

FINAL DECISION

Sent via email [REDACTED]

Certified Mail [REDACTED]

August 6, 2025

[REDACTED]

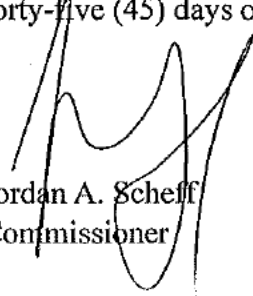
RE: Final Decision

Dear [REDACTED]

On **July 9, 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. 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: Thomas C. McNeil Jr., Esq., Hearing Officer
Kathleen Murphy, Ph.D., Director, Eligibility Unit
Margret Rudin, Ph.D., Psychologist Eligibility Unit
Marjorie O. Wakeman, Esq., Director, Legal & Government Affairs

STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES
PROPOSED MEMORANDUM OF DECISION
ELIGIBILITY HEARING

IN RE: [REDACTED]

Introduction:

On May 16, 2025 at 10am, a remote hearing was held pursuant to hearing guideline issued by the Department of Developmental Services, 460 Capital Avenue in Hartford, Connecticut 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 a hearing was filed on January 2, 2025 by [REDACTED], the Petitioner's mother. HO2, Transcript page 23.

Parties in Attendance:

[REDACTED]	Petitioner
[REDACTED]	Mother
[REDACTED]	Father
Dr. Margaret Rudin	DDS Clinical Psychologist
Dr. [REDACTED]	[REDACTED] Psychologist for Petitioner

Statement of Issue:

Does [REDACTED] meet the requirements of Connecticut General Statutes §1-1g making him eligible for offerings by Department of Development Services?

Exhibits entered into to Evidence:

The sworn testimony of May 16, 2025 and the exhibits as attached hereto as Eligibility Hearing Exhibit List.

Finding of Facts:

1. On October 20, 2024, Ms. [REDACTED] made an application to DDS to determine if [REDACTED] qualified for intellectual disability services. [REDACTED] date of birth is [REDACTED] and he lives with his parents in their [REDACTED]. In December of 2024 [REDACTED] parent were appointed his guardian. DDS 1 and 2. T page 51 and 52.
2. [REDACTED] was approved for intellectual disability services by DDS letter dated October 31, 2024 which letter also cautioned about reevaluating [REDACTED] application at any time. This letter was issued before the CONTI score results were considered. T page 25. On November 6, 2024 DDS issued a letter denying intellectual disability services to [REDACTED]. The denial was based on the six tests with [REDACTED] between April 18, 2024 and May 29, 2024. There was a 28 point spread in the index scores so his full scale IQ score of 65 on WAIS-IV could not be used for intellectual disability determination. Such test relies heavily on verbal skills, a real weakness for [REDACTED]. However, the CTONI-2, non verbal emphasis test, [REDACTED] scores were full scale IQ of 76 and Pictorial score of 76. DDS 3.
3. [REDACTED] is diagnosed with an Autism Spectrum Disorder by Dr. [REDACTED] in Health Assessment as of February 23, 2023. [REDACTED] was diagnosed with vision problems so he wears glasses or contacts and he is diagnosed with speech difficulties. [REDACTED] takes Sertraline daily to regulate anxiety. DDS 5. On May 2, 2023, Dr. [REDACTED] describes [REDACTED] as being Fidgety, Hyperactive but with good insight, judgment and impulse control. She diagnosed [REDACTED] with an autistic disorder and with Attention Deficit, Hyperactivity Disorder, and Inattentive. DDS 6. Dr. [REDACTED] saw [REDACTED] on June 26, 2023 and noted medication was working on his anxiety and diagnosed [REDACTED] with Autistic Disorder and Attention Deficit. DDS 7. T page 19.
4. At DDS 9, 49 pages, Dr. [REDACTED] performed an Independent Educational Evaluation of [REDACTED] with reports from April 18, 2023 to May 29, 2024. He is referred to as a [REDACTED] Junior receiving Special Education as an Autism Student. In his early years through age 6, his speech was delayed. [REDACTED] is disorganized and struggles to maintain attention and finish tasks. [REDACTED] has issues with reading, spelling, math, and writing and maintaining attention and following directions at school. Variability in [REDACTED] index scores makes his full scale IQ unreliable. While Dr. [REDACTED] concludes that [REDACTED] meets the DDS disability criteria she relies on a full scale IQ discredited by the wide variance of the index scores which she acknowledges at page 10 of her Evaluation.

