STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC. **SUPERIOR COURT**

(FILED: October 11, 2017)

CHRISTOPHER SULIMA	:	
	:	
V.	:	**C.A. No. PC-2014-5012**
	:	
RHODE ISLAND DEPARTMENT OF BEHAVIORAL HEALTH, DEVELOPMENTAL DISABILITIES AND HOSPITALS	:	

DECISION

K. RODGERS, J. Before the Court is an appeal from a decision of an Administration Hearing Officer (AHO) of the Rhode Island Executive Office of Health and Human Services upholding the denial of Christopher Sulima's (Appellant) application for developmental disability services through the R.I. Department of Behavioral Health, Developmental Disabilities and Hospitals (the Department). The Department held that Appellant is ineligible for developmental disability services because he is not a developmentally disabled adult as defined by G.L. 1956 § 40.1-21-4.3 (5).

This Court has jurisdiction pursuant to G.L. 1956 § 42-35-15. For the reasons set forth herein, the case is remanded with instructions to consider whether Appellant is a "[m]entally retarded developmentally disabled adult" as defined under Rhode Island law and therefore eligible to receive developmental disability services. Sec. 40.1-21-4.3.

I

Facts and Travel

The Department is a state agency responsible for, inter alia, providing assistance to people with mental illnesses and developmental disabilities. See § 40.1-1-4. The Department is

comprised of three divisions, including the Division of Developmental Disabilities (DDD). Sec. 40.1-1-4(3); see also § 40.1-21-2. DDD was established to "promote, safeguard, and protect the human dignity, constitutional and statutory rights and liberties, social well being, and general welfare of all developmentally disabled citizens of the state." Sec. 40.1-21-4.2(2). DDD is tasked with providing and securing "certain social, protective, and other types of appropriate services for all developmentally disabled citizens" and ensuring "that all developmentally disabled adults in this state receive such developmental, supportive, and ancillary services as prescribed in an individualized program plan, developed with the participation of the developmentally disabled person and his or her family or guardian or advocate." Sec. 40.1-21-4.2(3), (5). Thus, significant and important services are provided through the Department to adults who are developmentally disabled within the limits of available appropriations. See § 40.1-21-6.1; see also § 40.1-21-4.2(3), (5).

To be eligible for developmental disability services, an applicant must be determined to be a "[d]evelopmentally disabled adult" pursuant to § 40.1-21-4.3(5). That section, as well as the Department's regulations[1], provides:

> "'Developmentally disabled adult' means a person, eighteen (18) years old or older and not under the jurisdiction of the department of children, youth, and families who is either a mentally retarded developmentally disabled adult or is a person with a severe, chronic disability which:
> "(i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
> "(ii) Is manifested before the person attains age twenty-two (22);
> "(iii) Is likely to continue indefinitely;
> "(iv) Results in substantial functional limitations in three (3) or more of the following areas of major life activity:

[1] Section 2.8 of the Rules and Regulations Relating to the Definition of Developmentally Disabled Adult and the Determination of Eligibility as a Developmentally Disabled Adult mirrors the statutory definition of developmentally disabled adult. Cf. R.I. Admin. Code 46-1-5:2.8; § 40.1-21-4.3(5).

"(A) Self-care,
"(B) Receptive and expressive language,
"(C) Learning,
"(D) Mobility,
"(E) Self-direction,
"(F) Capacity for independent living,
"(G) Economic self-sufficiency; and

"(v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services, which are of lifelong or extended duration and are individually planned and coordinated." Sec. 40.1-21-4.3(5) (emphasis added).

Further, § 40.1-21-4.3(8), as well as the Department's regulations[2], provides:

> '"Mentally retarded developmentally disabled adult' means a person eighteen (18) years old or older and not under the jurisdiction of the department of children, youth, and families, with significant sub-average, general intellectual functioning two (2) standard deviations below the norm, existing concurrently with deficits in adaptive behavior and manifested during the developmental period." Sec. 40.1-21-4.3(8).

