

FINAL DECISION

Sent via email [REDACTED], Certified-Mail [REDACTED], and
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April 3, 2025



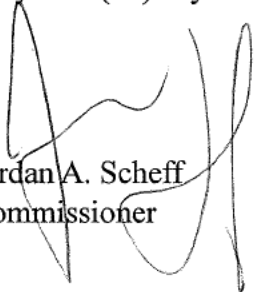
RE: Final Decision

Dear Ms. [REDACTED]

On March 12, 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. Comments were submitted by the petitioner. No comments were submitted on behalf of 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.


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]

FEBRUARY 28, 2025

Introduction:

Remote hearings via Microsoft Teams were held on December 18, 2024 and February 19, 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]	Sister

The following exhibits were entered into evidence:

Hearing Officer 1	DDS Denial of Eligibility Letter 9/16/2024
Hearing Officer 2	Request for Hearing 9/25/2024
Hearing Officer 3	Notice of Hearing 9/26/2024
Hearing Officer 3	Notice of Hearing 01/03/2025
DDS 1	DDS Eligibility Application 4/01/2024
DDS 2	DDS Denial Letter 9/16/2024
DDS 3	DDS Second Review by Dr. Margaret Rudin 6/18/2024
DDS 4	Psychological Evaluation [REDACTED] and [REDACTED]
DDS 5	Psychological Evaluation [REDACTED]
DDS 6	[REDACTED] Schools Educational Evaluation [REDACTED]
DDS 7	Individual Education Program (PPT) 9/30/2020
DDS 8	Individual Education Program (PPT) 9/30/2021
DDS 9	Psychological Evaluation [REDACTED] [REDACTED]
P 1	Psychological Evaluation [REDACTED] and [REDACTED] (same as DDS 4)
P 2	Neuropsychological Evaluation [REDACTED] [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 at [REDACTED] in [REDACTED] Connecticut.
2. [REDACTED] date of birth is [REDACTED]
3. [REDACTED] is the sister of [REDACTED]
4. In March, 2014, when [REDACTED] was [REDACTED] years old, he obtained a full scale IQ score of 68 on the Wechsler Intelligence Scale for Children-Fourth Edition (WISC-IV). However, the evaluator, [REDACTED], explains that the scores must be reviewed "with caution as there are significant discrepancies in scores when comparing this assessment to the 2011 evaluation."
5. In her March, 2014 report, [REDACTED] refers to a psychological evaluation performed in 2011, wherein [REDACTED] obtained a full scale IQ as measured by the WISC-IV, of 70. [REDACTED] further reports that in 2011, [REDACTED] obtained a TONI-3, NIQ score of 85 which according to the examiner at that time, "is more likely a better estimate of his potential than the WISC due to his receptive and expressive language difficulties." The ABAS-II test scores at that time, measuring [REDACTED] adaptive behavior skills at home and at school, were "solidly average."
6. [REDACTED] test results also revealed a score of 70 on the Woodcock-Johnson III for General Intelligence Ability.
7. In March, 2014, the TONI-4 again revealed a full NIQ of 85.
8. The March 2014 adaptive test score results revealed an adaptive score of 36 which amounts to a standard score of 79, which is only 1.4 standard deviations below the mean.
9. [REDACTED] psychological evaluation of March 24, 2017 was essentially a records review, administering only the BASC 3 and Beery VMI. On the Beery VMI, [REDACTED] scored a 95, which places him within the average range. On the BASC 3, Rater 1 gave a score of 38 and Rater 2 a score of 46.
10. [REDACTED] has been found eligible for autism services by the Department of Developmental Services.

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 [REDACTED] 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 2011, [REDACTED] scored a full scale IQ of 70 on the WISC-IV. In 2014, [REDACTED] scored a full scale IQ of 68 on the WISC-IV. According to the evaluator, however, the IQ score of 68 must be viewed with caution. The TONI-3 and TONI-4 scores from 2011 and 2014 were both 85, which is a better estimate of [REDACTED]'s potential. Significantly, [REDACTED]'s adaptive behavior scores were consistently above 69 and were reportedly within the average range.

Section 1-1g of the Connecticut General Statutes requires significant limitations in intellectual functioning and adaptive behavior to exist **concurrently**. [REDACTED]'s adaptive behavior scores in 2011 and 2014 were not more than two standard deviations below the mean, i.e., below 70. Accordingly, [REDACTED] does not meet the eligibility criteria for adaptive behavior as required by CGS 1-1g. Moreover, his IQ score of 68 in 2014 must be viewed with caution. His IQ of 70 and TONI-3 and TONI-4 scores are more indicative of [REDACTED]'s abilities and potential.

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