

FINAL DECISION

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

June 16, 2025


RE: Final Decision

Dear Ms. [REDACTED]

On May 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. 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 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]

MAY 14, 2025

Introduction

A hearing was held on May 14, 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 mother, [REDACTED] on June 08, 2020.

Present at May 14, 2025 Hearing:

Names of Attendees

Attorney Gerald Gore,
Kathleen Murphy, Ph.D,
[REDACTED]

Attorney for DDS
DDS Director of Eligibility Unit
Mother of Applicant
Applicant - Attended briefly, but then left
Proceeding

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	04/28/2020
HO-2	Request for Hearing	06/08/2020
HO-3	Notice of Hearing	05/02/2025
DDS-1	Eligibility Application	09/24/2018
DDS-2	Ineligibility Determination	04/28/2020
DDS-3	Autism Spectrum Services Letter	04/30/2020
DDS-4	Psychological Report	[REDACTED]
DDS-5	Psychological Report	[REDACTED]
DDS-6	Psychological Report	[REDACTED]
DDS-7	Individual Education Program (IEP)	[REDACTED]
DDS-8	Individual Education Program (IEP)	[REDACTED]
DDS-9	Speech/Language Evalutaiton	[REDACTED]
DDS-10	Psychological Assessment	[REDACTED]
DDS-11	Individual Education Program (IEP)	[REDACTED]
DDS-12	Educational Evaluation	[REDACTED]
Pet-1:	Reference/Recommendation Letter, Sen Joan Hartley	05/13/2025

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 he resides in the City of [REDACTED] (HO Exhs. 1-3; DDS Exh. 1)
2. At the time of the hearing, [REDACTED], born on [REDACTED], was 26 years old. (DDS Exh. 1)
3. The Record demonstrates the following documentation containing FSIQ scores and/or other pertinent information pertaining to the Applicant:

a. DDS-4: Psychological Report, Date [REDACTED]

- i. [REDACTED] Public Schools;
- ii. Age: [REDACTED];
- iii. Grade: 3;
- iv. Psychologist: [REDACTED];
- v. Background Information:
 1. Evaluated by Dr. [REDACTED] in 2001:
 - a. Delays in receptive and expressive language;
 - b. Diagnosed as having Autism;
- vi. Behavioral Observations:
 1. Difficulty with directions;
 2. Given [REDACTED] speech/language issues, non-verbal testing is a more accurate intelligence measure for [REDACTED]
 3. Verbal intelligence testing for [REDACTED] should be viewed with caution due to speech and language issues;
- vii. WISC-IV:
 1. Working Memory Index: 62 (Low);
 2. Verbal Comprehension Index: 67 (Low);
 3. FSIQ: 63 (Low);
 4. Perceptual Reasoning Index: 71 (Low Average);
 5. Processing Speed Index: 80 (Low Average);
- viii. Universal Non-verbal Intelligence Test (UNIT);
 1. FSIQ: 83 (Low Average);
- ix. Adaptive Behavior, BASC-2;
 1. Borderline Range (T Score 35/Standard Score 37);
- x. Per Psychologist/Evaluator:
 1. Due to [REDACTED] diagnosis of Autism, the WISC-IV results should be viewed with caution. He had difficulty understanding directions at times on both verbal and non-verbal items. The results of the UNIT should be viewed as more accurate measure of [REDACTED] overall intelligence, due to fact that language is removed from this measure.

(Testimony Murphy; DDS Exh. 4)

b. DDS-5: Psychological Report, Date [REDACTED]

- i. [REDACTED] Public Schools;
- ii. Grade: 6;
- iii. Psychologist: [REDACTED]
- iv. Age: [REDACTED]
- v. Background Information:
 1. Applicant carries diagnosis of Autism;

- vi. Kaufman Brief Intelligence Test, KBIT-2;
 - 1. Verbal Comprehension: 61;
 - 2. Perceptual Reasoning: 95;
 - 3. FSIQ: 75;
- vii. Vineland Adaptive Behavior Scale-Second Ed;
 - 1. Overall adaptive functioning at home, 66 (low);
- viii. GARS Autism testing; Applicant qualifies for Autism diagnosis;
(Testimony Murphy; DDS Exh. 5)

c. DDS-6: Psychological Report, Date [REDACTED]