Appellant is a twenty-three-year-old man with mild mental retardation and pervasive developmental disorder who has applied for developmental disability services. (See R. Ex. 19, at 3.) On July 8, 2013, the Department denied Appellant's application and found him to be ineligible. (R. Ex. 7.) The Department informed Appellant that to be eligible for developmental disability services, he must demonstrate that his developmental disability "substantially interfered in three out of seven areas of life activities before [his] twenty-second birthday and that the disability is likely to continue . . ." Id. At that time, the Department determined that Appellant only had substantial limitations in the areas of self-direction and economic self-sufficiency. Id.

Appellant's mother thereafter scheduled a neuropsychological evaluation and requested that the Department rereview his eligibility. On October 17, 2013, the Department evaluated

[2] Section 2.9 of the Rules and Regulations Relating to the Definition of Developmentally Disabled Adult and the Determination of Eligibility as a Developmentally Disabled Adult mirrors the statutory definition of mentally retarded developmentally disabled adult. Cf. R.I. Admin. Code 46-1-5:2.9; § 40.1-21-4.3(8).

Appellant's eligibility for the second time. Following that evaluation, the Department determined that Appellant was only substantially limited in the area of economic self-sufficiency. (R. Ex. 11, at 4.) Thus, the Department again denied Appellant's application for adult services.

Appellant appealed the Department's decision and an informal hearing was conducted on March 27, 2014.[3] In a written decision dated May 12, 2014, a Department hearing officer denied Appellant's appeal and again determined that Appellant was ineligible for developmental disability services based on Appellant being substantially limited in only one area of life activities—economic self-sufficiency. (R. Ex. 2, at 2-3.) On May 20, 2014, Appellant appealed the informal hearing decision, and a formal hearing was conducted on August 27, 2014 pursuant to § 42-35-9.

At the formal hearing before an AHO within the Executive Office of Health and Human Services Appeals Office, Karen Lowell (Lowell) testified as the Department's representative. At the time of her testimony, Lowell had been the supervisor of the Eligibility Unit of the DDD for approximately eighteen months. (R. Ex. 20, at 4.) Significant testimony was offered by Lowell, Appellant, Appellant's mother and Appellant's primary care physician, Susanna Magee, M.D., which focused on whether the Appellant had substantial functional limitations in three or more specified areas of major life activity. Appellant offered testimony and evidence that he had substantial functional limitations in four areas of major life activities: economic self-sufficiency, learning, independent living, and self-determination.

[3] An informal hearing was originally conducted on November 14, 2013, but no decision was issued therefrom before the original Department hearing officer left employment for a position out of state. (R. Ex. 2, at 2.) Thus, the March 27, 2014 informal hearing was essentially a "re-do" of the earlier informal hearing. Id.

The Department at all times has acknowledged that Appellant has a developmental disability, but contends that having a developmental disability does not make one automatically eligible for adult services. Id. at 3. According to Lowell, an applicant also must have substantial functional limitations in at least three out of seven areas of major life activities. Id. at 6-7. In assessing an applicant's eligibility, a member of the Eligibility Unit conducts a face-to-face interview with the applicant during which a Functional Information Document is completed; reviews the appellant's school records, neuro-psychological evaluations, and other educational testing; and considers any other pertinent information such as medical records and work records. (R. Ex. 20, at 6-8; see also R. Ex. 19, at 3-6.)

After reviewing all testimony, exhibits, and Department policies, the AHO issued a decision on September 12, 2014, and found that Appellant "has a severe and chronic disability which manifested before the age of twenty-two, is attributed to severe impairment (Traumatic Brain Injury) and is not under the jurisdiction of DCYF." (R. Ex. 19, at 14.) While the AHO determined that Appellant is a developmentally disabled adult, the AHO concluded that the Department properly followed the agency's policy in determining that Appellant did not have substantial functional limitations in at least three of the seven required life activities. Id. at 14-16. Accordingly, the AHO upheld the Department's decision and denied Appellant's request for relief. Id. at 16.

On October 15, 2014, Appellant timely appealed the AHO's decision to this Court.

II

Standard of Review

Pursuant to § 42-35-15, the Superior Court is granted appellate jurisdiction to review final orders of certain state administrative agencies. In undertaking that review, the Superior

Court "shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact." Sec. 42-35-15(g); Barrington Sch. Comm. v. R.I. State Labor Relations Bd., 608 A.2d 1126, 1138 (R.I. 1992). Section 42-35-15(g) states:

> "The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings, or it may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:
> "(1) In violation of constitutional or statutory provisions;
> "(2) In excess of the statutory authority of the agency;
> "(3) Made upon unlawful procedure;
> "(4) Affected by other error or law;
> "(5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
> "(6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion." Id.

