

**FINAL DECISION**

Sent via email [REDACTED] Certified Mail [REDACTED]

October 23, 2025

[REDACTED]

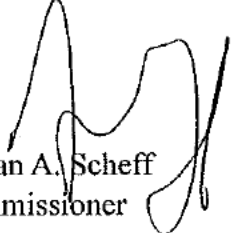
RE: Final Decision

Dear [REDACTED]

On **August 19<sup>th</sup>**, 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, 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: Wendy Mongillo, 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]

June 2, 2025

**INTRODUCTION:**

On March 28, 2025 and June 2, 2025 at 10:00 a.m. a hearing was held 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 Section 1-1g. The request for hearing was filed on October 17, 2024 by [REDACTED] who is the parent and legal guardian of the Applicant.

**Name of Attendees:**

[REDACTED]	Applicant's Mother
Gerald Gore, Esq.	Counsel for DDS
[REDACTED]	Counsel for Applicant
[REDACTED]	Law Student intern with [REDACTED]
[REDACTED]	Law Student intern with [REDACTED]
[REDACTED]	Executor Director of Student Services, Special Education for [REDACTED] Public Schools
[REDACTED]	[REDACTED] Corporation Counsel
[REDACTED]	Director of [REDACTED] School
[REDACTED]	Occupational Therapist at [REDACTED] School

Dr. Kathleen Murphy

DDS Psychologist Eligibility Unit

[REDACTED]

School Psychologist, [REDACTED] Public School

[REDACTED]

[REDACTED] Corporation Counsel

**Statement of Issues**

Is [REDACTED] eligible for services from the Department of Developmental Services?

**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 DDS Denial Letter Dated 8/21/2024

HO-2 Request for Appeal Hearing Dated 10/17/2024

HO-3 Appearance of Attorney Date 2/4/2025

HO-4 Notice of Hearing Dated 2/7/2025

DDS-1 DDS Eligibility Application 7/8/2024

DDS-2 DDS Denial Dated 8/21/2024

DDS-3 Second Review by Dr. Margaret Rudin, Ph.D. Dated 8/19/2024

DDS-4 Psycho-Educational Evaluation Date 4/22/2013

DDS-5 Psycho-Educational Evaluation Date 1/4/2019

DDS-6 Psycho-Educational Evaluation Date 12/13/2021 & 12/14/2021

DDS-7 IEP Dated 11/22/2022

DDS-8 IEP Dated 10/26/2023

DDS-9 IEP Dated 2/23/2024

P-1 Timeline

P-2 Psycho-Educational Evaluation 2010

P-3 ELA2010

P-4	Psycho—Educational Evaluation 2013
P-5	Vineland 2013
P-6	Speech Evaluation 2013
P-7	IEP 2015
P-8	Psycho—Educational Evaluation 2018
P-9	Psycho—Educational Evaluation 2021
P-10	DR Letter date 3/17/2025

**Finding of Facts:**

The exhibits entered into evidence, along with sworn testimony at the hearing result in the following findings:

1. [REDACTED] is a resident of the State of Connecticut as he resides in the Town of [REDACTED] Connecticut
2. At the time of the hearing, [REDACTED] born [REDACTED] was [REDACTED] years old.
3. The evaluations, test results and documents examined by Dr. Kathleen Murphy did not find the Applicant to be intellectually disabled within the Applicant's developmental period, as defined by Connecticut General Statutes Section 1-1g. The evaluations and testing performed on the Applicant did not demonstrate significant limitations in intellectual functioning or that significant deficits in adaptive behaviors existed during the developmental period thus not meeting the statutory criteria of Connecticut General Statutes Section 1-1g. (Testimony K Murphy, DDS, Exhibits 1-9)
4. DDS Exhibit 3 Second Review by Margaret Rudin Ph.D. date 8/19/2024 indicates that after a review of the information that she concurs with Dr. Kathleen Murphy's determination of ineligibility pursuant to Connecticut General Statute. (Testimony K. Murphy; DDS Exhibit 3)
5. That DDS Exhibit 4 Psychoeducational Evaluation dated 4/22/2014 "indicated that the Applicant was unable to comply with the demands of standardized testing and it was challenging to test him due to his behavioral issues. That the Gilliam Autism Rating Scale, the second edition (GARS) fell in the possibly autistic range at that time and he was found eligible to receive special education services with an exceptionality of autism." (Testimony K. Murphy; DDS Exhibit 4)
6. That Exhibit 4 also indicated that a "Kaufman Assessment Battery for Children, Second Edition was performed and they were able to do a specific subset, but not the complete

testing because of his autism related symptoms, and that the subtest just came out to the general classification that said it was borderline...A borderline level of intelligence is equivalent to standard scored of 70 to 79 IQ score." (Testimony K. Murphy; DDS Exhibit 4)

