



Former Enfield School Board Member Files Lawsuit

She said she was denied an equal opportunity to serve on the board, participate in board communications and access the content in meetings.

By [Tim Jensen](#) | Dec 3, 2019 6:47 pm ET | Updated Dec 4, 2019 8:05 am ET

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Former Enfield Board of Education member Sarah Selvaggi-Hernandez. (Enfield Democrats)

ENFIELD, CT — The first openly autistic person ever to run for, and be elected to, public office in Enfield has filed a lawsuit against the Enfield Board of Education, the town of Enfield and board chairman Walter Kruzel, claiming discrimination in violation of the Americans With Disabilities Act (ADA).

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The suit was filed Tuesday in U.S. District Court on behalf of Sarah Selvaggi-Hernandez, who was elected to the board in 2017 and served a two-year term through Nov. 2019. She has autism, is hard of hearing and has auditory processing disabilities, yet she ran for a board seat because she wanted to "show up and be a voice for people with autism in the decision-making process," according to a media release issued late Tuesday afternoon on her behalf by Sam Crane of the Autistic Self Advocacy Network, Kasey Considine of Disability Rights Connecticut, and attorneys Eve Hill and Anthony May of Brown Goldstein & Levy.

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Hernandez, 40, has difficulty hearing and understanding telephone conversations and in-person conversations unless she gets written materials, can see the speakers, and can take notes. She asked the board to communicate with her between meetings in writing, such as by email and text, and to provide written materials and an erasable white board for note-taking, according to the lawsuit.

Although the board agreed to those accommodations, Kruzel and other board officials refused to follow through, repeatedly insisting on communicating by telephone between meetings and refusing to provide written information or a white board for executive sessions. Her requests were often met with open hostility and anger, she claimed.

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In a June executive session, the board failed to provide written information, formally stated it would not honor her communication needs, that board members would no longer communicate with her or provide her information, and, essentially, that she would no longer be permitted to do her job as a board member, her advocates claim.

The Americans with Disabilities Act requires state and local government agencies to provide equal access to people with disabilities, including by providing "reasonable accommodations" and "auxiliary aids and services" when necessary. Hernandez claims the communication changes she requested were required by federal law, and the board's treatment of her was discrimination.

"I ran for election to bring the diverse voices of people with disabilities to the table," she said in the release. "I'm deeply hurt by the way the board treated me, and it caused me tremendous pain and emotional distress. But I won't let them stop me from speaking up and standing up for the rights of people with autism."

Point 14 of the lawsuit reads:

"At her first meeting upon her election to the Board on November 14, 2017, Ms. Hernandez informed the members of the Board of her communication preferences. Her requests included written communication (e.g., via text or email, rather than telephone) between Board meetings, a white board for note taking in executive sessions (which could be erased at the end of the session), seating where she could pass notes to other Board members during meetings, and that others face her when speaking."

Several examples of the board's failure, or refusal, to accommodate Hernandez as requested are cited in the 14-page text of the lawsuit.

- "Soon after her initial meeting on the Board, Minority Leader Tim Neville attempted to engage Ms. Hernandez in extensive verbal communication. When she reminded him that her preferred method of communication was written, he replied that written communication was not always possible because it could be misused, and that he preferred to communicate in person or by phone."
- "In January 2018, despite her request to the Board to communicate by text or other writing, Mr. Neville contacted Ms. Hernandez by phone. During the call, Mr. Neville refused Ms. Hernandez's request to engage with her through written communications and proceeded to chastise her for asking too many questions as a member of the Board. This call lasted approximately one hour, resulting in Ms. Hernandez being unable to process its contents and in physical pain due to sensory dysregulation. Afterwards, given Mr. Neville's unwillingness to communicate effectively with Ms. Hernandez, Board secretary Tina LeBlanc offered to be Ms. Hernandez's primary contact person with the Board."
- "In February 2018, Ms. Hernandez again found herself forced to request written communication and documentation during executive sessions of the Board. Once again, Mr. Neville responded that written documentation was not possible, and instead offered to speak to Ms. Hernandez if she needed clarification."

The lawsuit alleges further communication issues developed between Hernandez and board members, causing her "to suffer extreme anxiety and panic attacks that led to her hospitalization." In Feb. 2019, she received an email from Neville stating "he could not agree to honor her need for written communication in the future," which led to "severe emotional distress

and anxiety" and prompted her to request a meeting with Kruzel.

At a March 13 meeting with Kruzel and Superintendent of Schools Chris Drezek, the two "agreed

to provide her with written documents for Board executive sessions that would be collected at the end of the session to ensure confidentiality. They also agreed to develop an accommodations process for incoming Board members," according to the lawsuit.

During a board caucus meeting on March 24, "Neville began to chastise Ms. Hernandez and informed her that she was not entitled to written communication. Only after Ms. Hernandez referenced the March 13 meeting with Mr. Kruzel and Mr. Drezek did Mr. Neville agree to provide her with written communication. Mr. Neville's verbal attack upon Ms. Hernandez caused her severe physical, mental, and emotional distress," according to the lawsuit.

Board counsel Christine Chinni began to discuss Hernandez's communication needs in the presence of the entire board during an executive session on June 19. "She stated that the Board would no longer honor her communication accommodation needs. She then instructed that other Board members only speak to Ms. Hernandez in public and share no privileged information with her," the lawsuit states.

Hernandez claims "Chinni led her to believe that she had been removed from the Board. She immediately left the meeting and experienced a panic attack before even reaching home," the lawsuit states.

The final paragraph in the Statement of Facts section of the lawsuit reads:

"Since her election to the Board, Ms. Hernandez has experienced tremendous physical, mental, and emotional suffering as a result of the Defendants' refusal to reasonably modify their procedures, to provide her effective communication, and to accommodate her. As a result of repeatedly being unable to understand what was being said verbally, she has experienced sensory dysregulation that has left her unable to communicate verbally, causing increased anxiety and depression. She has been forced to miss work and undergo hospitalization and increased therapy. At times, she has been forced to become dependent on her

spouse for care, leaving him responsible not only for her well-being, but also that of their children."

Hernandez is seeking a jury trial, and is asking for the following judgments against the defendants:

1. A preliminary and permanent injunction prohibiting defendants from violating Title II of the ADA and Section 504;
2. A declaration that defendants have violated and continue to violate Title II of the ADA and Section 504;
3. An award of Hernandez's compensatory damages;
4. An award of Hernandez's reasonable attorney's fees and costs;
5. Such other and further relief as the Court may deem just.

Read the entire text of the lawsuit [here](#).

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