When reviewing a decision under § 42-35-15, this Court may not substitute its judgment for that of the agency on questions of fact. Johnston Ambulatory Surgical Assocs., Ltd. v. Nolan, 755 A.2d 799, 805 (R.I. 2000). Instead, this Court is limited to an examination of the certified record in deciding whether the agency's decision is supported by substantial evidence. Center for Behavioral Health, R.I., Inc. v. Barros, 710 A.2d 680, 684 (R.I. 1998) (citations omitted). "Substantial evidence has been defined as 'such relevant evidence that a reasonable mind might accept as adequate to support a conclusion, and means an amount more than a scintilla but less than a preponderance.'" Newport Shipyard Inc. v. R.I. Comm'n for Human Rights, 484 A.2d 893, 897 (R.I. 1984) (quoting Caswell v. George Sherman Sand & Gravel, Co., 424 A.2d 646, 647 (R.I. 1981)). "[I]f 'competent evidence exists in the record, the Superior Court is required to uphold the agency's conclusions.'" Auto Body Ass'n of R.I. v. R.I. Dep't of Bus. Regulation, 996 A.2d 91, 95 (R.I. 2010) (quoting R.I. Pub. Telecomms. Auth. v. R.I. State Labor Relations Bd., 650 A.2d 479, 485 (R.I. 1994)).

However, when an appeal raises an issue of statutory construction, it is well settled that the interpretation of a statute is a question of law which this Court will review de novo. Rossi v. Emps.' Ret. Sys. of R.I., 895 A.2d 106, 110 (R.I. 2006). "Questions of law determined by the administrative agency are not binding upon [the Court] and may be freely reviewed to determine the relevant law and its applicability to the facts presented in the record." Dep't of Envtl. Mgmt. v. Labor Relations Bd., 799 A.2d 274, 277 (R.I. 2002). Generally, this Court will give great deference to an agency's interpretation of "a statute whose administration and enforcement have been entrusted to the agency" unless the construction is clearly erroneous or unauthorized. Town of Richmond v. R.I. Dep't of Envtl. Mgmt., 941 A.2d 151, 157 (R.I. 2008).

In interpreting a statute, the goal of this Court is to give effect to the intent of the Legislature. See Ryan v. City of Providence, 11 A.3d 68, 70-71 (R.I. 2011); Palazzolo v. State ex rel. Tavares, 746 A.2d 707, 711 (R.I. 2000); Webster v. Perrotta, 774 A.2d 68, 75 (R.I. 2001). "'That intent is discovered from an examination of the language, nature, and object of the statute.'" Ryan, 11 A.3d at 71 (quoting Berthiaume v. Sch. Comm. of Woonsocket, 121 R.I. 243, 247, 397 A.2d 889, 892 (1979)). Further, in interpreting a statute, this Court shall not construe a statute to achieve a meaningless or absurd result, and must consider the entire statute as a whole rather than as individual sections operating independently of one another. Id. (citing Berthiaume, 121 R.I. at 247, 397 A.2d at 892; Sorenson v. Colibri Corp., 650 A.2d 125, 128 (R.I. 1994)). "'[W]hen the language of a statute is clear and unambiguous, this Court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.'" Id. (quoting Accent Store Design, Inc. v. Marathon House, Inc., 674 A.2d 1223, 1226 (R.I. 1996)). This Court only "engage[s] in a more elaborate statutory construction process" guided by the canons of statutory interpretation if the plain language of the statute is ambiguous.

Chambers v. Ormiston, 935 A.2d 956, 960 (R.I. 2007) (citation omitted). Such ambiguity exists "when the language of [the] statute is not susceptible to literal interpretation." New England Dev., LLC v. Berg, 913 A.2d 363, 369 (R.I. 2007) (citing Ret. Bd. of Emps.' Ret. Sys. of R.I. v. DiPrete, 845 A.2d 270, 279 (R.I. 2004)); see also LaPlante v. Honda N. Am., Inc., 697 A.2d 625, 628 (R.I. 1997) (finding a statute ambiguous where "it is subject to two completely different, although initially plausible interpretations") (quotation omitted).

