

FINAL DECISION

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

March 19, 2025

[REDACTED]

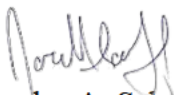
RE: Amended Final Decision

Dear [REDACTED],

On February 3, 2025, 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. No comments were submitted on behalf of the petitioner or DDS.

After reviewing the proposed decision, the record, including exhibits submitted at the hearing, 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.



Jordan A. Scheff
Commissioner

Enclosures

cc: Attorney Frank Forgione, 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

ELIGIBILITY

IN RE: [REDACTED]

JANUARY 15, 2025

Introduction:

A remote hearing via Microsoft Teams was held on January 8, 2025 to determine the eligibility of the Petitioner, [REDACTED] for services from the Department of Developmental Services (DDS) pursuant to Connecticut General Statutes Section 1-1g.

The following individuals were present at the hearing:

Dr. Margaret Rudin	DDS Psychologist/Director Eligibility Unit
[REDACTED]	Guardian/Grandmother

The following exhibits were entered into evidence:

Hearing Officer 1	DDS Denial of Eligibility Letter 8/12/2024
Hearing Officer 2	Request for Hearing 9/16/2024
Hearing Officer 3	Notice of Hearing 9/25/2024
DDS 1	DDS Eligibility Application 7/8/2024
DDS 2	DDS Denial Letter 8/12/2024
DDS 3	DDS Second Review by Dr. Margaret Rudin 8/9/2024
DDS 4	[REDACTED] Neuroscience Summary 3/10/2016
DDS 5	Individual Education Program (IEP) [REDACTED]
DDS 6	[REDACTED] 5/17/2021
DDS 7	Individual Education Program (IEP) [REDACTED]
DDS 8	Individual Education Program (IEP) [REDACTED]

Statement of the Issue:

Is [REDACTED] eligible for DDS services pursuant to Connecticut General Statutes Section 1-1g?

Findings of Fact:

1. [REDACTED] resides with her grandmother and guardian, [REDACTED], in [REDACTED] Connecticut.
2. [REDACTED] date of birth is [REDACTED]

3. [REDACTED] is the grandmother and guardian for [REDACTED]
4. In 2015, [REDACTED] obtained a full scale IQ score of 87 on the Wechsler Preschool and Primary Scale of Intelligence-Third Edition (WPPSI-3).
5. In 2016, [REDACTED] obtained a General Conceptual Ability score of 83 which is equivalent to a full scale IQ of 83.
6. In 2021, [REDACTED] obtained a full scale IQ score of 95 on the Wechsler Intelligence Scale for Children-Fifth Edition.
7. The IEP Report dated [REDACTED] reports achievement scores for [REDACTED] in the 70's and 80's.

Definitions:

Connecticut General Statutes Section 1-1g defines those who are eligible for DDS services as those with:

[A] significant limitation in intellectual functioning and deficits in adaptive behavior that originated during the developmental period before eighteen years of age... 'significant limitation in intellectual functioning' means an intelligence quotient more than two standard deviations below the mean as measured by tests clinically and culturally appropriate to the individual; and 'adaptive behavior' means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group as measured by tests that are individualized, standardized and clinically and culturally appropriate to the individual.

An intelligence quotient more than two standard deviations below the mean, means an IQ score of 69 or lower. Christopher R v. Commissioner, 277 Conn. 594, 616 (2006).

The petitioner has the burden to prove that Rachel meets the eligibility criteria for DDS services. Id.

Discussion:

In order to meet the qualifications for Intellectual Disability under CGS 1-1g, and receive services from DDS, the Petitioner must prove by a preponderance of the evidence that [REDACTED] experiences concurrent significant limitations in intellectual functioning and adaptive behavior that originated, that is, first occurred, during the developmental period. Such limitations must be measured by tests that are individualized, standardized, and culturally appropriate.

In 2015, [REDACTED] scored a full scale IQ of 87 on the Wechsler Preschool and Primary Scale of Intelligence-Third Edition (WPPSI-3). In 2016, [REDACTED] obtained an 83 on the General Conceptual Ability category which is the equivalent of a full scale IQ of 83. In 2021, [REDACTED] obtained a full scale IQ score of 95 on the Wechsler Intelligence Scale for Children-Fifth Edition.

The preponderance of the evidence does not demonstrate that [REDACTED] meets the standard of intellectual disability, as that term is defined by CGS 1-1g, and thus does not meet the eligibility criteria for DDS services.

Conclusion:

[REDACTED] is not eligible for DDS services as an individual with intellectual disability.



Francis J. Forgione

Hearing Officer