

**FINAL DECISION**

Sent via email [REDACTED], Certified-Mail [REDACTED] and First-Class  
U.S. Mail

January 10, 2025

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: Final Decision

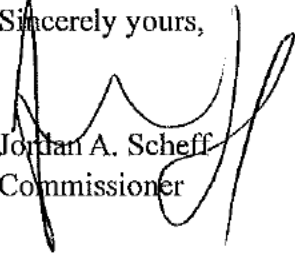
Dear [REDACTED]:

On October 1, 2024 the proposed decision of the hearing officer regarding the eligibility of [REDACTED] to receive services of the Department of Developmental Services was sent to you and all parties. Parties had ten (10) business days from receipt of the proposed decision to submit comments in support or opposition. Comments were submitted on behalf of the petitioner. No comments were submitted on behalf of the DDS.

After reviewing the proposed decision, the record, including exhibits submitted at the hearing, and your comments, I agree with the hearing officer, adopt the Proposed Decision as the Final Decision, and find that [REDACTED] is ineligible for services of the Department of Developmental Services pursuant to Connecticut General Statute section 1-1g.

If you do not agree with this decision, you have the right, in accordance with Section 4-183 of the Connecticut General Statutes, to appeal to the Superior Court. Such an appeal must be submitted within forty-five (45) days of the mailing of this final decision.

Sincerely yours,

  
Jordan A. Scheff  
Commissioner

Enclosures

cc: Attorney Frederic S. Ury, Hearing Officer  
Kathleen Murphy, Ph.D., Director, Eligibility Unit  
Margret Rudin, Ph.D., Psychologist Eligibility Unit  
Marjorie O. Wakeman, Director, Legal & Government Affairs

**STATE OF CONNECTICUT  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
PROPOSED MEMORANDUM OF DECISION**

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***ELIGIBILITY HEARING***

**IN RE:**

[REDACTED]

**OCTOBER 21, 2024**

**Introduction**

On October 1, 2024 at 10:00am, a hearing was held remotely via Microsoft Teams to determine the eligibility of [REDACTED] for services from the Department of Developmental Services (DDS) pursuant to Connecticut General Statutes § 1-1g. Due to COVID-19 safety precautions, the Department of Developmental Service (“DDS”) Commissioner has designated that all Eligibility hearings will be held remotely until further notice. The Request for Hearing was filed by [REDACTED], Petitioner’s Father and Mother, on July 6, 2023.

**Names of those in attendance**

Dr. Margaret Rudin - DDS Clinical Psychologist – Eligibility Unit

[REDACTED] – Petitioner’s Father

[REDACTED] – Petitioner’s Mother

[REDACTED] – Program Director at [REDACTED]

[REDACTED] – Program Director at [REDACTED]



**Statement of Issue**

Is [REDACTED] eligible for services from the Department of Developmental Services?

**Exhibits Entered into Evidence**

The following documents were presented by the parties and reviewed by the undersigned hearing officer:

<b><u>Exhibit</u></b>	<b><u>Document</u></b>	<b><u>Date</u></b>
HO-1	DDS Denial of Eligibility letter	05-26-2023
HO-2	Request for Hearing	07-06-2023
HO-3	Notice of Hearing scheduled for July 18, 2024	06-11-2024
HO-4	Notice of Hearing scheduled for October 1, 2024	08-28-2024

<u>Exhibit</u>	<u>Document</u>	<u>Date</u>
DDS-1	DDS Eligibility Application (pg. 1 - 3-25-24; pg. 2 - 4/18/23)	pg. 1 - 03-25-24 pg. 2 - 04-18-23
DDS-2	DDS letter of Ineligibility	05-26-2024
DDS-3	DDS Second Review by Dr. Margaret Rudin	05-25-2023
DDS-4	Psychoeducational Evaluation	
DDS-5	Psychoeducational Evaluation	
DDS-6	Psychoeducational Evaluation	
DDS-7	Special Education Speech Language	
DDS-8	Individual Education Program (IEP)	
DDS-9	Individual Education Program (IEP)	
DDS-10	Individual Education Program (IEP)	
P-1	Triennial Psychoeducational Evaluation	
P-2	Notice and Consent to Conduct Reevaluation	
P-3	Individual Education Plan (IEP)	

### Findings of Fact

The exhibits entered into evidence, along with the sworn testimony at the hearing, result in the following findings:

1. [REDACTED] is a resident of the State of Connecticut. She resides at [REDACTED] CT [REDACTED]. (Exhibit DDS-1).
2. At the time of the hearing, [REDACTED] born [REDACTED], was [REDACTED] years old. (Exhibit DDS-1; testimony of Dr. Margaret Rudin).
3. An Eligibility Application was filed with DDS on March 25, 2004, and April 18, 2023, by [REDACTED] [REDACTED] Mother and Father, for Intellectual Disability Services. (Testimony of Dr. Margaret Rudin; Exhibit DDS-1)
4. On May 26, 2023, a denial of eligibility letter was sent to [REDACTED] from Dr. Kathleen J. Murphy, Director, Eligibility Unit at DDS. In that letter, Dr. Murphy found [REDACTED] was not eligible for DDS services because her cognitive ability and adaptive skills were above the intellectually disabled range. (Testimony of Dr. Margaret Rudin; Exhibit HO-1 and Exhibit DDS-2).
5. A second review of the denial of services was performed by Dr. Margaret Rudin, Psychologist at DDS. After her review, she agreed with Dr. Murphy that [REDACTED] did not meet the criteria for Intellectual Developmental Disability in accordance with CGS 1-1g. (Testimony of Dr. Margaret Rudin; Exhibit DDS-3).

6. On July 6, 2023, a Request for Hearing was filed with DDS by [REDACTED], [REDACTED] Father and Mother. (Exhibit HO-2; testimony of Dr. Margaret Rudin).

7. A hearing was scheduled for July 18, 2024, and a notice of the hearing was sent to [REDACTED] on June 11, 2024. After testimony began, the hearing was continued to October 1, 2024, to allow the parents to submit additional documents. (Exhibit HO-3; testimony of Dr. Margaret Rudin).

8. A notice of the continued hearing was sent to [REDACTED] on August 28, 2024. The Notice stated the hearing would be held on October 1, 2024 and that due to COVID-19 safety precautions, the DDS Commissioner designated that all Eligibility hearings will be held remotely until further notice. [REDACTED] did receive notice of the hearing and attended the hearing by way of Microsoft Teams. (Exhibit HO-4).

9. On [REDACTED], a Psychoeducational Evaluation was prepared by [REDACTED], MS, NCSP at [REDACTED] in [REDACTED]. At the time of the evaluation, [REDACTED] was [REDACTED] years and [REDACTED] months old. A Wechsler Intelligence Scale for Children-V (WISC) was administered. [REDACTED] scores were 92 on Verbal Comprehension; 84 on Visual Spatial, 74 on Fluid Reasoning, 85 on Working Memory, and 45 on Processing Speed for a Full-Scale IQ of 76. (Testimony of Dr. Margaret Rudin; Exhibit DDS-5).

10. On [REDACTED], a Psychoeducational Evaluation (WISC-V) was prepared by [REDACTED], MA, CAS, NCSP at [REDACTED] Public Schools. At the time of the evaluation, [REDACTED] was [REDACTED] years and [REDACTED] months old. [REDACTED] scored an 86 on Verbal Comprehension, 84 on Visual Spatial, 72 on Fluid Reasoning, 79 for Working Memory, and 45 on Processing speed for a Full-Scale IQ Score 71. No Adaptive measures were reported. (Testimony of Dr. Margaret Rudin; Exhibit DDS-4).

11. On [REDACTED], a PPT Report of Eligibility for Speech-Language Services was prepared by [REDACTED] School in [REDACTED]. At the time of the evaluation, [REDACTED] was [REDACTED] years and [REDACTED] months old. [REDACTED]'s Primary Disability was listed as Other Health Impairments. No Adaptive Measures were reported. (Testimony of Dr. Margaret Rudin; Exhibit DDS-7 & DDS-10).

12. On [REDACTED], an IEP was prepared by [REDACTED], Special Education Teacher at [REDACTED] School. At the time of the evaluation, [REDACTED] was [REDACTED] years and [REDACTED] months old. [REDACTED] Primary Disability was listed as Other Health Impairments. (Testimony of Dr. Margaret Rudin; Exhibit DDS-8 and P-3).

14. On [REDACTED], an IEP was prepared by [REDACTED], Special Education Teacher at [REDACTED] School. At the time of the evaluation, [REDACTED] was [REDACTED] years and [REDACTED] months old. [REDACTED] Primary Disability was listed as Other Health Impairments. (Testimony of Dr. Margaret Rudin; Exhibit DDS-9).

15. [REDACTED] has suffered three strokes. Her first stroke was suffered when she was [REDACTED] years old on [REDACTED]. Her second stroke was in [REDACTED] when she was [REDACTED] years old.

