

FINAL DECISION

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

March 19, 2025

[REDACTED]
[REDACTED]
[REDACTED]

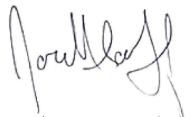
RE: Amended Final Decision

Dear [REDACTED],

On January 15, 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 Tony Karajanis, 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 HEARING

IN RE: [REDACTED]

JANUARY 13, 2025

Introduction

A hearing was held on January 13, 2025 at 10:00 a.m., at the Department of Developmental Services, 460 Capitol Avenue in Hartford, Connecticut and 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. The Request for Hearing was filed by the Applicant's Aunt/Guardian, [REDACTED], on June 25, 2024.

Names of Attendees

[REDACTED]	Applicant's Aunt/Guardian
[REDACTED]	Family Friend and Support
Margaret Rudin, PhD, DDS	Director of Eligibility Unit

Statement of Issue

Is [REDACTED] eligible for services from the Department of Developmental Services based upon an Intellectual Disability?

Exhibits Entered Into Evidence

The following documents were presented by the parties and admitted into evidence as full exhibits by the undersigned hearing officer:

HO-1	Denial of Eligibility Letter	05/14/2024
HO-2	Request for Hearing	06/25/2024
HO-3	Notice of Hearing	09/19/2024
DDS-1	Eligibility Determination	01/18/2024
DDS-2	DDS Denial Letter	05/14/2024
DDS-3	Second Review, Margaret Rudin, Ph.D.	05/14/2024
DDS-4	Individual Education Program (IEP)	[REDACTED]
DDS-5	Individual Education Program (IEP)	[REDACTED]
DDS-6	Psychoeducational Evaluation	[REDACTED]
DDS-7	Individual Education Program (IEP)	[REDACTED]
DDS-8	Individual Education Program (IEP)	[REDACTED]
DDS-9	Autism Diagnostic Evaluation	[REDACTED]
Pet-1	SSA Function Report Form	No Date

Findings of Fact

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

1. [REDACTED] is a resident of the State of Connecticut as she resides in the City of [REDACTED] (HO Exhs. 1-3; DDS Exh. 1)
2. [REDACTED] at the hearing, [REDACTED], born on [REDACTED], was age [REDACTED] years, [REDACTED] months old. (DDS Exh. 1)
3. The Record demonstrates that Margaret Rudin, PhD, reviewed the following documentation containing FSIQ scores and/or other pertinent information:
 - a. DDS Exh. 4: Individual Education Program (IEP), dated [REDACTED]. Said document contained no FSIQ scores. (Testimony M.Rudin; DDS Exh. 4);
 - i. The IEP lists the Applicant's "primary disability" as "OHI" (other health impaired) and lists "ADD" and "ADHD". (Testimony M.Rudin; DDS Exh. 4);
 - ii. The IEP indicated that the Applicant was "age appropriate" for Activities of Daily Living. (Testimony M.Rudin; DDS Exh. 4).
 - b. DDS Exh. 5: Individual Education Program (IEP), dated [REDACTED]. Said document contained no FSIQ scores. (Testimony M.Rudin; DDS Exh. 5);
 - i. The IEP lists the Applicant's "primary disability" as "OHI" (other health impaired) and lists "ADD" and "ADHD". (Testimony M.Rudin; DDS Exh. 5);
 - ii. The IEP indicated that the Applicant was "age appropriate" for Activities of Daily Living. (Testimony M.Rudin; DDS Exh. 5);
 - iii. The IEP indicated that the Applicant, who was in the 8th grade at the time, was reading at a 5.6 grade level, and her math skills were at a 7th grade level. (Testimony M.Rudin; DDS Exh. 5).
 - c. DDS Exh. 6: Psychoeducational Evaluation, dated [REDACTED]. Evaluator: [REDACTED] (Testimony M.Rudin; DDS Exh. 6);
 - i. The Evaluation set forth the following IQ scores:
 1. WISC-IV: 72 (No Testing Date Given)
 2. WISC-V: 76 (2017)
 3. K-BIT: 69 (2020)
 4. WISC-V: 62 ([REDACTED] - Current Evaluation) (Testimony M.Rudin; DDS Exh. 6);
 - ii. The Evaluation refers to Adaptive Behavior Scores from prior IEPs as "age appropriate". (Testimony M.Rudin; DDS Exh. 6);
 - iii. The Evaluator, [REDACTED], noted a need for some caution in interpreting the FSIQ Score obtained as part of the evaluation, as the Applicant's overall engagement with some of the testing tasks, while generally sufficient in many ways, was also rather minimal and may not have reflected optimal effort. (Testimony M. Rudin; DDS Exhs. 6 & 9);
 - iv. The Evaluator also noted that said FSIQ scores could also be more reflective of other diagnosis linked to the Applicant, including: ADD; ADHD; OCD and ODD. (Testimony M.Rudin; DDS Exh. 6).
 - d. DDS Exh. 7: Individual Education Program (IEP), dated [REDACTED]. Said document contained no FSIQ scores. (Testimony M.Rudin; DDS Exh. 7);
 - i. The IEP changed the Applicant's "primary disability" to the EDUCATIONAL definition of Intellectual Disability. (Testimony M.Rudin; DDS Exh. 7).
 - e. DDS Exh. 8: Individual Education Program (IEP), dated [REDACTED]. Said document contained no FSIQ scores. (Testimony M.Rudin; DDS Exh. 8);
 - i. The IEP lists the Applicant's "primary disability" as "OHI" (other health impaired) and lists "ADD" and "ADHD". (Testimony M.Rudin; DDS Exh. 8);