Finally, the Superior Court retains the authority to remand a case to the administrative agency to "correct deficiencies in the record and thus afford the litigants a meaningful review." Birchwood Realty, Inc. v. Grant, 627 A.2d 827, 834 (R.I. 1993) (quotation omitted).

III

Analysis

The Appellant has not appealed that aspect of the AHO's decision as it relates to the evaluation of Appellant's substantial functional limitations in the various areas of major life activities. Rather, Appellant asserts that the AHO and the Department have erroneously failed to address whether the Appellant met the criteria of a "[m]entally retarded developmentally disabled adult" in determining that he is ineligible for adult services, in violation of § 40.1-21-4.3(5). More specifically, Appellant contends that there are two pathways through which an individual can be eligible for developmental disability services: (1) as a "[m]entally retarded developmentally disabled adult," which is specifically defined in § 40.1-21-4.3(8); or (2) as a "person with a severe, chronic disability" who satisfies the enumerated criteria in § 40.1-21-4.3(5)(i)-(v). Inasmuch as the AHO and the Department concluded that the Appellant does not qualify for adult services as a person with severe, chronic disabilities who satisfies the enumerated criteria in § 40.1-21-4.3(5)(i)-(v), the Appellant maintains that the Department and

the AHO were also required to consider whether Appellant is a "[m]entally retarded developmentally disabled adult" as defined in § 40.1-21-4.3(8). Additionally, Appellant argues that the Department's policy of requiring consideration of the substantial functional limitations for all applicants is inconsistent with the purpose of the authorizing statute because its purpose is to provide services for all developmentally disabled citizens, not just those with severe, chronic disabilities. Finally, Appellant argues that the Department's interpretation and application of the definition of a developmentally disabled adult renders the definition of a "[m]entally retarded developmentally disabled adult" superfluous and meaningless.

In opposition, the Department argues that the AHO applied the law correctly by requiring that, even as a mentally retarded individual, an applicant is required to demonstrate that he or she has substantial functional limitations in at least three of seven areas of major life activities. The Department further contends that the Department's policies, interpretation, and application of § 40.1-21-4.3(5) are consistent with the goal of providing services to all developmentally disabled persons in Rhode Island.

A

Section 40.1-21-4.3(5) Unambiguously Requires Consideration Whether an Applicant is a Mentally Retarded Developmentally Disabled Adult as Defined

The clear and unambiguous language in § 40.1-21-4.3 reveals that there are indeed two pathways through which an applicant for developmental disability services can qualify for such services: if the person "is either a mentally retarded developmentally disabled adult or is a person with a severe, chronic disability" which satisfies the various criteria set forth in § 40.1-21-4.3(5)(i)-(v). Sec. 40.1-21-4.3(5) (emphasis added). In either case, the person must be eighteen years of age or older and not be under the jurisdiction of DCYF. Id. To interpret the statutory definition of developmentally disabled adult to require that § 40.1-21-4.3(5)(iv)(A)-(G) be satisfied for all individuals, and not just those with a severe, chronic disability, wholly ignores

the "either-or" phraseology as well as the defined term "[m]entally retarded developmentally disabled adult." This Court cannot read § 40.1-21-4.3(5) in such a way to render "either-or" superfluous, or to disregard any other portion of the statute, namely, § 40.1-21-4.3(8), which defines "[m]entally retarded developmentally disabled adult."

Had the General Assembly intended to require that an individual diagnosed with mental retardation also have to prove that he or she has substantial functional limitations in at least three of seven areas of major life activities, then the definition of "[m]entally retarded developmentally disabled adult" would read much differently to include the same specified criteria for substantial functional limitations. Alternatively, if that was the intent of the General Assembly, then the phrase "[m]entally retarded developmentally disabled adult" would not appear at all in § 40.1-21-4.3(5). The Department's policy and interpretation of § 40.1-21-4.3(5) is clearly erroneous.

B

Section 40.1-1-3.1 Does Not Alter the Requirements of Section 40.1-21-4.3(5)

The Department further argues that the General Assembly's amendment of § 40.1-1-3.1(b) in 2013—which changed the term "mental retardation" to "developmental disabilities" in the Department's name as well as in all general or publics laws that pertain to developmental disabilities—allowed the term "mentally retarded" to be subsumed within the statutory definition of developmentally disabled adult. See § 40.1-1-3.1(b). Thus, the Department argues that the AHO should have been permitted to overlook the term "[m]entally retarded developmentally disabled adult" in § 40.1-21-4.3(5).

