Teachers' Knowledge of Special Education Laws: What Do They Know?

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In the United States increasingly more children are being identified as needing special services. Teachers are usually the first to identify children in need of such services and refer those children for evaluation. Due to the fact that more of these children are being included in the regular classroom environment, it is imperative for teachers to understand all aspects of special education laws (i.e., IDEIA and Section 504) to be effective advocates for children. A 24-item survey was administered to kindergarten through eighth grade teachers to determine their familiarity, knowledge, and level of training regarding the provisions specified under IDEIA and Section 504. The results of this mixed methods study indicate that teachers are lacking some essential information regarding IDEIA, and have limited knowledge of provisions covered by Section 504.

The role of the classroom teacher has always necessitated that teachers should have a working knowledge of special education law. Teachers are usually the first to identify children who may be in need of special services and are usually the ones who refer children for evaluation. In addition, since "more than 6.7 million students are labeled as having a disability under 13 categories recognized by IDEA" (Sack-Min, 2007, p. 24) and with more than half of the children with special needs being included in the regular classroom environment (Bocala, Morgan, Mundry, & Mello, 2010; Holdheide & Reschly, 2008), teachers' understanding of special education laws is imperative.

Years ago the majority of special education students were educated in self-contained classrooms. As noted by Blanton, Pugach, and Florian (2011):

> Today 57% of students with disabilities spend more than 80% of their day in general education classrooms yet general education teachers consistently report that they do not have the skills they need to effectively instruct diverse learners, including students with disabilities (p.4).

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The general education teacher is expected to make the necessary accommodations to the curriculum for the students with special needs in their classroom to meet academic standards (Vaughn, Bos, & Schumm, 2010). Unfortunately, research has shown that children with learning disabilities and emotional/behavioral disturbances have not been meeting academic expectations and are in need of effective instruction that addresses their academic difficulties (Blanton et al., 2011; Nelson, Benner, Lane, & Smith, 2004; Reid, Gonzalez, Nordness, Trout, & Epstein, 2004).

Due to the fact that regular classroom teachers are taking on a more substantial role than they have in the past in the identification and teaching of students with special needs, it stands to reason that they would be required to know education law, and perhaps be required to take a workshop or course on educational law, prior to or after becoming a teacher. However, there has been little research on pre-service and in-service teachers' knowledge in this area, and the majority of studies that have been done are unpublished doctoral dissertations (Eckes, 2008; Littleton, 2008). Remarkably, research has shown that most of the information that teachers obtain about legal matters comes from other teachers and principals (Leschied, Dickinson, & Lewis 2000; Schimmel & Militello, 2007). Schimmel and Militello (2007) found that over 75% of the more than 1300 teachers they surveyed did not take any course in education law as an undergraduate. They also found that only 40% of teachers chose the correct answer for questions related to teachers' and students' legal rights. For instance, a majority of teachers were unaware that students who are suspended for 5-10 days do not have the right to legal representation, nor did they know that students have the right to wear t-shirts that criticize school policies as long as it did not interfere with school operations. Furthermore, even though 87% of principals had taken a course on education law in their training program, these principals were only able to correctly answer 54% of the items regarding teachers' rights and liability and 65% on students' rights (Militello, Schimmel, & Eberwein, 2009). Because the source for teachers' knowledge of education laws comes primarily from others in the school who also lack knowledge, this increases the chances of potentially passing on misinformation (Militello et al., 2009; Schimmel & Militello, 2007). "Teachers report being poorly equipped to act in the best interests of their students, their profession and themselves because they do not understand fully their legal obligations and rights" (Leschied, Dickinson, & Lewis, 2000, p. 40).

As professionals working with students on a daily basis it is important that teachers be aware of legislation that impacts students' eligibility for services. There are two key special education laws in the United States that school personnel should not only understand but should have experience implementing in their classroom. The first is The Individuals with Disabilities Education Act

(IDEA) and its re-authorization in 2004 as the Individuals with Disabilities Education Improvement Act (IDEIA; P.L. 108-444). This law governs how schools provide services to children from birth through age 21 who are identified with at least one of the thirteen Federal categories of disabilities. This ensures the child's right to a free and appropriate public education in the least restrictive environment. Furthermore, for each identified child an individualized education program (IEP) must be developed with all necessary related services denoted.

The second education-related law is Section 504 of the Rehabilitation Act (1973), which "is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education" (U.S. Department of Education, 2013, "introduction," para. 2). Unlike IDEIA, this civil rights law is applicable to not only schools but places of employment that receive federal funds (U.S. Department of Health and Human Services, 2006).

