

FINAL DECISION

Sent via email [REDACTED]

Certified Mail [REDACTED]

November 14, 2025

[REDACTED]

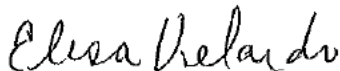
RE: Final Decision

Dear [REDACTED]

On **October 15th**, 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 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]

October 14, 2025

Introduction:

A remote hearing via Microsoft Teams was held on October 1, 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 October 1, 2025:

[REDACTED]	Father of [REDACTED]
[REDACTED]	Mother of [REDACTED]
[REDACTED]	School Psychologist at [REDACTED]
[REDACTED]	Assistant Director of Special Education and
	Administrator of [REDACTED] program in the [REDACTED]
	public schools
Dr. [REDACTED]	Psychiatric Adolescent Nurse Practitioner and
	Medication provider for [REDACTED]
Dr. Margaret Rudin	Psychologist for the Department of
	Developmental Services

The following exhibits were entered into evidence:

Hearing Officer-1	DDS Denial Eligibility 4/7/2025
Hearing Officer-2	Request for Hearing 4/9/2025
Hearing Officer-3	Notice of Hearing 4/21/2025
DDS-1	DDS Eligibility Application 9/23/2024
DDS-2	DDS Denial Eligibility 4/7/2025
DDS-3	DDS Second Review Dr. Rudin 4/1/2025
DDS-4	Autism Spectrum Services letter 4/7/2025
DDS-5	Psychological-Educational Evaluation 3/17/2022
DDS-6	Education Evaluation Report 3/17/2022
DDS-7	Individual Education Program (IEP) 3/17/2022
DDS-8	Neuropsychological Evaluation: Date of Report 1/17/2023, but date should be 1/17/2024
DDS-9	Speech and Language Re-evaluation 2/17/2024
DDS-10	IEP 2/27/2024
DDS-11	IEP 2/24/2025

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] Ct but is currently placed at [REDACTED] in [REDACTED] CT.
2. [REDACTED]'s date of birth is [REDACTED].
3. [REDACTED] is the mother of [REDACTED].
4. [REDACTED] is the father of [REDACTED].
5. [REDACTED] has been diagnosed with Smith-Magenis Syndrome which, according to Dr. [REDACTED], affects behavior, sleep and physical development. Smith-Magenis Syndrome is associated with developmental delays and, according to Dr. [REDACTED], affects all areas of [REDACTED] life.
6. [REDACTED] has been diagnosed with autism and has been found eligible to receive services from the Autism Spectrum Services Program.
7. In 2022 [REDACTED] underwent an educational/psychological evaluation. See DDS-5.
8. As part of the educational/psychological evaluation, the Wechsler Intelligence Scale for Children V (WISC-V) was administered. A full scale IQ score was not reported.
9. On the Vineland-3, which is a standardized measure of adaptive behavior, [REDACTED] scored 76 on the parent scale([REDACTED]) and a 72 on the teacher scale([REDACTED]). See DDS-5.
10. On the Kaufman Test of Educational Achievement-III (KTEA-III) the following test results were achieved by [REDACTED] Silent Reading Fluency – 81; Reading Comprehension – 97; Reading Vocabulary – 61; Math Computation – 85; Math Fluency – 69; Written Expression – 74; Writing Fluency – 65; Spelling – 104;

Listening Comprehension – 74. The school psychologist, [REDACTED], explained that “[REDACTED] demonstrates average cognitive abilities...”

11. [REDACTED] underwent a Neuropsychological Evaluation over a series of five days in October and November, 2023 conducted by Dr. [REDACTED]. See DDS-8. [REDACTED] attained a full scale IQ score of 65 on the Wechsler Intelligence Scale for Children -5th Edition (WISC-V). However, the subtest scores ranged from 45 to 78 on the WISC-V. See DDS 8, page 14 of the Neuropsychological Evaluation. Dr. Rudin explained that due to the scatter of the IQ subtest scores, the full scale IQ score of 65 was not a reliable score and not an accurate measure of [REDACTED] cognitive abilities.
12. [REDACTED] achievement test scores on the Wechsler Individual Achievement Test-4th Edition (WIAT-IV, see pages 22-23 of DDS 8) ranged from 78 to 121 which, according to Dr. Rudin, are fairly average.
13. The aforesaid Neuropsychological Evaluation conducted in 2023 was done before [REDACTED] diagnosis of Smith-Magenis Syndrome.
14. As part of the Neuropsychological Evaluation conducted in 2023, the Vineland-3 was administered and [REDACTED] received adaptive behavior composite scores of 75 from his mother, 71 from his father and 83 from his teacher, Ms. [REDACTED].
15. As part of the Neuropsychological Evaluation conducted in 2023, [REDACTED] mother, father and teacher completed the Behavior Assessment System for Children, Third Edition BASC-3). [REDACTED] T score for adaptive skills as rated by his mother was found to be a 33, which equates to standard score of 74. [REDACTED] T score for adaptive skills as rated by his father was found to be a 31, which equates to standard score of 71. [REDACTED] T score for adaptive skills as rated by his teacher, Ms. [REDACTED], was found to be a 49, which equates to standard score of 98.
16. [REDACTED] testified that her son’s cognitive abilities are regressing and that he is falling further and further behind as he gets older.

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 score of 65 on the Wechsler Intelligence Scale for Children -5th Edition (WISC-V) was found to be an unreliable measure of [REDACTED] cognitive ability by Dr. Rudin due to the scatter of scoring on the subtests. Moreover, although the achievement test scores from the WIAT-IV are not used to determine eligibility, the scores indicate a greater cognitive ability than demonstrated by the full scale IQ score of 65. Due to the

large gap of 33 points on subtests of the WISC-V, the IQ score of 65 is not an accurate measure of [REDACTED] cognitive ability when determining whether he has a significant limitation in intellectual functioning.

On the adaptive behavior tests from the Vineland-3 in 2022, [REDACTED] scores were found to be 76 and 83. On the adaptive behavior tests from the Vineland-3 in 2023, [REDACTED] scores were found to be 71, 75 and 83. His T scores of 31, 33 and 49 on the Behavior Assessment System for Children, Third Edition (BASC – 3) equate to standard scores of 71, 74 and 98.

In order to be establish the existence of an intellectual disability, the petitioner must prove by a preponderance of the evidence that he experiences a significant limitation in intellectual functioning existing concurrently with a deficit in adaptive behavior that originated before the age of 18. Since [REDACTED] full-scale IQ score of 65 is not a reliable measure of his intellectual functioning, the petitioner has failed to prove that he has an intelligence quotient of more than two standard deviations below the mean, i.e. 69 or lower. Moreover, [REDACTED] adaptive behavior scores on the Vineland-3 and his scores on the BASC-3, do not satisfy the criteria for deficits in adaptive behavior as defined by section 1-1g of the Connecticut General Statutes.

The preponderance of the evidence does not demonstrate that [REDACTED] 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.

Conclusion:

[REDACTED] is not eligible for DDS services as an individual with intellectual disability.



Francis J. Forgnone
Hearing Officer