By way of background, disability advocates throughout the country have undertaken to eliminate hurtful and offensive phrases like "retard(ed)" and "mental retardation" from common parlance. See, e.g., http://www.r-word.org/positive-changes-from-the-r-word-campaign.aspx (last visited Sept. 26, 2017) ("Spread the Word to End the Word" campaign launched by Special

Olympics organization in 2008 and developed into youth-led grass roots campaign in 2009). In October 2010, Congress passed Rosa's Law, which changed the reference of "mental retardation" in specified Federal laws to "intellectual disability," as well as references to "a mentally retarded individual" to "an individual with an intellectual disability." Pub. L. No. 111-256, 124 Stat. 2643 (2010). Thus, a sea change in terminology was set in motion.

In 2010, our General Assembly enacted legislation that essentially took a step forward in eliminating the R-word.[4] Effective June 22, 2010, what had been known as the Department of Mental Health, Retardation and Hospitals was changed to the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals. See P.L. 2010, ch. 101, § 2 and P.L. 2010, ch. 105, § 2. Thus, in 2010, § 40.1-1-3.1 read as follows:

> "New title for department. -- Wherever in the general or public laws, or any rule or regulation, any reference to the 'department of mental health, retardation and hospitals' or to 'department' shall appear, it shall be deemed to mean and shall mean 'the department of behavioral healthcare, developmental disabilities and hospitals.'" Sec. 40.1-1-3.1.

In 2013, the General Assembly extended the reach of this new language to include the following:

> "(b) Wherever in the general or public laws, or any rule or regulation, there appears any reference to 'mental retardation' or 'retardation' as it relates to developmental disabilities, said reference shall be deemed to mean and shall mean 'developmental disabilities,' and shall upon enactment of this section be referred to as 'developmental disabilities.'" Sec. 40.1-1-3.1 (amended by P.L. 2013, ch. 396, § 1).

It is well settled that the "Legislature is 'presumed to know the state of existing law when it enacts or amends a statute.'" Simeone v. Charron, 762 A.2d 442, 446 (R.I. 2000) (quoting

[4]This Court in no way suggests or implies that the national movement and grassroots efforts towards eliminating the derogatory use of the word "retard," or any derivative thereof, serve as legislative history in Rhode Island.

Providence Journal Co. v. Rodgers, 711 A.2d 1131, 1134 (R.I. 1998)). Surely the General Assembly was aware when it amended § 40.1-1-3.1 in 2013 that there were two defined terms in § 40.1-21-4.3 that were potentially impacted by the amendment: "[d]evelopmentally disabled adult" and "[m]entally retarded developmentally disabled adult." See §§ 40.1-21-4.3(5), (8). Neither of these definitions have been amended in any manner since § 40.1-1-3.1(b) was enacted.

To read § 40.1-21-4.3 as the Department suggests in light of the 2013 amendment to § 40.1-1-3.1(b) would then offer two definitions of the same term, "[d]evelopmentally disabled adult." Specifically, the Department would have § 40.1-21-4.3(5) interpreted as follows: '"Developmentally disabled adult' means a person, eighteen (18) years old or older and not under the jurisdiction of the department of children, youth, and families who is either a ~~mentally retarded~~ developmentally disabled adult or is a person with a severe, chronic disability" who satisfies the criteria listed in § 40.1-21-4.3(5)(i)-(v). Sec. 40.1-21-4.3(5) (strikeouts added). Additionally, under the Department's interpretation of § 40.1-1-3.1(b), § 40.1-21-4.3(8) would be read as: '"~~Mentally retarded~~ developmentally disabled adult' means a person eighteen (18) years old or older and not under the jurisdiction of the department of children, youth, and families, with significant sub-average, general intellectual functioning two (2) standard deviations below the norm, existing concurrently with deficits in adaptive behavior and manifested during the developmental period." Sec. 40.1-21-4.3(8) (strikeouts added). This Court will not interpret a general statute such as § 40.1-1-3.1(b) to create two definitions of the phrase "[d]evelopmentally disabled adult" and an ambiguity that otherwise did not exist, nor will it interpret § 40.1-21-4.3 in such a way to render meaningless that portion of § 40.1-21-4.3(8) which requires a showing of "significant sub-average, general intellectual functioning two (2)

standard deviations below the norm, existing concurrently with deficits in adaptive behavior and manifested during the developmental period." Sec. 40.1-21-4.3(8).

