

**FINAL DECISION**

Sent via email [REDACTED]

Certified Mail [REDACTED]

December 18, 2025


RE: Final Decision

Dear [REDACTED]

On **November 6<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 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: Thomas C. McNeil Jr., 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]

**Introduction:**

On October 9, 2025 at 10am, a remote hearing was held pursuant to hearing guideline issued by the Department of Developmental Services, 460 Capital Avenue in Hartford, Connecticut to determine the eligibility of [REDACTED] for services from the Department of Developmental Services (DDS) pursuant to Connecticut General Statutes §1-1g. The request for a hearing was filed on September 18, 2024 by [REDACTED], the Petitioner's mother. HO 2, Transcript page 17.

**Parties in Attendance:**

[REDACTED]	Petitioner
[REDACTED]	Mother
[REDACTED]	Father
[REDACTED]	Director Student Services, [REDACTED] Schools
[REDACTED]	Sharp Training, Vocational Transitions
Dr. Margaret Rudin	DDS Clinical Psychologist

**Statement of Issue:**

Does [REDACTED] meet the requirements of Connecticut General Statutes §1-1g making him eligible for offerings by Department of Development Services?

**Exhibits entered into Evidence:**

The sworn testimony of October 9, 2025 and the exhibits as attached hereto as Eligibility Hearing Exhibit List.

### Finding of Facts:

1. [REDACTED] was born on [REDACTED]. Petitioner lives at [REDACTED], Connecticut [REDACTED] with his mother. [REDACTED] submitted a December 12, 2023 application to DDS for intellectual disability and for autism spectrum disorder services. The requests for services have been diagnosed by Dr. [REDACTED] evaluations on September 6, 2023. DDS 1 and HO 2. Dr. [REDACTED] issued an October 4, 2024 letter designating a full scale IQ for [REDACTED] as being at 66. Since [REDACTED] was 21 and 23 years of age at the time of the [REDACTED] evaluations those scores cannot be used because they are outside of the developmental period (between birth and before 18 years of age) as provided by Connecticut State Law. T pages 21 to 23.
2. On September 18, 2024, DDS issued a wait listing letter to [REDACTED] for the autism spectrum disorder services. However, the letter makes available Autism Resources Specialists who can be a resource to [REDACTED] while on the waiting list for services. Dr. Kathleen Murphy of DDS issued a September 18, 2024 letter denying [REDACTED] services for intellectual disability. DDS 2. Dr. Margaret Rudin performed a second review and agreed with Dr. Murphy; declining [REDACTED] application for intellectual disability services. DDS 4.
3. Connecticut law 1.g1 requires the full scale IQ be below 69 and a similar Adaptive Behavior score during the developmental period (from birth and prior to 18 years of age).
4. At [REDACTED] years of age ([REDACTED], [REDACTED] neurological evaluation by Dr. [REDACTED] (WPPSI-3) resulted in a full scale IQ of 77, GLC of 81, Comprehension of 83, perceptual reasoning of 79. DDS 5 page 2. On the 2010 triennial, speech and language assessment [REDACTED] had a full scale IQ of 84, verbal comprehension of 99, perceptual reasoning 75, working memory 77 and process speed of 97. DDS 5 page 2.
5. Dr. [REDACTED] also administered the BASC-2; the behavior assessment system for children. At Exhibit 5, page 9 the Adaptive Skills parents score is 29 and the teacher score is 38. These scores places [REDACTED] at risk and clinically significant according to Dr. [REDACTED]
6. In the Fall of 2018 [REDACTED] school psychologist, did a psychological assessment of [REDACTED] when he was [REDACTED] years old. DDS 6. At pages 3 and 4, we have the Woodcock Johnson III test of [REDACTED] 2013 cognitive ability. At that time [REDACTED] general

intellectual ability was at 89, verbal at 94, visual spatial thinking of 89, fluid reasoning of 98, cognitive efficiency of 80, processing speed of 80, auditory processing of 114, and comprehensive knowledge of 94. T page 29 and 30. At page 5 we have the WAIS-4 (Wechsler Adult Intelligence Scale) with verbal comprehension of 80, perceptual reasoning 77, working memory 77, processing speed 74 and full IQ of 72.

7. [REDACTED] 2018 Woodcock Johnson scores included fluid reasoning 78, number series 81, concept formation 79, oral vocabulary 82, verbal attention 86, story recall of 94, and visualization of 88. On page 8 we have the BASC-3 Adaptive Behavior report from both parent and teacher. The parent score was 46 and teacher scores was 57 both on a percentage basis is average. T page 36.
8. The IEPs for 2017 and 2018 reflect that [REDACTED] achievement fall in the low average to average range. T page 38. DDS 6 and 7. The October 2019 IEP has [REDACTED] map reading at the 10 percentiles. The October 2020 IEP shows English of 70 and Math of 81. DDS 10.
9. Mr. [REDACTED] is Director of Special Education and Student Services for [REDACTED] Public Schools. The covid years beginning in 2020 disrupted the school's ability to access [REDACTED] T page 42-43. He was diagnosed with multiple disabilities-Autism and Intellectual disabilities. [REDACTED] needs prompting for most basic care needs such as hygiene, showering, teeth brushing, meal preparation and taking medications. T page 46. His parents commented. Given a task, [REDACTED] will not act; instead you will get a blank stare. T page 50.
10. [REDACTED] at [REDACTED] years of age participated in the SHARP program in 2021 where he tried several job sites. They included McQuade's supermarket, Foxwoods Casino, Microtel and Chili's. Even with a job coach, [REDACTED] lack of response to job assignments was related to Autism and found not a good job match for him. T pages 31 to 33.

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

Connecticut General Statutes define intellectual disability at §1-1g. Intellectual disability is defined as having an IQ test at 69 or below and with deficits in adaptive behaviors all at the same time and during the developmental period which is before age 18 years of age. T page 24. The Connecticut General Statute that applies here reads as follows:

#### **§ 1-1g. "Intellectual disability" defined**

(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.

In *Christopher v. Department of Mental Retardation* (277 Conn. 594, Conn 2006) the Supreme Court ruled on a case involving I Q scores above and below the 69 defined as mental retardation or intellectual disability. The Court supports DDS consideration of multiple test and other considerations as it says:

Finally, we note that we do not question that the plaintiff has needs that could be served by the department and that even his 1997 WISC-III test indicates borderline intelligence. The legislature, however, delegated to the defendant a gatekeeping function through his authority to determine eligibility. In close cases like the present one, the defendant and the department's expert staff are better qualified than a court to evaluate conflicting evidence to determine whether that threshold has been met. Accordingly, we conclude that the defendant's decision was supported by substantial evidence in the record.

*Christopher v. Department of Mental Retardation* (277 Conn. 594, page 445 Conn 2006)

### Discussion

██████████ has IQ scores that are low average to average during the development period prior to his 18<sup>th</sup> birthday. In 2010 when he was ██████ years of age he had a full scale IQ of 77 and 84 referenced in paragraph numbered 4 above. The Woodcock Johnson assessment in paragraph 7 above shows a low of 78 and a high of 94. In paragraph 8 above, ██████ IEP reflects a 70 in English and 81 in Math. While ██████ need support and attention he has not met the threshold for DDS to provide intellectual disability services under §1-1g.

**Conclusion**

Petitioner did not meet the burden necessary to overturn the DDS determination that Petitioner is not eligible for services as Intellectually Disabled under Connecticut General Statutes §1.1g.

Hearing Officer

Date

  
Thomas C. McNeill, Jr.

11-5-2025