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TOP STORY

# Ex-school board member files suit: Says she was discriminated against because of her disabilities

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Former Enfield Board of Education member Sarah Selvaggi-Hernandez, right, has filed a federal lawsuit against the town of Enfield, the school board, and its chairman, alleging that while serving the town as an elected official, she was denied her civil rights due to her disabilities — she has autism and is hard of hearing. At left is one of her lawyers, Kasey Considine of Disability Rights Connecticut. (Jessica Lerner / Journal Inquirer)

ENFIELD — A former Board of Education member with autism and a hearing disability has filed a federal lawsuit against the town, the school board, and its chairman, claiming her civil rights were violated after she was denied necessary accommodations due to her disabilities.

In the lawsuit, filed Tuesday in U.S. District Court in Hartford, former Democratic school board member Sarah Selvaggi-Hernandez — who served one term from 2017 to 2019 and decided not to seek re-election — states that the school board didn't make reasonable accommodations for her, specifically when it came to effective communication, to allow her to serve to the best of her ability.

Along with having autism, Selvaggi-Hernandez is profoundly hard of hearing and has "auditory processing challenges," which she says causes her difficulty in hearing and understanding telephone and in-person conversations.

To facilitate effective communication, she repeatedly told the board she needed written materials in addition to the board packet everyone is given at meetings, she needed to see the person or people talking at meetings in order to read their lips — whether it be board members or audience members — and she needed to take notes during executive sessions, which are portions of the meetings that are closed to the public.

She also asked that school board members communicate with her via text or email between meetings and that she be allowed to use a whiteboard to take notes during executive sessions since it could later be erased.

Though the school board and town officials agreed to the accommodations, the lawsuit states they repeatedly failed to follow through, which is a violation of Selvaggi-Hernandez's civil rights under the Americans with Disabilities Act.

Kasey Considine of Disability Rights Connecticut, who is one of Selvaggi-Hernandez's lawyers, explained that the Americans with Disabilities Act requires state and local government agencies to provide equal access for people with disabilities, including providing reasonable accommodations and auxiliary aids and services when necessary.

"For Sarah, that means effective communication. That is how the board and all of its activities become accessible to her," Considine said.

In her lawsuit, Selvaggi-Hernandez seeks the board's compliance with the Americans with Disabilities Act, lawyers' fees, and compensatory damages.

However, she said Wednesday that what she most wants is to see the system change so anyone with a disability who is elected or appointed to public office can fully serve their community.

After all, she said she decided to run for the school board because she wanted to "show up and be a diverse voice for the people.

"For me, at this point, it's less about me and more about future applicants, for the next people who come," she said. "They're going to know what to do, and they're going to be able to get right to their job and do it."

According to the lawsuit, the lack of accommodations caused Selvaggi-Hernandez to suffer severe emotional distress, anxiety, panic attacks, and physical pain due to sensory dysregulation.

The lawsuit states that when Selvaggi-Hernandez ran for the school board in 2017, she received accommodations during the campaign process but over the next two years, board members repeatedly refused to use her preferred methods of communication such as the written word.

In addition, the school board's former minority leader, Democrat Timothy Neville who resigned at the end of last month due to health reasons, contacted her by phone while they were serving on the board, rather than text or email, on at least two occasions and denied her request to communicate through written communication.

When reached for comment Wednesday, Neville refused to comment on the lawsuit.

Last March, Selvaggi-Hernandez met with School Superintendent Christopher Drezek and school board Chairman Walter Kruzel to discuss her communication accommodations, which included providing her with written documents for executive sessions that would be returned at the end of session to ensure confidentiality.

Later that month, the lawsuit states, Neville chastised her and informed her that she was not entitled to written communication and only agreed to provide her with written communication after she mentioned her March 13 meeting with Drezek and Kruzel.

Several months later during an executive session held by the school board in June that Selvaggi-Hernandez was present for, Christine Chinni, the board's lawyer, told the board it would no longer honor Selvaggi-Hernandez's communication accommodation needs. The board had only accommodated her needs on an inconsistent basis, according to the lawsuit.

Chinni is said to have then instructed that other board members only speak to Selvaggi-Hernandez in public and share no privileged information with her.

Chinni on Wednesday declined to comment on the lawsuit.

Due to her inability to fully comprehend Chinni's verbal communication, Selvaggi-Hernandez was led to believe she had been removed from the board, causing her to experience a panic attack on her way home.

Upon her therapist's recommendation, she chose not to attend the next school board meeting in September — no meetings were held in July or August — due to "the strong likelihood that the meeting would result in further physical, mental, and emotional distress related to her disabilities," the lawsuit says.

Even though she didn't attend, she continued to experience severe physical, emotional, and mental distress, including panic attacks over the next several weeks and was forced to take time off work and rely on others to care for her, the lawsuit states.

Selvaggi-Hernandez works as an assistant professor of occupational therapy at Bay Path University in Longmeadow, Massachusetts.

It was due to her severe physical, emotional, and mental distress while on the school board that prompted Selvaggi-Hernandez not to seek re-election this past fall.

However, she said she wouldn't be opposed to running for municipal government in the future but only with the guarantee she would receive the necessary accommodations.

She hopes her lawsuit shines a light on the lack of policy in place when it comes to accommodating those with disabilities, but mainly she said, "I don't want people to go through the frustration and the pain I experienced."