Furthermore, this Court must consider the generality of § 40.1-1-3.1 and the specificity of § 40.1-21-4.3. "When a specific statute conflicts with a general statute, our law dictates that precedence must be given to the specific statute." Warwick Hous. Auth. v. McLeod, 913 A.2d 1033, 1036-37 (R.I. 2007) (citing Wilkinson v. State Crime Lab. Comm'n, 788 A.2d 1129, 1136 (R.I. 2002)). It is evident that § 40.1-1-3.1(b) is of a general nature, seeking to modify certain terms wherever certain terms appear in the general or public laws or in any rule or regulation. By contrast, § 40.1-21-4.3 defines certain terms for use in just two chapters within title 40.1 of the Rhode Island General Laws, which chapters are entitled "Division of Developmental Disabilities" and "Developmental Disabilities." Sec. 40.1-21-4.3. The specificity of the defined terms, then, cannot be superseded by an amendment to a general statute such as § 40.1-1-3.1. Accordingly, this Court rejects the Department's reliance on § 40.1-1-3.1(b) as subsuming the term "[m]entally retarded developmentally disabled adult" as used in § 40.1-21-4.3(5) and as specifically defined in § 40.1-21-4.3(8).

C

Remand Is Necessary

At no point has the Department specifically determined if the Appellant is a "[m]entally retarded developmentally disabled adult." The only reference to Appellant's status in this regard is the recognition that he has a diagnosis of mild mental retardation and a full-scale IQ of 71, which is almost two standard deviations below the mean. (R. Ex. 19, at 3, 4; R. Ex. 20, at 13, 17.) In connection with the assessment of Appellant's substantial functional limitation in the area of learning, the record reflects that his grade equivalents are as follows: reading at a fifth

grade, eight month level; spelling at a fourth grade level; and math at a third grade, eight month level. (R. Ex. 19, at 4; R. Ex. 20, at 18-19.)[5] It is unclear how, if at all, Appellant's sub-average grade equivalents in various subjects impacts his general intellectual functioning and/or adaptive behavior. There was no discussion at the hearing or in the AHO's decision concerning (1) whether such significant sub-average, general intellectual functioning exists concurrently with deficits in adaptive behavior, and (2) whether such significant sub-average, general intellectual functioning manifested during the developmental period. Accordingly, this matter must be remanded to the Department to consider whether the Appellant is a "[m]entally retarded developmentally disabled adult" as defined and, therefore, a "[d]evelopmentally disabled adult" who is eligible for developmental disabilities services. Sec. 40.1-21-4.3(5), (8).

IV

Conclusion

After review of the entire record, this Court finds the AHO's decision is in violation of statutory provisions by failing to consider whether Appellant is a "[m]entally retarded developmentally disabled adult" as defined in § 40.1-21-4.3(8), thereby prejudicing substantial rights of the Appellant. This case is remanded to the Department with instructions to consider whether Appellant satisfies the definition of [m]entally retarded developmentally disabled adult pursuant to §§ 40.1-21-4.3(5) and (8).

Appellant's counsel shall submit the appropriate order for entry.

[5]In evaluating one's substantial functional limitations in the area of learning, the Department requires that an applicant be at or below a fourth grade equivalent in two out of three areas in reading, writing, and math. (R. Ex. 20, at 18.) Here, the AHO concluded that Appellant satisfied the low grade equivalency in math only and therefore did not satisfy the criteria for substantial functional limitation in the area of learning. (R. Ex. 19, at 4; R. Ex. 20, at 19.)

RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

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COURT:	**Providence County Superior Court**
DATE DECISION FILED:	**October 11, 2017**
JUSTICE/MAGISTRATE:	**K. Rodgers, J.**
ATTORNEYS:	
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For Defendant:	**Thomas J. Corrigan, Jr., Esq.**