7. That DDS Exhibit 5 notes that in 2016 the Applicants "full scale IQ score fell in the average range of 98" (Testimony K. Murphy; DDS Exhibit 5)
8. That the Applicant's full scale IQ score in 2016 on the UNIT (Universal Nonverbal Intelligence Test) was 98 . His full Scale IQ score on the UNIT in 2018 was 40 which is a 58 point drop which is "rare and uncommon and atypical" (Testimony K. Murphy DDS Exhibit 5)
9. That DDS 5 indicated that there were two evaluations dated, December 13 of 2021 and December 14 of 2021 when the Applicant was [REDACTED] years of age. The evaluation type was listed as a reevaluation, but no cognitive or adaptive testing was done, but they reviewed the UNIT given in 2018 and reviewed the Behavior Assessment System for Children, Third Edition. It noted that in January 2019, in the UNIT the Applicant obtained a full scale IQ standard score of 40 and goes on to state "it is thought that this score may be an underestimation of his true potential" however no additional testing was done. " (Testimony K. Murphy; DDS Exhibit 5)
10. That "there was no diagnosis of intellectual disability as he was exiting the developmental period, and the school system chose not to provide updated cognitive and adaptive behavior testing, so as he was exiting the developmental period, it's significant that he carried a diagnosis of autism, other reduced mobility and impaired mobility, diagnosis code given in a few places in DDS-6" (Testimony K. Murphy; DDS Exhibit 6)
11. That it was documented that the Applicant developed catatonia which interfered with his functioning, there was further testimony that his catatonia was so severe it required lengthy hospitalizations.
12. "That his drop in IQ and his variable behavior seemed to be secondary to psychiatric issues, namely autism with the latter development of catatonia and the catatonia seemed to be impacting a number of things, his ability to do testing, his ability to attend school for a good while, his sleeping, eating and his ability to use the restroom" (Testimony K. Murphy; DDS Exhibit 7)
13. That testimony was given by the Applicant's doctor that "Catatonia is a syndrome, meaning it's a collection of symptoms, And it's a collection of symptoms that show that someone has undergone some neurological developmental deterioration over time. And those symptoms....includes many things that are typical of lots of kids with autism. [REDACTED] has all the features of autism when I first met him...the way you distinguish autism from catatonia, because catatonia can be a rare complication of autism, is that

catatonia presents as a change in their level of functioning where they really kind of deteriorate over time.” (Testimony [REDACTED])

14. That a representative from the Applicant’s school indicated that the Applicant demonstrated behaviors that were characteristic of an individual that would have a diagnosis of autism. (Testimony [REDACTED])
15. That [REDACTED] further testified that as the supervising school psychologist “We evaluated him and determined that he qualified for an IEP under autism. We don’t medically diagnose, we provide educational diagnosis.” (Testimony [REDACTED])
16. That the Applicant is a student at [REDACTED] school in [REDACTED] where “everybody in our program has a diagnosis of intellectual disability” (Testimony [REDACTED], director of [REDACTED] school)
17. That [REDACTED], director of [REDACTED] testified that concerning the school’s diagnosis of intellectual disability that “I guess our ([REDACTED] admission criteria is maybe different than yours (DDS), because it’s not just one piece of the information that we are looking at. We’re looking at a number of different things, but we would be looking for somebody who was significantly impaired. (Testimony [REDACTED] director of [REDACTED] school)

#### **Definition of Intellectual Disability:**

According to Connecticut General Statutes Section 1-1g, in order to be eligible for supports or services from the Department of Developmental Services for an intellectual disability, an individual must demonstrate significant limitations in intellectual functioning and deficits in adaptive behavior that originated during the developmental period before eighteen years of age (emphasis added).

#### **Discussion:**

While the Applicant clearly has limitations and requires assistance, guidance and support there is not enough information supplied to DDS to establish that he was intellectually disabled pursuant to Connecticut State Statutes during the developmental period before eighteen years of age. The record does not demonstrate that the Applicant’s deficits in intellectual functioning or adaptive behaviors fell within the intellectually disabled range during said developmental period. While the Applicant did appear to have a significant drop in his IQ, testimony seems to indicate that such a drop is a rarity and unusual. In Addition, there is testimony that the Applicant was consistently diagnosed with Autism and that the Applicant and also suffered from catatonia which could have affected the score. It is noted that no other

psychoeducational testing was completed after the lower IQ score. Furthermore, there seems to be no diagnosis of an Intellectual Disability in any of the records presented. All the Applicant's school records show that Autism is his primary diagnosis. While there was testimony that a person must have an intellectual disability to attend [REDACTED] it was conceded that [REDACTED] criteria may not be the same as that of the Connecticut General Statute. As such the statutory requirements of the Connecticut General Statute Section 1-1g have not been satisfied in the present case.

**Conclusion:**

The Applicant is not eligible for services from the Department of Developmental Services based on intellectual disabilities, as she does not meet the criteria for services as defined in Connecticut General Statute Section 1-1g. The Applicant, however, may be eligible for services/benefits through other Federal and State agencies and programs.

This decision shall be submitted to all parties and the Commissioner. The parties may submit written comments in support or opposition to this proposed decision within ten days of receipt hereof.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read "Wendy Mongillo", with a stylized flourish at the end.

Hearing Officer

Wendy Mongillo