

FINAL DECISION

	Sent via email	Certified Mail
Noven	nber 14, 2025	
RE: Fi	nal Decision	
Dear .		•
to rece had te	on (10) business days from receipt of the p	ng officer regarding the eligibility of mental Services was sent to you and all parties. Parties proposed decision to submit comments in support or oner. No comments were submitted on behalf of DDS.
command fir	ents received, I agree with the hearing office	rd, including exhibits submitted at the hearing and er, adopt the Proposed Decision as the Final Decision, ervices of the Department of Developmental Services g.
Conne		e the right, in accordance with Section 4-183 of the erior Court. Such an appeal must be submitted within sion.
Pl	ina Welando	

Elisa F. Velardo

Deputy Commissioner Designee of Jordan Scheff

Commissioner

Enclosures

Frank Forgione, Esq., Hearing Officer cc:

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:	October 1, 2025
Introduction:	
A remote hearing via Microsoft Te	ams was held on September 24, 2025 to determine the
eligibility of the Petitioner,	, for services from the Department of
Developmental Services (DDS) pu	rsuant to Connecticut General Statutes, Section 1-1g.
The following individuals were pre	esent at the hearing held on September 24, 2025:
	Father of Mother of
Gerald Gore	Attorney for Department of Developmental Services
Dr. l	Pediatric Neuropsychologist
Dr. Kathleen Murphy	Director of Eligibility for the Department of Developmental Services

The following exhibits were entered into evidence:

Hearing Officer 1	DDS Denial Eligibility 9/9/2024
Hearing Officer 2	Request for Hearing 10/24/2024
Hearing Officer 3	Attorney Appearance
Hearing Officer 4	Notice of Hearing 12/11/2024
Hearing Officer 5	Motion to Withdraw Appearance 5/23/2025
Hearing Officer 6	Motion for Continuance 3/24/2025
Hearing Officer 7	Hearing Officer Ruling on Motion to Withdraw
	Appearance 6/3/2025
Hearing Officer 8	DDS' Position re: Request for Continuance
	3/24/2025
Hearing Officer 9	Hearing Officer Ruling on Continuance 3/24/2025
Hearing Officer 10	Notice of Hearing 3/25/2025
DDS 1	DDS Eligibility Application 3/5/2024
DDS 2	DDS Denial Eligibility 9/9/2024
DDS 3	DDS Second Review Dr. Rudin 9/6/2024
DDS 4	Neuropsychological Evaluation 5/22/2024
DDS 5	Speech and Language Assessment 5/24 &
	5/31/2024
DDS 6	Student Evaluation Summary 5/30 & 6/14/2024

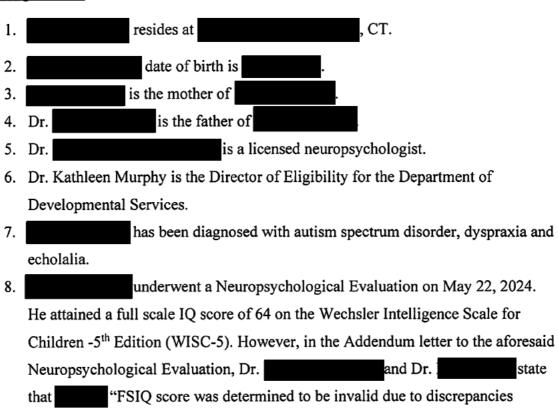
Individual Education Program (IEP) 6/3/2022
IEP 5/24/2023
IEP 5/23/2024
Psychoeducational Evaluation, testing dates
6/6/2024-6/17/2024
Request for Hearing 10/24/2024
Neuropsychological Addendum Letter to 5/22/2024
Evaluation prepared 10/24/2024
Dr. letter 8/20/2024
Occupational Therapy Evaluation
and Treatment Plan 7/14/2025
ABA Treatment Plan 1/24/2025
Speech & Language Re-Evaluation
7/15, 7/22, 8/5, 8/19/2025

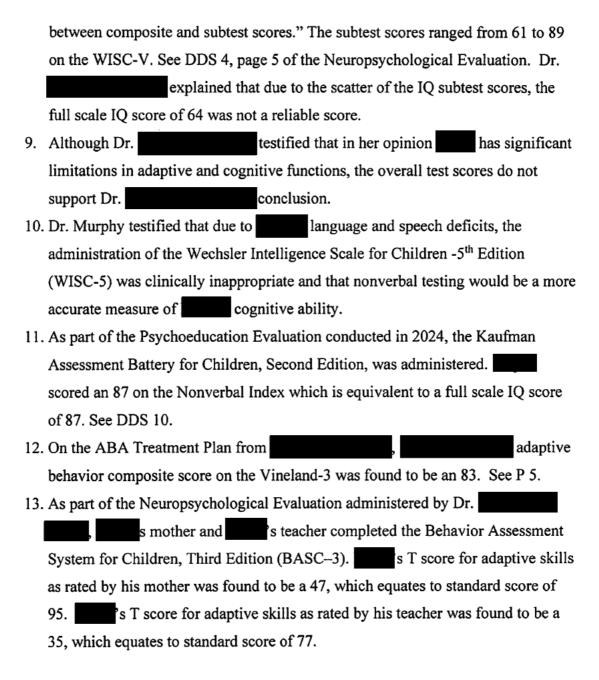
Statement of the Issue:

B

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

Findings of Fact:





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, 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 64 on the Wechsler Intelligence Scale for Children -5th Edition (WISC-5) was found to be invalid by the tester, Dr. Accordingly said score of 64 must be disregarded when determining whether has a significant limitation in intellectual functioning. On the Kaufman Assessment Battery for Children, Second Edition, scored an 87.

On the adaptive behavior tests, scored an 83 on the Vineland -3. His T scores of 47 and 35 on the Behavior Assessment System for Children, Third Edition (BASC -3) equate to standard scores of 95 and 77.

In order to be establish the existence of an intellectual disability, the petitioner must prove a deficit in adaptive behavior that exists **concurrently** with a significant limitation in intellectual functioning that originated before the age of 18. Since studies full-scale IQ score of 64 is not a valid 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. In fact, the Kaufman Assessment Battery for Children, Second Edition, established that has a full scale IQ of 87. Moreover, sadaptive behavior scores of 83 on the Vineland-3 and T scores on the BASC-3 of 47 and 35, which equate to standard scores of 95 and 77, 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 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:

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

Francis J. Forgione Hearing Officer