

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 not 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 June 13, 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 1, 2025 by [REDACTED], the Petitioner's mother. HO2, Transcript page 8.

Parties in Attendance:

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

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 Evidence:

The sworn testimony of June 1, 2025 and the exhibits as attached hereto as Eligibility Hearing Exhibit List.

Finding of Facts:

1. On October 25, 2024, Ms. [REDACTED] made an application to DDS to determine if [REDACTED] [REDACTED] qualified for intellectual disability services. Intellectual disability was diagnosed by the neuropsychological evaluation of January 19, 2023. T pages 16 and 17. [REDACTED] date of birth is [REDACTED] and he lives with his parents in their [REDACTED] [REDACTED] home. DDS 1 and 2. T pages 38 and 42..
2. [REDACTED] was denied for intellectual disability services by DDS letter dated December 10, 2024. The denial was based on Dr. [REDACTED] evaluation including the 2021 WISC V scores presenting a full Scale IQ of 69 and a comprehension index of 68. However, [REDACTED] presented index scores of Fluid Reasoning 69, Processing Speed 77, Visual Spatial 86. The denial was further supported by the January 19, 2023 WISC-V scores with Fluid Reasoning 69, Working Memory 74, Processing Speed 75, Verbal Comprehension 81 Spatial Index 81 with a full scale IQ 70. At that time, [REDACTED] overall Adaptive Behavior score was 87. The wide divergence in index scores made the IQ results unreliable. DDS 2.
3. In November 2021, [REDACTED] took the “Woodcock Johnson Test of Achievement-4th edition. While not a cognitive measure, it reflected academic skills showing Word Identification 89, Comprehension 77, Applied Problems 72, Spelling 84 not characteristic of someone with a developmental disability. We also have the Conners 3 with an elevated T score of 76. [REDACTED] adaptive behavior assessment using the ABAS-3 resulted in a composite 87. The ABAS-3 index scores were Communication 76, Social 88, Practical 96. T pages 21 and 22.
4. Dr. [REDACTED] diagnosis of [REDACTED] indicates intellectual disability, attention deficit, hyperactivity disorder, inattention, specific learning disorders in reading, written expression and math. [REDACTED] is recommended for continued Special Education in the [REDACTED] School District. T page 23. There was a [REDACTED] School Psychologist, evaluation on December 10, 2023. The WISC-V index scores present a 24 point difference making the full scale IQ unreliable. T page 26. The ABAS-3 scores for Adaptive Behavior show a composite of 80, Conceptual 74, Leisure 88 and Practical 85. The Teacher rating was adaptive composite 82, Conceptual 68, Visual 80, and Practical 96. Even looking at the 2021 versus 2023 scores there is a wide variation in scores making reliance on the full scale IQ very difficult. T 26 and 28.

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 17. 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 IQ 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 Statue §1-1g.

Discussion


Due to the variation and wide swings in the index scores [REDACTED] can not meet the
intellectual disability standard as defined by Connecticut General Statue 1-1g. His full
scale IQ cannot be used as it is not reliable. [REDACTED] school categorized his disability and
programing for his learning disability. The CONTI 2 test measuring adaptive behavior
has [REDACTED] performing in the high average category on several index scores.

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	[REDACTED]
Hearing Date/Time	June 13, 2025
Hearing Officer	Attorney Thomas C. McNeil Jr.

Hearing Officer Exhibits		
	Description	Admitted/ID
HO-1	Denial dated 12/10/2024	
HO-2	Request for hearing dated 1/1/2025	
HO-3	Notice of hearing dated 2/24/2025	
HO-4		
HO-5		
DDS Exhibits		
	Description	Admitted/ID
DDS-1	DDS Eligibility Application dated 10/25/2024	
DDS- 2	DDS Denial 12/10/2024	
DDS-3	Second Review by Dr. Margaret Rudin, Ph.D. 12/09/2024	
DDS-4	Neuropsychological Evaluation 1/19/2023	
DDS-5	Educational Evaluation 11/27/2023	
DDS-6	Psycho-educational evaluation 12/10/2023	
DDS-7	IEP 11/07/2022	
DDS-8	IEP 11/02/2023 #1	
DDS-9	IEP 11/02/2023 #2	
DDS-10	Health Assessment Record 12/12/2023	
DDS-11		
DDS-12		
DDS-13		
DDS-14		

Petitioner Exhibits		
	Description	Admitted/ID
P-1		