- i. [REDACTED] Public Schools;
- ii. Grade: 9th;
- iii. Age: [REDACTED];
- iv. Psychologist: [REDACTED]
- v. WISC-IV;
 - 1. Verbal Comprehension: 52;
 - 2. Working Memory Index: 59;
 - 3. FSIQ: 54;
 - 4. Processing Speed Index: 56;
 - 5. Perceptual Reasoning: 75;
- vi. Vineland Adaptive Behavior Scale-Second Ed.;
 - 1. Overall adaptive functioning at home, 67 (low;)
- vii. Non-verbal intelligence testing was not performed.
(Testimony Murphy; DDS Exh. 6)

d. DDS-7: IEP, Date [REDACTED]

- i. [REDACTED] Public Schools;
- ii. Educational Category: Autism.
(Testimony Murphy; DDS Exh. 7)

e. DDS-8: IEP, Date [REDACTED]

- i. [REDACTED] Public Schools;
- ii. Educational Category: Autism.
(Testimony Murphy; DDS Exh. 8)

f. DDS-9: Speech Language Evaluation, Date [REDACTED]

- i. [REDACTED] Public Schools;
- ii. Grade: 12;
- iii. Age: [REDACTED];
- iv. Specialist: [REDACTED];
- v. History of Speech Language issues;
- vi. Peabody Pic Book Vocab Test;
 - 1. Low score 47;
 - 2. Expressive score 69;
- vii. Core language skills in low range.
(Testimony Murphy; DDS Exh. 9)

g. DDS-10: Psychological Assessment, Date [REDACTED]

- i. [REDACTED] Public Schools;
- ii. Grade: 12;
- iii. Age: [REDACTED]

- iv. Psychologist: [REDACTED];
- v. Diagnosed with Autism;
- vi. WAIS-IV;
 - 1. Verbal Comprehension Index: 68;
 - 2. Working Memory Index: 69;
 - 3. FSIQ: 63;
 - 4. Processing Speed Index: 68;
 - 5. Perceptual Reasoning Index: 69;
- vii. Test of Non-verbal Intelligence-Fourth (TONI-4);
 - 1. FSIQ: 86;
- viii. Adaptive Behaviors: Vineland Adaptive Behavior Scale Second;
 - 1. Overall Adaptive Behavior at Home: 65 (low);
- ix. Per Psychologist/Evaluator:
 - 1. "The present evaluation indicates [REDACTED] cognitive abilities are within the very low range of functioning on a language loaded cognitive test. Due to these scores, a non-verbal cognitive test was administered and [REDACTED] scored within the below average range."

(Testimony Murphy; DDS Exh. 10)

h. DDS-11: IEP, Date [REDACTED]

- i. [REDACTED] Public Schools;
- ii. Educational Category: Autism;
- iii. [REDACTED] continues to struggle with speech and language issues.

(Testimony Murphy; DDS Exh. 11)

i. DDS-12: Educational Evaluation, Date [REDACTED]

- i. [REDACTED] Public Schools;
- ii. Grade: 12;
- iii. Evaluator: [REDACTED]
- iv. Test administered: Woodcock-Johnson III Tests of Achievement;
 - 1. Math: Very low range;
 - 2. Writing: Low range;
 - 3. Reading in Academic Achievement: Very low range;
- v. No FSIQ testing performed.

(DDS Exh. 12)

- 4. To summarize, while the Applicant did have some FSIQ and Adaptive Behavior scores that fall within the range of an intellectual disability, as defined by Connecticut General Statutes §1-1g, said scores, as pointed out by two of the Evaluators, should be interpreted with caution given that the Applicant struggles with speech and language issues. As such, intelligence tests that rely heavily on speech/language make it difficult to ascertain the Applicant's true intelligence level. Therefore, the scores obtained from non-verbal tests of intelligence, such as the UNIT and TONI-4, appear to be more indicative of the Applicant's true intelligence level. On the UNIT, as administered in November 2007, the Applicant achieved a FSIQ of 83. On the TONI-4, as administered in November 2016, the Applicant achieved a FSIQ of 86.

(Testimony M.Murphy; DDS Exhs. 4-12)

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, such as Autism, there is no information contained in the record to definitively establish that he suffers from significant limitations in intellectual functioning originating during the developmental period before eighteen years of age.

Conclusion

[REDACTED] is not eligible for services from the Department of Developmental Services, based on an intellectual disability, as he 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 Autism Waiver Program, the Department of Social Services, the Bureau of Rehabilitation 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