Her third stroke was in [REDACTED]. She was born with Arterial Venous Malformation. After her third stroke she began suffering from various mental health disorders. (Testimony of [REDACTED] and [REDACTED])

16. On [REDACTED], a Triennial Evaluation was prepared by [REDACTED], M.A., S.Y.C., NCSP, ABSNP at the [REDACTED] of [REDACTED] Schools. The evaluation was done on [REDACTED], and [REDACTED]. At the time of the evaluation, [REDACTED] was [REDACTED] years and [REDACTED] months old. She was administered the Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV). She scored 74 on Verbal Comprehension, 73 on Perceptual Reasoning, 83 on Working Memory and 53 on Processing Speed for a Full-Scale IQ of 66. On the Vineland Adaptive Behavior Scales-III she scored 79 on her Parent Scores and 92 on her Teacher Scores. (Testimony of Dr. Margaret Rudin; Exhibit P-1).

17. On the IEP dated [REDACTED], [REDACTED]'s primary disability was listed as other health impairment. (Exhibit P-3)

18. [REDACTED] and [REDACTED] from [REDACTED] work with [REDACTED] and felt that she was a good fit for DDS programs. They testified that she has a lot of difficulties with Activities of Daily living. (Testimony of [REDACTED] and [REDACTED])

### **Definition of Intellectual Disability**

According to Connecticut General Statutes § 1-1g, in order to be eligible for supports or services from the Department of Developmental Services, an individual must have "significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period." The developmental period is defined as the period from birth to age eighteen.

### **Discussion**

[REDACTED] is [REDACTED] years old. On March 14, 2024, a letter declining DDS Services was sent by Dr. Kathleen Murphy. The primary reason for the denial was that [REDACTED] cognitive ability was above the intellectually disabled range during the developmental period. A second review by Dr. Margaret Rudin confirmed Dr. Murphy's findings.

The legislature in passing CGS 1-1g set forth certain scores which had to be obtained by anyone wanting DDS services. To qualify an applicant has to have a IQ score of 69 or below and have deficits in Adaptive Behavior concurrently during the developmental period.

On [REDACTED], a Psychoeducational Evaluation was prepared by [REDACTED], MS, NCSP at [REDACTED] School in [REDACTED]. At the time of the evaluation, [REDACTED] was [REDACTED] years and [REDACTED] months old. A Wechsler Intelligence Scale for Children-V (WISC)

was administered. [REDACTED] scores were 92 on Verbal Comprehension; 84 on Visual Spatial, 74 on Fluid Reasoning, 85 on Working Memory, and 45 on Processing Speed for a Full-Scale IQ of 76.

On [REDACTED], a Psychoeducational Evaluation (WISC-V) was prepared by [REDACTED] MA, CAS, NCSP at [REDACTED] Schools. At the time of the evaluation, [REDACTED] was [REDACTED] years and [REDACTED] months old. [REDACTED] scored an 86 on Verbal Comprehension, 84 on Visual Spatial, 72 on Fluid Reasoning, 79 for Working Memory, and 45 on Processing speed for a Full-Scale IQ Score 71. No Adaptive measures were reported.

On [REDACTED], a Triennial Evaluation was prepared by [REDACTED] M.A., S.Y.C., NCSP, ABSNP at the [REDACTED] of [REDACTED] Schools. The evaluation was done on [REDACTED] and [REDACTED]. At the time of the evaluation, [REDACTED] was [REDACTED] years and [REDACTED] months old which is outside of the Developmental Period. She was administered the Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV). She scored 74 on Verbal Comprehension, 73 on Perceptual Reasoning, 83 on Working Memory and 53 on Processing Speed for a Full-Scale IQ of 66. On the Vineland Adaptive Behavior Scales-III she scored 79 on her Parent Scores and 92 on her Teacher Scores.

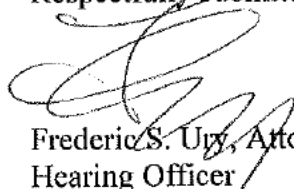
Although [REDACTED] did score a 66 on the most recent test it was done after she left the developmental period. But even if we consider the test to have been taken during the developmental period as well as the Vineland Adaptive Behavior Scales [REDACTED] still does not meet the criteria of the statute because her adaptive scores are 79 and 92 both of which are above the statutory requirements.

### Conclusion

After a review of all the documents and testimony at the hearing [REDACTED] is not eligible for services from the Department of Developmental Services because she does not meet the criteria for services as defined in Conn. Gen. Stat. § 1-1g.

This decision shall be submitted to all parties and the Commissioner. The parties may submit written comments in support or opposition of this proposed decision within ten (10) days of receipt hereof.

Respectfully submitted,

  
Frederic S. Ury, Attorney  
Hearing Officer