for the state of Nebraska) the right to pursue a four year degree program while receiving welfare assistance for their family. The suit alleges that the Nebraska Department of Health and Human Services has overstepped its bounds in preventing low-income families from pursuing educational programs that are more likely to help them get up and out of poverty.

This policy runs flatly contrary to state law. The Nebraska Legislature declared in the state's Welfare Reform Act that it is in the best interest of the state to pursue efforts to help Nebraskans avoid poverty and prevent the need for welfare. Recognizing that one of the best ways to guarantee that someone will not need welfare in the future is to encourage them to get more education and training, state law specifically lists post-secondary education- including bachelor degree programs- as allowable work activities for families to participate in as part of their self-sufficiency contracts. The Nebraska Department of Health and Human Services, though, disallows these programs if they cannot be completed within 24 months- leading to hundreds of families having been denied the opportunity to pursue educational programs that are most likely to lead to economic self-sufficiency.

The named plaintiff in this case is a low-income mother of two small children who wants to pursue an education so that she will not have to rely on welfare to support her family. She is a student in good standing at a state college. She insisted on her right to go to school and her caseworker terminated her family's welfare benefits because she refused to sign a contract that did not include her degree program. The state, citing an unwritten policy, refused to include the program because it could not be completed within the next two years.

The Welfare Due Process Project estimates that, since 1997, there have been at least several hundred families denied this opportunity for further education- an education that would almost guarantee they would no longer need public assistance in the future. In fact, universities, state colleges, and community colleges across the state have reported that dozens of students have had to withdraw from their educational programs due to the state's shortsighted and unlawful policy.

The class of people this lawsuit would affect is adults in families who are mandatory participants in the *Employment First* program who have been denied the opportunity to

have a four-year degree program in their self-sufficiency contract because the program could not be completed within 24 months of the date the contract was signed.

“In fact, a district judge has already ruled the state exceeded its authority by denying this opportunity for a family in Lancaster County,” said Sue Ellen Wall, staff attorney for the Welfare Due Process Project. “The state, however, has not changed its ‘get a job, any job’ policy, and continues to deny this educational opportunity throughout the state. This class action lawsuit is the only way we can get the state to now follow the law.”

The lawsuit seeks to certify the class, to allow the members of the class the right to renegotiate a contract that will allow them to pursue a four-year degree program, and to require that state rules and policies be modified to bring them in line with the intent of the Nebraska Legislature and the Welfare Reform Act.

The Defendants are the State of Nebraska, the Nebraska Department of Health and Human Services, the state administrative agency charged with implementing the WRA, and Ron Ross, Director of Health and Human Services, who is responsible for the administration and supervision of the public assistance programs in Nebraska.

Nebraska Appleseed is the sponsor of the Welfare Due Process Project, which provides legal representation for families having difficulties with the implementation of welfare reform. In the last year, this project has successfully litigated at the Nebraska Supreme Court the first case to interpret the Nebraska Welfare Reform Act, the constraints of federal welfare reform, and the right of Nebraskans to pursue educational opportunity as an allowed work activity. The project also has pending class action litigation regarding, among other things, the applicability of the “family cap” to children of disabled mothers; the manner of calculating the two-year time limit under Nebraska’s waiver program; and the due process issues behind Nebraska’s full family sanctions. The program also has filed a detailed civil rights complaint with the federal Office of Civil Rights regarding the treatment of Native Americans in Nebraska’s welfare system, and has collaborated with the domestic violence coalition to successfully seek implementation of a positive “family violence option” for Nebraska.