- f. DDS Exh. 9: Autism Diagnostic Evaluation, dated [REDACTED], Evaluator: Dr. [REDACTED] Psy.D. (Testimony M.Rudin; DDS Exh. 9);
 - i. The Applicant was [REDACTED] years old, [REDACTED] months at the time of testing. (DDS. Exh. 9);
 - ii. The evaluation highlights the fact that FSIQ scores obtained by [REDACTED] [REDACTED] in 2023 (DDS Exh. 6) may have been compromised due to the difficulty in testing the Applicant and may not be indicative of the Applicant's optimal effort. (Testimony M.Rudin; DDS Exh. 9);
 - iii. The Evaluator, [REDACTED] performed Autism tests on the Applicant, including the Autism Diagnostic Interview, Revised, and the Autism Observation Schedule, 2nd, and concluded the Applicant has a DSM-5 diagnosis of Autism Spectrum Disorder, F84.0. (Testimony M.Rudin; DDS Exh. 9);
 - iv. The Evaluator, [REDACTED] further pointed out that the Applicant's behaviors tend to overlap with pre-existing diagnosis including: ADD; ADHD; OCD; ODD and now, Autism. (Testimony M.Rudin; DDS Exh. 9).
4. To summarize, while the Applicant did have some FSIQ scores that fall within the range of an intellectual disability as defined by Connecticut General Statutes §1-1g, said scores, as pointed out by one of the Evaluators, should be interpreted with caution given that the Applicant's overall engagement to the evaluation was minimal and may not reflect optimal effort. Furthermore, the above referenced Exhibits also point out that much of the Applicant's behaviors overlap with other diagnosis linked to the Applicant, including: ADD; ADHD; OCD; ODD and Autism. Finally, the above referenced Exhibits do not appear to include adaptive behavior skills testing concurrent with any of the FSIQ testing that falls within the range of an intellectual disability as defined by Connecticut General Statutes §1-1g. (Testimony M.Rudin; DDS Exhs. 4-9)
5. As of the date of this proceeding, the Applicant was unable to present any additional testing or documentation establishing that the Applicant was definitively diagnosed with any significant limitations in intellectual functioning or adaptive behavior skills originating during the developmental period before eighteen years of age. (DDS Exhs. 4-9)

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 for an intellectual disability, an individual must have, "significant limitations in intellectual functioning **and** deficits in adaptive behavior that originated during the developmental period before eighteen years of age." (Emphasis added)

Discussion

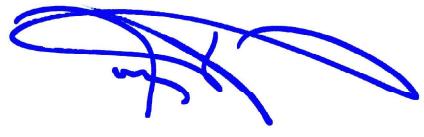
Although [REDACTED] may require assistance, guidance/support, and/or suffer from some other type of disability, there is no information contained in the record to definitively establish that she suffers from significant limitations in intellectual functioning originating during the developmental period before eighteen years of age.

Conclusion

██████████ is not eligible for services from the Department of Developmental Services, based on an intellectual disability, as she does not meet the criteria for services as defined in *Conn. Gen. Stat. §1-1g*. The Applicant, however, may be eligible for services/benefits through the Department of Social Services, or other Federal and/or State agencies.

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 days of receipt hereof.

By: Tony Karajanis



Hearing Officer