5. The SRS-2, CARS-2 and VABS test point to finding of Autism but without scores to determine intellectual deficits. T pages 20 and 21; However, the WAIS-4 which [REDACTED] took finds him with Verbal Comprehension of 74 and perception reasoning of 81 working memory of 69 and processing speed of 53 with a full scale IQ of 64. Here there is a 28 point spread between the index scores which means you cannot place any reliance on the full scale IQ. T page 21. At page 35 of DDS 9, The results of the CTONI-2 measures [REDACTED] non-verbal abilities. Here, his pictorial scale was 77, geometric scale was 81 and his full scale was 76. T pages 23, 55 and 58.
6. At page 46 of DDS 9, the results of the BASC-3 is presented with [REDACTED] adaptive skill scores at 86, 90, and 94. His adaptive scores are average. T page 24. The VABS results on pages 48 and 49 shows a composite adaptive behavior of 59 with index scores of 70 and 69. T page 24. When we review DDS 11 dated December 17, 2021, at page 8 the IEP reveals the primary disability as Autism. Also see DDS 12. It also reveals WISC-5 full scale IQ of 63, verbal comprehension of 68, visual index of 75, fluid reasoning of 79, working memory of 59 and processing speed of 45. We also have the 2021 CTONI results being non-verbal intelligence of 65, geometric non-verbal intelligence of 83 and the full composite of 71. T page 25 and 26.
7. DDS 14 dated September 26, 2024 when [REDACTED] was [REDACTED] years and [REDACTED] months of age. It indicates a primary disability of Autism. Here it noted that the education label was changed to multiple disabilities. At this point, the Neuropsychological evaluation highlighted disabilities: Autism, intellectual disability, mixed receptive expressive language disorder, anticipation disorder and apraxia of speech.
8. The February 27, 2025 [REDACTED] letter issued by Dr. [REDACTED] diagnoses autism disorder and intellectual disability. T pages 27, 28, 63 and 64.. [REDACTED] has language and verbal challenges as reflected in the verbal based exams, however, his scores have been on the high side on the CONTI exams that are picture based versus language based. T pages 33 and 34.
9. Post hearing submission of documents were received and reviewed. The wide discrepancy between index scores on WISC IV in 2018 was 36 points, in 2021 was 34 points, and in 2024 was 28 points. This makes the full scale IQ misleading and not useful. DDS 16.

Definition of Intellectual Disability

Connecticut General Statutes define intellectual disability at §1-1g. Intellectual disability is defined as having an IQ test at 69 or below and with deficits in adaptive behaviors all at the same time and during the developmental period which is before age 18 years of age. T page 14 and 15. The Connecticut General Statute that applies here reads as follows:

§ 1-1g. "Intellectual disability" defined

(a) Except as otherwise provided by statute, "intellectual disability" means a significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior that originated during the developmental period before eighteen years of age.

(b) As used in subsection (a) of this section, "significant limitation in intellectual functioning" means an intelligence quotient more than two standard deviations below the mean as measured by tests of general intellectual functioning that are individualized, standardized and 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.

In *Christopher v. Department of Mental Retardation* (277 Conn. 594, Conn 2006) the Supreme Court ruled on a case involving I Q scores above and below the 69 defined as mental retardation or intellectual disability. The Court supports DDS consideration of multiple test and other considerations as it says:

Finally, we note that we do not question that the plaintiff has needs that could be served by the department and that even his 1997 WISC-III test indicates borderline intelligence. The legislature, however, delegated to the defendant a gatekeeping function through his authority to determine eligibility. In close cases like the present one, the defendant and the department's expert staff are better qualified than a court to evaluate conflicting evidence to determine whether that threshold has been met.

