

# Pediatric Feeding Disorders in Schools: Federal requirements and legal precedence

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SPEECH-LANGUAGE-  
HEARING ASSOCIATION OF  
VIRGINIA CONFERENCE  
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Lissa Power-deFur, Ph.D., CCC-  
SLP, BCS-CL, ASHA-F  
Professor Emeritus,  
Longwood University  
powerdefurea@longwood.edu

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## Abstract

SLPs serving students with pediatric feeding disorders often face challenges when attempting to serve the children through the school system. The federal special education statute and regulations – that districts rely upon for implementing special education programs – are silent on dysphagia and pediatric feeding disorders (PFD). Consequently, many districts do not find children with PFD eligible for services.

## CHILDREN WITH PFD

- ASHA school survey – 8.1% SLPs report serving, with avg of 2.6 children
- Food Nutrition Services suggests 25 – 80% of school children require modified diet for dysphagia

## PERTINENT IDEA AND 504 REQUIREMENTS

- 3-prong test for eligibility: IDEA disability, adverse educational impact, need special education and related services
- Feeding and swallowing not in definition of SLI under IDEA
- Other health impairment includes limited vitality, alertness due to health problems that adversely affect educational performance
- Broader viewpoint of adverse educational impact – attendance, attention, alertness, time to complete meals
- Medical service (provide by physician) or health service (provide by other qualified personnel)
- 504 and ADA include digestive as physical impairment

## Learner Outcomes:

Participants will be able to:

1. Explain how a child with pediatric feeding disorders (PFD) may be eligible for special education or 504 services.
2. Identify provisions in federal school nutrition requirements that support services for children with PFD.
3. Develop a plan for initiating or improving services for children with PFD within the division.

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- Children may receive services through special education (including related services and supplementary aids and services)

## **LEGAL PRECEDENCE**

- Supreme Ct of US cases, Tatro and Garrett, established rights of children with health conditions: only medical services excluded and districts must ensure child can attend and benefit from school
- Special education due process hearings highlight need to attend to diet, feeding/swallowing to avoid medical issues (aspiration, pneumonia, death), the need for health and emergency plan
- US DOE Office of Civil Rights clarified child's civil right to receive services and need for training

## **FEDERAL NUTRITION REQUIREMENTS**

- Uses ADA definition of disability
- Requires meal substitutions, equipment, utensils, and staff training

## **STUDENT SAFETY**

- "In loco parentis"
- Code of Ethics highlights welfare of the client

## **DEVELOPING A PLAN FOR INITIATING OR IMPROVING SERVICES: BEST PRACTICE**

### **District Level Policies and Practices**

- Discuss implications of SCOTUS, SPED due process and OCR decision

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## Child specific decision-making

- Consider IDEA (SLI, OHI), 504, ADA
- Review medical history for medical issues, absenteeism
- Gather and participate in external evaluations of PFD
- Include description of f/s issues in PLOAFP
- Develop health care plans for children
- Provide competency-based training

## SELECTED REFERENCES AND RESOURCES

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