

FINAL DECISION

Sent via email [REDACTED]

Certified Mail [REDACTED]

November 14, 2025

[REDACTED]

RE: Final Decision

Dear [REDACTED]

On **October 2nd**, 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 and comments received, 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 Velardo

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 1, 2025

Introduction:

A remote hearing via Microsoft Teams was held on September 24, 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 September 24, 2025:

[REDACTED]	Father of [REDACTED]
[REDACTED]	Mother of [REDACTED]
Gerald Gore	Attorney for Department of Developmental Services
Dr. [REDACTED]	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

DDS 7	Individual Education Program (IEP) 6/3/2022
DDS 8	IEP 5/24/2023
DDS 9	IEP 5/23/2024
DDS 10	Psychoeducational Evaluation, testing dates 6/6/2024-6/17/2024
P 1	Request for Hearing 10/24/2024
P 2	Neuropsychological Addendum Letter to 5/22/2024 Evaluation prepared 10/24/2024
P 3	Dr. [REDACTED] letter 8/20/2024
P 4	[REDACTED] Occupational Therapy Evaluation and Treatment Plan 7/14/2025
P 5	[REDACTED] ABA Treatment Plan 1/24/2025
P 6	[REDACTED] Speech & Language Re-Evaluation 7/15, 7/22, 8/5, 8/19/2025

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.
2. [REDACTED] date of birth is [REDACTED].
3. [REDACTED] is the mother of [REDACTED].
4. Dr. [REDACTED] is the father of [REDACTED].
5. Dr. [REDACTED] is a licensed neuropsychologist.
6. Dr. Kathleen Murphy is the Director of Eligibility for the Department of Developmental Services.
7. [REDACTED] has been diagnosed with autism spectrum disorder, dyspraxia and echolalia.
8. [REDACTED] underwent a Neuropsychological Evaluation on May 22, 2024. He attained a full scale IQ score of 64 on the Wechsler Intelligence Scale for Children -5th Edition (WISC-5). However, in the Addendum letter to the aforesaid Neuropsychological Evaluation, Dr. [REDACTED] and Dr. [REDACTED] state that [REDACTED] "FSIQ score was determined to be invalid due to discrepancies

- between composite and subtest scores.” The subtest scores ranged from 61 to 89 on the WISC-V. See DDS 4, page 5 of the Neuropsychological Evaluation. Dr. [REDACTED] explained that due to the scatter of the IQ subtest scores, the full scale IQ score of 64 was not a reliable score.
9. Although Dr. [REDACTED] testified that in her opinion [REDACTED] has significant limitations in adaptive and cognitive functions, the overall test scores do not support Dr. [REDACTED] conclusion.
 10. Dr. Murphy testified that due to [REDACTED] language and speech deficits, the administration of the Wechsler Intelligence Scale for Children -5th Edition (WISC-5) was clinically inappropriate and that nonverbal testing would be a more accurate measure of [REDACTED] cognitive ability.
 11. As part of the Psychoeducation Evaluation conducted in 2024, the Kaufman Assessment Battery for Children, Second Edition, was administered. [REDACTED] scored an 87 on the Nonverbal Index which is equivalent to a full scale IQ score of 87. See DDS 10.
 12. On the ABA Treatment Plan from [REDACTED], [REDACTED] adaptive behavior composite score on the Vineland-3 was found to be an 83. See P 5.
 13. As part of the Neuropsychological Evaluation administered by Dr. [REDACTED], [REDACTED]’s mother and [REDACTED]’s teacher completed the Behavior Assessment System for Children, Third Edition (BASC-3). [REDACTED]’s T score for adaptive skills as rated by his mother was found to be a 47, which equates to standard score of 95. [REDACTED]’s T score for adaptive skills as rated by his teacher was found to be a 35, which equates to standard score of 77.

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

On the adaptive behavior tests, [REDACTED] 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 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 [REDACTED]'s 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 [REDACTED] has a full scale IQ of 87. Moreover, [REDACTED]'s adaptive 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 [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. Forgione
Hearing Officer