

FINAL DECISION

Sent via email [REDACTED] Certified Mail [REDACTED]

June 9, 2026

[REDACTED]

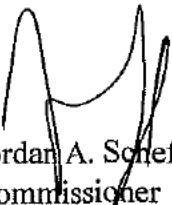
RE: Final Decision

Dear [REDACTED]

On April 21, 2026 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 Frank Forgione, Hearing Officer
Kathleen Murphy, Ph.D., Director, Eligibility Unit
Margaret Rudin, Ph.D., Psychologist Eligibility Unit
Attorney Marjorie O. Wakeman, Director, Legal & Government Affairs

STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES
PROPOSED MEMORANDUM OF DECISION

ELIGIBILITY HEARING

IN RE: [REDACTED]

April 13, 2026

Introduction:

A remote hearing via Microsoft Teams was held on April 1, 2026 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 services of an interpreter, Jan Romanski, were utilized in this matter.

The following individuals, in addition to the aforesaid interpreter, were present at the hearing held on April 1, 2026:

[REDACTED]
Dr. Margaret Rudin

Brother of [REDACTED]
Mother of [REDACTED]
Petitioner
Clinical Psychologist for the Department of
Developmental Services

The following exhibits were entered into evidence:

Hearing Officer 1	DDS Denial Eligibility 9/3/2024
Hearing Officer 2	Request for Appeal Hearing 10/5/2024
Hearing Officer 3	Notice of Hearing 10/17/2024
Hearing Officer 4	Notice of Hearing 1/31/2025
Hearing Officer 5	Request for Continuance 6/3/2025
Hearing Officer 6	Hearing Officer Ruling on Continuance 6/3/2025
Hearing Officer 7	Notice of Hearing 6/4/2025
Hearing Officer 8	Notice of Hearing 11/10/2025
DDS 1	DDS Eligibility Application, page 1 dated 7/29/2024, page 2 dated 7/23/2024
DDS 2	DDS Denial Eligibility letter 9/3/2024
DDS 3	DDS Second Review Dr. Rudin 8/30/2024
DDS 4	Bilingual Psychological Evaluation [REDACTED]
DDS 5	Individual Education Program (IEP) [REDACTED]
DDS 6	Bilingual Psychological Evaluation [REDACTED]
DDS 7	Occupational Therapy Observation [REDACTED]
DDS 8	Individual Education Program (IEP) [REDACTED]

DDS 9
DDS 10

Individual Education Program (IEP) [REDACTED]
Neuropsychological Consultation [REDACTED]

P-1
P-2
P-3

Hospital Visit Summary 12/04/2025
Hospital Visit Summary 9/11/2025
Hospital Visit Summary 2/26/2026

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. [REDACTED] is the brother of [REDACTED]
5. Dr. Margaret Rudin is a Clinical Psychologist for the Department of Developmental Services.
6. The primary language of [REDACTED] is polish.
7. [REDACTED] underwent a Bilingual Psychological Evaluation with testing dates of [REDACTED], [REDACTED] and [REDACTED]. See DDS 4. He attained a full scale IQ score of 47 on the Kaufman Assessment Battery For Children, 2nd Edition(KABC), nonverbal. The KABC requires visual discretion and [REDACTED] is blind in the right eye. [REDACTED] attained a full scale IQ score of 65 on the Test of Nonverbal Intelligence(TONI).
8. The Bilingual Psychological Evaluation also measured [REDACTED] adaptive behavior skills. See DDS 4. His adaptive skills T score on the Behavior Assessment System for Children 2 (BASC-2) as measured from his teacher's evaluation([REDACTED]) was 37, which equates to a standard score of 80. [REDACTED] adaptive skills T score on the Behavior Assessment System for Children 2 (BASC-2) as measured from another teacher's evaluation([REDACTED]) was 39, which equates to a standard score of 83.

9. According to Dr. [REDACTED] based upon the history provided to him, [REDACTED] “achieved the majority of the childhood developmental stages with the exception of learning to walk.” See DDS-4, p. 2.
10. The Individualized Education Program (IEP) dated [REDACTED] states that [REDACTED] meets criteria for a “specific learning disability” and that his activities of daily living are “age appropriate.” See DDS-5.
11. On the Bilingual Verbal Ability Test (BVAT) from [REDACTED], [REDACTED] attained a full scale IQ score of 69. See DDS-6. On the Vineland Adaptive Behavior Scales-2nd Edition, [REDACTED] adaptive behavior composite score was 89. According to [REDACTED] [REDACTED] bilingual school psychologist, “[t]he results of the Vineland Adaptive Behavior Scale are consistent with [REDACTED] estimated intellectual functioning, which is above the threshold students thought to have an intellectual disability.” See DDS-6, p. 13.
12. The Individualized Education Program (IEP) dated [REDACTED] states that [REDACTED] primary disability is “specific learning disabilities.” See DDS-8.
13. The Individualized Education Program (IEP) dated [REDACTED] states that [REDACTED] primary disability is “specific learning disabilities.” See DDS-9.
14. Although several of the test components relied upon visual acumen, [REDACTED] has visual impairments and is blind in his right eye. [REDACTED] nonetheless, did not like wearing glasses with his mother explaining that [REDACTED] hated wearing his glasses and would put them in his backpack.

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 deficits in 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 scores of 47, 65 and 69 establish that [REDACTED] has a significant limitation in intellectual functioning. However, to establish an intellectual disability, the petitioner must satisfy both prongs of the test set forth in CGS 1-1g, i.e. that he as a "significant limitation in intellectual functioning existing **concurrently** with deficits in adaptive behavior that originated during the developmental period before eighteen years of age."

On the adaptive behavior tests, [REDACTED] scored an 89 on the Vineland-2. His T scores of 37 and 39 on the Behavior Assessment System for Children 2 (BASC – 2) equate to standard scores of 80 and 83. The Individualized Education Programs (IEP) from [REDACTED]

██████ and ██████ state that ██████ meets the criteria for specific learning disability. His primary disability is not noted to be an “intellectual disability.”

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. Although ██████ full-scale IQ scores are evidence of significant limitations in intellectual ability, his adaptive behavior scores of 89 on the Vineland-2, and T scores 37 and 39 on the Behavior Assessment System for Children 2 (BASC – 2) which equate to standard scores of 80 and 83, 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