

FINAL DECISION

Sent via email [REDACTED]

Certified Mail [REDACTED]

October 23, 2025

[REDACTED]

RE: Final Decision

Dear [REDACTED]

On **August 6th**, 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.


Jordan A. Scheff
Commissioner

Enclosures

cc: Frank Forgione, 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]

August 5, 2025

Introduction:

A remote hearing via Microsoft Teams was held on July 30, 2025 to determine the eligibility of the Petitioner, [REDACTED] for services from the Department of Developmental Services (DDS) pursuant to Connecticut General Statutes, Section 1-1g.

The following individuals were present at the hearing held on July 30, 2025:

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

The following exhibits were entered into evidence:

Hearing Officer 1	DDS Denial Letter 2/3/2025, Dr. Murphy
Hearing Officer 2	Request for Hearing 2/25/2025
Hearing Officer 3	Notice of Hearing 3/6/2025
DDS 1	Eligibility Application dated 1/15/2025
DDS 2	DDS Denial Letter 2/3/2025, Dr. Murphy
DDS 3	DDS Second Review 1/29/2025, Dr. Rudin
DDS 4	Autism Spectrum Services Program Eligibility Letter 2/3/2025
DDS 5	Psychological Assessment – Testing Dates: 9/22/2016 and 9/26/2016
DDS 6	Psychological Assessment – Test Date: 2/26/2019
DDS 7	Individualized Education Program(IEP), Meeting Date: April 30, 2019
DDS 8	Individualized Education Program(IEP), Meeting Date: May 12, 2021

Statement of the Issue:

Is [REDACTED] eligible for DDS services pursuant to Connecticut General Statutes, Section 1-1g?

Findings of Fact:

1. [REDACTED] resides at [REDACTED]
2. [REDACTED] date of birth is [REDACTED]
3. [REDACTED] is the mother of [REDACTED]
4. [REDACTED] is the father of [REDACTED]
5. Dr. Margaret Rudin is a psychologist for the Department of Developmental Services.
6. When [REDACTED] was [REDACTED] years old, a psychological assessment was administered by [REDACTED] NCSP School Psychologist. See DDS 5.
7. [REDACTED] scored a full scale IQ of 72 on the Wechsler Intelligence Scale for Children-Fifth Edition (WISC-V) which was administered as part of the psychological assessment. See DDS 5.
8. The Behavior Assessment System for Children-3rd Edition(BASC-3) was administered as part of the psychological assessment. The T-scores for Adaptive Skills were 34 (Mr. [REDACTED]), 36 (Ms. [REDACTED]) and 40 (Mrs. [REDACTED] special education teacher). See DDS 5.
9. Dr. Rudin testified that according to the conversion chart which she shared with the parties during the hearing, a T-score of 34 equates to a standard score of 76; a T-score of 36 equates to a standard score of 79 and a T-score of 40 equates to a standard score of 85.
10. The T-scores do not fall more than two standard deviations below the mean of 100.
11. When [REDACTED] was [REDACTED] years old, a psychological assessment was administered by [REDACTED] PhD, NCSP. See DDS 6.
12. [REDACTED] scored a full scale IQ of 73 on the Wechsler Intelligence Scale for Children-Fifth Edition (WISC-V) which was administered as part of the psychological assessment. See DDS 6.
13. The Behavior Assessment System for Children-3rd Edition(BASC-3) was administered as part of the psychological assessment. The T-scores for Adaptive

Skills were 39 (Mr. [REDACTED]), 46 ([REDACTED]), 41 ([REDACTED]), 43 ([REDACTED]) and 45 ([REDACTED]). See DDS 6.

14. [REDACTED], [REDACTED], [REDACTED] and [REDACTED] were all teachers of [REDACTED].
15. Dr. Rudin testified that according to the conversion chart, a T-score of 39 equates to a standard score of 83; a T-score of 46 equates to a standard score of 94; a T-score of 43 equates to a standard score of 89 and a T-score of 45 equates to a standard score of 92.
16. The T-scores do not fall more than two standard deviations below the mean of 100.
17. Dr. [REDACTED] states in her psychological assessment that "the results of this evaluation are considered to be an accurate measure of [REDACTED] current level of functioning."
18. Both of the IEP's (See DDS 7 and 8) state that [REDACTED] primary disability is autism.
19. Although the Department of Developmental Services has determined that [REDACTED] meets the eligibility criteria for the Autism Spectrum Services Program and is therefore eligible to receive services from the Autism Spectrum Services Program, there is a lengthy wait list.

Definitions:

Pursuant to section 1-1g of the Connecticut General Statutes, in order to be eligible for supports or services from the Department of Developmental Services due to an intellectual disability, an individual must demonstrate a significant limitation in intellectual functioning and deficits in adaptive behavior that originated during the developmental period, i.e., before the age of 18. Section 1-1g provides:

- (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.

An intelligence quotient of more than two standard deviations below the mean equates to an IQ score of 69 or lower. Christopher R. v. Commissioner, 277 Conn. 594 (2006).

The petitioner has the burden to prove that he meets the eligibility criteria for DDS services. *Id.*

Discussion:

In order to meet the qualifications for intellectual disability under CGS 1-1g and receive services from DDS, [REDACTED] must prove by a preponderance of the evidence that he experiences concurrent significant limitations in intellectual functioning and adaptive behavior that originated, that is, first occurred, during the developmental period. Such limitations must be measured by tests that are individualized, standardized and clinically and culturally appropriate.

The full-scale IQ scores set forth in the psychological assessments were 72 and 73, both of which are above the IQ threshold of 69. [REDACTED] adaptive skills scores when converted to the standard scale also exceeded the threshold of 69. Since [REDACTED] full-scale IQ scores exceeded 69, the preponderance of the evidence does not demonstrate that he meets the standard of intellectual disability, as that term is defined by CGS 1-1g, and thus does not meet the eligibility criteria for DDS services as an individual with intellectual disability. In order to be eligible for services from DDS as an individual with intellectual disability, [REDACTED] IQ and Adaptive Skills scores must **both** be below 70. The test results from [REDACTED] developmental period indicate that both his IQ and Adaptive Skills scores were above the threshold of 69.

Conclusion:

██████████ is not eligible for DDS services as an individual with intellectual disability.



Francis J. Forgione
Hearing Officer