

FINAL DECISION

Sent via email [REDACTED] Certified Mail [REDACTED] and First-Class U.S. Mail

July 10, 2025


RE: Final Decision

Dear [REDACTED],

On April 17, 2025, 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: Attorney Wendy Mongillo, 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]

March 17, 2025

INTRODUCTION:

On March 17, 2025 at 10:00 a.m. a hearing was held at the Department of Developmental Services, 460 Capitol Avenue in Hartford, Connecticut and remotely, via Microsoft Teams, to determine the eligibility of [REDACTED] for services from the Department of Developmental Services (DDS) pursuant to Connecticut General Statutes Section 1-1g. The request for hearing was filed on November 20, 2024 by [REDACTED] who is the parent and legal guardian of the Applicant.

Name of Attendees:

[REDACTED]	Applicant's Mother
Margaret Rudin, PhD	DDS Psychologist Eligibility Unit

Statement of Issues

Is [REDACTED] eligible for services from the Department of Developmental Services?

Exhibits Entered Into Evidence

The following documents were presented by the parties and admitted into evidence as full exhibits by the undersigned hearing officer:

HO-1 Denial of Eligibility Dated 11/4/2024

HO-2	Request for Hearing Dated 11/20/2024
HO-3	Notice of Hearing Dated 11/22/2024
DDS-1	DDS Eligibility Application Dated 9/26/2024
DDS-2	Autism Spectrum Letter Dated 2/8/2019
DDS-3	Denial Letter 11/4/2024
DDS-4	Second Review Dated 11/4/2024
DDS-5	Multi-disciplinary Report Dated 11/26/2018
DDS-6	Psychological Evaluation Dated 7/22/2021
DDS-7	Psychological Evaluation Dated 5/23/2024
DDS-8	Individual Education Program (IEP) Dated 5/16/2016
DDS-9	IEP Dated 9/12/2018
DDS-10	IEP Dated 5/8/2017
DDS-11	IEP Dated 11/26/2018
DDS-12	IEP Dated 10/13/2022
DDS-13	IEP Dated 3/1/23
DDS-14	IEP Date 4/20/2023
DDS-15	IEP Dated 10/6/2023
DDS-16	IEP Dated 9/20/2024
P-1	DDA Appeal Letter Dated 11/14/2024
P-2	Program Review Report Dated 3/22/2022
P-3	Behavior Guideline Rev Dated 2/23/2022
P-4	IEP Progress Report Dated 11/11/2024
P-5	PPT Dated 9/20/204

Finding of Facts:

The exhibits entered into evidence, along with sworn testimony at the hearing result in the following findings:

1. The Applicant is a resident of the State of Connecticut as he resides in the Town/ City of [REDACTED] Connecticut
2. At the time of the hearing, the Applicant, born [REDACTED], was [REDACTED] years old.
3. The evaluations, test results and documents examined by Margaret Rudin, PhD, did not find the Applicant to be intellectually disabled within the Applicant's developmental period, as defined by Connecticut General Statutes Section 1-1g. The evaluations and testing performed on the Applicant did not demonstrate significant limitations in intellectual functioning or that significant deficits in adaptive behaviors exist during the developmental period meeting the statutory criteria of Connecticut General Statutes Section 1-1g. (Testimony K Rudin, DDS Exhibits 6-16)
4. DDS Exhibit 5 Multi Disciplinary Report dated 11/26/2018; Said report sets forth that the applicant received the following WISC-V scores: 76 for Verbal Comprehension, 81 Visual Spatial 81, Fluid Reasoning 79 and Working Memory 76 all of which exceed the State's Criteria. The report further states "This Examiner feels that [REDACTED] subtest scores are likely an under representation of his true abilities as he would typically stop performing when he no longer wanted to participate." (page 6) (Testimony K. Rudin; DDS Exhibit 5)
5. DDS Exhibit 6 Psychological Evaluation Dated 7/22/202; Said report sets forth results on the Differential Abilities Scale-Second Edition (DAS-II) giving the Applicant three scores: Verbal Conceptual Ability score of 63, Verbal Ability of 63, Spatial Processing of 65 and one borderline score for Non verbal Reasoning of 71. Additionally, the Applicant's overall adaptive skills were rated low at home at 65 and at school 68 on the Vineland Adaptive Behavior Scale- Third Edition (VABS-3). (Testimony K Rudin DDS Exhibit 6)
6. DDS Exhibit 7 Psychological Evaluation Dated 5/22/2024; Said report sets forth results for the Applicant for the SB5 including a Verbal Fluid Reasoning score of 4 and a Nonverbal Reasoning Score of 8. In addition said exhibit sets forth a FSIQ score of 69 showing that the Applicant has a Nonverbal IQ of 70 and a Verbal IQ of 62 yielding the score of 69. The Evaluation notes that "It is important to interpret the overall scores with caution as variability is present within the [REDACTED] demonstration of skills both within and across cognitive domains. The most significant difference is present between [REDACTED] non verbal and verbal reasoning abilities as his expressive and receptive language skills remain quite delayed..." This score demonstrates an unevenness in his abilities due to his verbal skills. (Testimony K Rudin DDS Exhibit 7)

7. DDS Exhibit 8 IEP Dated 5/16/2018, Exhibit 9 IEP dated 9/12/2018 and Exhibit 10 IEP dated 5/8/17, Said reports all document speech and language impairments. (Testimony K. Rudin, DDS Exhibits 8-10)
8. The Applicant has been diagnosed with Autism and has been found eligible for Autism Spectrum Services Program (Testimony K. Rudin DDS Exhibits 11-16)

Definition of Intellectual Disability:

According to Connecticut General Statutes Section 1-1g, in order to be eligible for supports or services from the Department of Developmental Services for an intellectual disability, an individual must demonstrate significant limitations in intellectual functioning and deficits in adaptive behavior that originated during the developmental period before eighteen years of age (emphasis added).

Discussion:

Although it is well noted that the Applicant scored a 69 on an IQ test this could be due to the test's reliance on verbal skills as other testing shows scores that exceed the criteria for DDS services. While [REDACTED] may require assistance, guidance and support these results do not give a basis in the records to establish that he is intellectually disabled pursuant to Connecticut State Statutes. Unfortunately, the record does not demonstrate that the Applicant's deficits in intellectual functioning or adaptive behaviors were significant enough to fall within the intellectually disabled range during said developmental period. As such the statutory requirements of the Connecticut General Statute Section 1-1g have not been satisfied in the present case.

Conclusion:

The Applicant is not eligible for services from the Department of Developmental Services based on intellectual disabilities, as he does not meet the criteria for services as defined in Connecticut General Statute Section 1-1g. The Applicant, however, may be eligible for services/benefits through other Federal and State agencies and programs.

This decision shall be submitted to all parties and the Commissioner. The parties may submit written comments in support or opposition to this proposed decision within ten days of receipt hereof.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read "Wendy Mongillo", with a long, sweeping flourish extending upwards and to the right.

Hearing Officer

Wendy Mongillo