



# MAYERSON, MURÉ & HOBBS

## How Scotty Found His Voice

By Judith Kramer

I am of counsel to the law firm of Mayerson, Mure' & Hobbs which primarily represents parents of children with autism in special education cases to procure funding for tuition, related services and at-home ABA instruction when necessary. I also have served as an Impartial Hearing Officer in New York State for more than twenty years. In addition, on top of many years serving as a N.Y.S. Assistant Attorney General, I have represented hundreds of children in Family Court, both with and without disabilities. By reason of my background, I have the unique opportunity to view special education issues through a variety of lenses.

In my experience, it is highly unusual for a nonverbal child diagnosed with autism to suddenly find his voice and speak. This is a story about a little boy, "Scotty" (not his real name), now six years old, who did exactly that.

At the time of his birth, Scotty lived with his mother and father in the South. At 18 months, Scotty was not meeting his milestones. When Scotty was 2.5 years old, he, his mother and a cousin who was a BCBA were attending a brunch at a restaurant connected to a splash park. In what felt like a split second, Scotty eloped and began to run into traffic. Scotty did not respond to his mother's frantic cries for him to stop. At the time, Scotty had no expressive language to speak of and he engaged in toe walking, spitting and pinching himself many times a day. He also was banging his head against the wall.

Scotty's BCBA cousin recommended that Scotty be evaluated for services. Scotty's father was in denial and believed that there was nothing wrong with Scotty. Fortunately, Scotty's astute mother knew otherwise.

Scotty's school district convened an IEP meeting in November 2022. The school district's psychologist recommended that Scotty attend a public school early childhood education program. From January 2023 to March 2023, Scotty attended a pre-school program at a church for half a day and then he was bussed to a special education program for the other half where he received SL and ABA. Scotty continued in this program from March 2023 until the end of the school year in May 2023. From August 2023 – May 2024, Scotty spent the school year in a special education program in a classroom with ten children where he received SL, and ABA 3:1. He still had no words, and he still engaged in head banging, spitting and pinching himself. Scotty did not receive any report cards or progress reports. Instead, his classroom teacher would send home a notebook reporting Scotty's behavior, generically noting either a smile or a frown. Scotty's SL therapist did not provide any progress reports either.

At the time, Scotty's expressive language consisted entirely of only four one syllable words: Hi, Bye, Yes, No. In addition, Scotty was not yet potty trained. On August 19, 2024, in view of the lack of meaningful progress, Scotty's mother withdrew Scotty from the school district's public school program and placed Scotty in a private, full-time ABA program for 8 hours a day.

By the end of September 2024, Scotty's mother and father separated due to the constant fighting and tension in the household. At that time, Scotty communicated primarily with gestures and pointing. When Scotty's father moved out of the house, Scotty used one of his four words and said "Bye". Because of the separation, Scotty's mother's income (working four jobs!) was low enough for her to receive a significant portion of the private school tuition from insurance.

Scotty started flourishing and had become more engaged at the full-time ABA school. In the Fall of 2025, Scotty's mother heard Scotty speak a complete sentence for the very first time. He said, without any prompts, "Mommy, I don't want spaghetti, I want popcorn." Scotty's mother was in shock and began to cry. Prior to that

moment, Scotty had used only gestures to request things that he wanted. Scotty's mother shouted," What did you say?" Scotty's mother spoke with Scotty's teacher who agreed that this was monumental progress and that Scotty's program was working. That week, while in Walmart, Scotty said "Hi" to every child he saw. Scotty had never done that before.

Scotty, now potty trained, can feed himself independently, using a knife and a fork. His mother receives parent training every two weeks for one hour and a family plan has been put in place in conjunction with the school. Scotty's mother works with Scotty every day at home. Scotty's teachers report that he is becoming more confident and is meeting his milestones more quickly. He has not banged his head in nine months. Scotty has made so much progress that his team is working on an exit plan so that Scotty can re-enter public school by January 2027 assuming that he continues to make good progress. The current plan is for Scotty to continue at his private ABA school for half a day until he is able to make the full transition to the public school.

For my part, there is nothing more reinforcing and validating than to see one of our clients making excellent progress and becoming more independent. Scotty's story shows that amazing things can happen when a student's program and services are tailored to meet their unique needs.