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School to modify playground for disabled girl

BY JOSIE ALBERTSON-GROVE

CANAAN — When Sasha McCue started at North Canaan Elementary School, her mother, Jessica McCue, saw that she was not able to use the playground.

Sasha, now 11, has multiple disabilities, and has trouble walking on the uneven ground around the slide, let alone up the seven granite steps to the swings. Under the Americans with Disabilities Act, a 1990 federal law that requires public places to be accessible to disabled people, the playground should have been altered so that Sasha could play with her classmates.

The town's elementary school reached a settlement with the U.S. Department of Justice in late October, agreeing to make some changes.

Jessica McCue is a tall, wiry blonde with giant black sunglasses shoved tight against her face, mouth set in a straight line. The playground is one of many frustrations she's had, trying to make sure her daughter is able to get the same education as her peers. McCue started asking about making the playground handicapped-accessible when Sasha was in prekindergarten, in the 2011-2012 school year. The parent-teacher organization, of which McCue was a member, looked into the changes a few years later, and found it would cost about \$200,000 to modify the playground so Sasha could use it. She was hoping for a rubbery surface that would accommodate a wheelchair, but would still be soft enough that kids wouldn't hurt themselves if they fell. Maybe a slide with a wheelchair ramp instead of a ladder. A couple of handicapped swings, and benches to sit on, if her daughter needed to rest.

She wanted her daughter to be able to play with the other kids, but that's not how everyone saw it. "Everybody sees the cost of the playground," McCue said. "\$200,000 is a lot of money, don't get me wrong. It's almost like buying a house. I'm a taxpayer, I don't want that myself." But she hoped the town would look into grants, or applying for some federal funding to make the changes.

The playground surfaced on the agenda of town selectmen meetings, but there was never any action. McCue felt like the town was stalling. "I think it's money," McCue said. She understood the town had other priorities. "Budgets, elections, fixing the sidewalks," she guessed. She thought town and school district officials were hoping she would give up. "Brush it to the side, they won't keep fighting us."

In 2015, McCue met Bonnie Roswig, an attorney with the Connecticut Center for Children's Advocacy who immediately understood the problem. "You look at Sasha, you look at the playground, it's clear that she couldn't play with the other children," Roswig said. "It was affecting not only her ability to play but her ability to socialize with other children."

The guiding principles of the Americans with Disabilities Act are equal access and participation, Roswig said, but the playground was not living up to that promise for Sasha. "Her activity was sitting in her wheelchair watching the other children play," said Roswig. "That's not what it should be, it's not what the ADA requires."

Roswig filed a complaint with the U.S. Department of Justice, which is in charge of investigating possible viola-



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tions of the Americans with Disabilities Act. The department sent an architect to North Canaan evaluate the site and report on changes needed for the playground to comply with the law.

After the complaint was filed, the school set about fixing the problems. A ramp was built into the side of a hill that had only had stairs. A paved path was extended deeper into the playground. The ground was covered with wood chips, and potholes in the school yard were filled in. A swing for handicapped kids was added to the swing set.

The Department of Justice and the school district came to an agreement, and settled the case on Oct. 27. The school agreed to make the changes proposed by the department's architect, many of which it had already made.

Pam Vogel has been superintendent of the Region 1 school district, which includes Canaan, since July. "We've been working on this for over a year," she said. "I don't know what the timeline was before my being here," said Vogel, when asked about McCue's years-long fight. But Vogel said that the playground is now in compliance, and accessible to handicapped children. "The matter was handled."

Roswig thinks it was only handled because of her complaint, made in 2015. But she said the school had known about the problem since at least 2013.

The drawn-out fight has made McCue cynical.

"Schools try to save a lot of money, if they don't think you know your legal rights," she said. "They're so unwilling to help you. And it's all about the status of money, and not about the needs of the students."

But the settlement has given her a glimmer of hope, and she has set her sights on more inaccessible town buildings, like the nearby swimming pool.

"Hopefully they'll do the right thing," McCue said, "Instead of the wrong thing, instead of making people wait for years."