Accordingly, we conclude that the defendant's decision was supported by substantial evidence in the record.

Christopher v. Department of Mental Retardation (277 Conn. 594, page 445 Conn 2006). The applicant has the burden of proving that [REDACTED] meets the requirements of Connecticut General Statute §1-1g.

Discussion

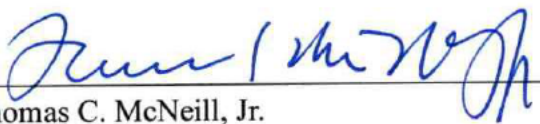
Due to the variation and wide swings in the index scores [REDACTED] can not meet the intellectual disability as defined by Connecticut General Statute 1-1g. His full scale IQ cannot be used as it is not reliable. [REDACTED] school categorized his disability and programing for Autism until recently when they changed the category to multiple disabilities. However, [REDACTED] language and verbal challenges stems from his struggles with Autism not intellectual disability. The CONTI 2 test have [REDACTED] performing in the high average category when he has to rely on visual presentations and when his adaptive behavior is evaluated.

Conclusion

Petitioner did not meet the burden necessary to overturn the DDS determination that Petitioner is not eligible for services as Intellectually Disabled.

Hearing Officer

Date


Thomas C. McNeill, Jr.

7-7-2025

Eligibility Hearing Exhibit List

Case Name	
Hearing Date/Time	May 16, 2025 10AM
Hearing Officer	Attorney Thomas C. McNeil Jr

Hearing Officer Exhibits		
	Description	Admitted/ID
HO-1	DDS denial letter dated 11/6/2024	
HO-2	Request for appeal hearing dated 1/2/2025	
HO-3	Notice of hearing dated 2/4/2025	
HO-4		
HO-5		
DDS Exhibits		
	Description	Admitted/ID
DDS-1	DDS Eligibility Application 10/20/2024	
DDS- 2	DDS Eligibility Determination letter 10/31/2024	
DDS-3	DDS Denial 11/6/2024	
DDS-4	Second Review by Dr. Margaret Rudin, Ph.D. 11/6/2024	
DDS-5	Health Assessment Record dated 2/23/2024	
DDS-6	Medical Report 5/2/2023	
DDS-7	Medical Report 6/26/2023	
DDS-8	Medical Report 2/23/2024	
DDS-9	Educational evaluation 4/18, 4/23, 4/25, 4/30, 5/8, 5/29/2024 (49 Pg)	
DDS-10	Educational Evaluation 4/18, 4/23, 4/25, 4/30, 5/8, 5/29/2024 (50 Pg)	
DDS-11	IEP dated 12/17/2021	
DDS-12	IEP dated 11/21/2022	
DDS-13	IEP dated 11/9/2023	
DDS-14	IEP dated 09/26/2024	
DDS-15	Medical Letter dated 2/27/2025	
DDS-16	Addendum to Second Review by Dr. Margaret Rudin, Ph.D. 5/19/2025	

Petitioner Exhibits		
	Description	Admitted/ID
P 1	DDS letter from 5/8/2025	
P 2	Transition Evaluation from 3/2025&4/2025	
P 3	Plenary Guardianship Decree	
P 4	Financial Guardianship Decree	
P 5	Guardianship Assessment Team Report 11/13/2024	
P 6	Triennial Evaluation dated 03/27/2012	

P 7	Triennial Evaluation dated 04/03/2015	
P 8	Triennial Evaluation dated 03/28/2018	
P 9	Triennial Evaluation dated 03/10/2021	
P 10	Assessment Skills dated 03/18/2024	
P 11	Summary of PPT dated 11/09/2023	
P 12	Summary of PPT dated 09/26/2024	
P 13	Summary of PPT dated 11/06/2024	
P 14	IEP dated 03/18/2024	
P 15	IEP dated 11/06/2024	