

FINAL DECISION

Sent via email [REDACTED]

Certified Mail [REDACTED]

September 4, 2025

[REDACTED]

RE: Final Decision

Dear [REDACTED]

On **July 23rd**, 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 not 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, 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.



Elisa F. Velardo
Deputy Commissioner
Designee of 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 July 2, 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 February 20, 2025 by [REDACTED], the Petitioner's mother. HO2, Transcript(T) page 17

Parties in Attendance:

[REDACTED]

Mother

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 July 2, 2025 and the exhibits as attached hereto as Eligibility Hearing Exhibit List.

Finding of Facts:

1. On January 7, 2025, [REDACTED] made an application to DDS to determine if [REDACTED] is qualified for intellectual disability services. She has a background as a social worker and a special education teacher. T 27. [REDACTED] suffered a traumatic brain injury resulting from a September 15, 202 fall. Intellectual disability was diagnosed by the neuropsychological evaluation of September 1, 2022 when [REDACTED] was [REDACTED] years old when his full scale IQ was 57. His evaluation used WPPIS IV. T page 18. [REDACTED] date of birth is [REDACTED] and he lives with his parents in their [REDACTED] Connecticut home. DDS 1 and 2. T page 18.
2. [REDACTED] was denied for intellectual disability services by DDS letter dated February 18, 2025. The denial was based on the Adaptive Behavior Assessment using the ABAS II and Sal scored a 98. T 19. A September 18, 2023 Neuropsychological evaluation of [REDACTED] when he was [REDACTED] years of age resulted in a full-scale IQ of 58. T 19. [REDACTED] Adaptive Functioning ABAS II scores were conceptual of 87 and composite score of 94. T 20.
3. [REDACTED] right eye vision is very limited since his 2020 injury. Despite a number of surgeries his depth perception is very limited. T 20. The [REDACTED] School Evaluation Report of July 15, 2024 was when [REDACTED] was [REDACTED] years and [REDACTED] months old. Then his ABAS II composite was 94. T 21. The December 20, 2024 neuropsychological evaluation was limited due to [REDACTED] hospitalizations. Yet, his adaptive functioning was deemed average. T 21. There were cognitive weaknesses in language and attention. T 22.
4. [REDACTED] deficits in attention, complex medical history, and hospitalizations and his average adaptive functioning makes it difficult to conclude a diagnosis of intellectual developmental disability. T 22, 26 and 39. The January 9, 2025 [REDACTED] [REDACTED] notes on [REDACTED] refer to a history of anxiety, hyperactivity disorder, speech delay and vision loss. T 23.
5. While the parent's adaptive behavior rating is 64, the special education teacher rating is 83 and [REDACTED] first grade teacher rating is a79. T 31. The BASC stresses hyperactivity and attention as areas of concern. The March 16 and 19 2025 BASC III scores for adaptive behavior was a composite of 70. T 32 and 38.

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 pages 17 and 18. 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


While [REDACTED] IQ score is in the 50s his Adaptive Behavior scores are average or higher. [REDACTED] can not meet the intellectual disability standard as defined by Connecticut General Statute 1-1g. His full-scale IQ cannot be used as it is not reliable at such a young age but after 8 years of age the IQ scores are more meaningful. [REDACTED] complicated medical history, hospitalizations, anxiety, attention deficits, hyperactivity disorder makes it difficult to categorize his struggles as stemming from Intellectual disabilities. Furthermore, his Adaptive Behavior scores must represent significant deficits at the same time as his intellectual deficits meeting Connecticut General Statutes 1.1g. Thus, both deficits must occur concurrently or at the same time.

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.

7-22-2025

Eligibility Hearing Exhibit List

Case Name	
Hearing Date/Time	July 2, 2025.
Hearing Officer	Attorney Thomas C. McNeil, Jr.

Hearing Officer Exhibits		
	Description	Admitted/ID
HO-1	Denial dated 2/18/2025	
HO-2	Request for hearing dated 2/20/2025	
HO-3	Notice of hearing dated 2/26/2025	
HO-4		
HO-5		
DDS Exhibits		
	Description	Admitted/ID
DDS-1	DDS Eligibility Application dated 1/7/2025	
DDS-2	DDS Denial 2/18/2025	
DDS-3	Second Review by Dr. Margaret Rudin, Ph.D. 2/10/2025	
DDS-4	Clinical Neuropsychological Evaluation 9/19/2022	
DDS-5	Clinical Neuropsychological Evaluation 9/11& 9/12/2023	
DDS-6	Public Schools Evaluation Report 07/09/2024	
DDS-7	Clinical Neuropsychological Evaluation	
DDS-8	Notes from Care Team 01/09/25	
DDS-9	Medical Notes 2/12/2025	
DDS-10	Individualized Education Program 7/15/2024	
DDS-11	Individualized Education Program 01/30/2025	
Petitioner Exhibits		
	Description	Admitted/ID
P-1	DDS Denial dated 2/18/2025	
P-2	Appeal letter dated 5/23/2025	
P-3	Neuropsychological Evaluation 11/11, 11/13 & 11/20/2024	
P-4	IEP dated 01/30/2025	
P-5	Letter from [REDACTED], MD at [REDACTED] 2/24/2025	
P-6	Psycho-Educational Report 3/16/2025, 3/19/2025	
P-7	Medical Visit Details 5/21/2025	
P-8	Letter from [REDACTED], DO at [REDACTED] dated 5/27/2025	
P-9	IEP Dates: 03/03/2025 - 07/15/2025	
P-10	IEP dated 5/29/2025	