Children who qualify under Section 504 are guaranteed the right to a free and appropriate public education. For many years Section 504 was ignored by most school personnel because they believed that all children's needs were covered by IDEIA, but this was not accurate. Now, children's advocates and parents are turning to Section 504 to obtain services to address conditions (e.g., Attention Deficit Hyperactivity Disorder [ADHD]) that are not covered by IDEIA. Although children with severe ADHD can qualify for support under Other Health Impairment (OHI) under IDEIA, children with more moderate concerns who may not qualify under OHI can receive accommodations (e.g., extra time for tests, a classroom aide) with a 504 plan. Although school personnel are paying increasing attention to this law (Brady, 2004; Smith, 2002), "all too often, educators are ill-trained in both understanding and implementing Section 504 legal regulations in their respective schools" (Brady, 2004, p. 319).

It is not only teachers who have limited knowledge of special education laws but also professors and support personnel (e.g., school psychologists) who are usually the source for special education information for teachers. There have been limited studies examining school personnel's perceptions and understanding of federal laws governing their role when working with students with disabilities. Surveys given to the entire faculty and administration of a southwestern university to determine their familiarity with disability laws indicated that they were only slightly aware of the legal rights of students with disabilities (Thompson & Bethea, 1997). Whereas O'Dell and Schaefer (2005) examined the perceptions and experiences of school district personnel (e.g., special education teachers, school psychologists) who implemented the law in their schools, these participants were frustrated with the amount of paperwork they had to complete within a certain timeframe. The respondents stated that it took them away from working with students. In addition, the school district personnel ex-

pressed concerns about student placement in the least restrictive environment, which were most often inclusive settings. The participants believed that these placements were not appropriate for some students. For instance, one teacher noted that some students had significant behavioral needs that could not be met in the general education setting.

Due to the increasingly important role that classroom teachers play when it comes to special education, it is important to examine their knowledge, training, and understanding of IDEIA and Section 504. This study sought to examine whether teachers have sufficient knowledge of education law to implement appropriate special education services for the benefit of their students.

Methods

Participants

Participants were 58 kindergarten through eighth-grade teachers from the New York City metropolitan area. They were general education teachers with five or fewer years of experience (M = 1.57; SD = 1.42) who were enrolled in graduate classes at a private university in the New York City metropolitan area to obtain their master's degree in literacy. The participants were primarily Caucasian (96.4%) and female (96.6%) with a mean age of 25.75 years (SD = 5.53).

Measure

This study was approved by two universities' IRB. The first author informed the participants about the survey and those who wished to participate were given the survey to complete. The students were informed that there were no incentives nor negative consequences related to completion of the survey. Participants completed an author-devised questionnaire (see Table 1) in one of their first required graduate literacy courses. First, participants answered ten True/False questions about the IDEA/IDEIA law, seven about Section 504, and one on FERPA. Then, they responded to four open-ended questions that assessed their knowledge of the provisions of IDEIA and Section 504 and how these laws impact their work with children. Finally, they answered two open-ended questions about their training in these laws.

Table 1. **Questions, Correct Answer, Number of Responses, and Percentage Correct**

Question	Correct Answer	Number of Responses	% Correct
The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school make such a request.	TRUE	43	95
IDEA (IDEIA) indicates that a student who has a disability should have the opportunity to be educated in the least restrictive environment. This means they should be educated with non-disabled peers to the greatest extent possible.	TRUE	43	95
If a teacher thinks that a child has not been making progress he/she can recommend that they remain in special education without being reevaluated.	FALSE	42	88
IDEA (IDEIA) requires that specific learning disability determination takes into account the appropriateness of instruction received by the child within the regular educational setting.	TRUE	42	88
An IEP only includes information about a student's short and long-term educational goals.	FALSE	43	74
Funding under IDEA (IDEIA) is available for professional development.	TRUE	41	71
IDEA (IDEIA) requires that specific learning disability determination takes into account the qualification of the teacher providing instruction within the educational setting.	TRUE	42	64

According to IDEA (IDEIA), students involved in drug, weapon, or other dangerous behaviors can be placed in interim placement for up to 10 days, all other offenses the child must remain in the current educational setting.	FALSE	41	54
According to IDEA (IDEIA), a three-year re-evaluation is not required if the parent and local educational agency deem it unnecessary.	TRUE	43	33
IDEA (IDEIA) requires that observations of students be conducted by the student's current teacher	FALSE	40	15
The steps in the assessment process for section 504 include: referral, evaluation, eligibility determination, accommodation plan, and periodic reevaluation.	TRUE	43	86
Section 504 does not require that schools provide students with disabilities a free and appropriate education.	FALSE	43	81
If a student is not considered disabled under IDEA (IDEIA), they may still be considered handicapped under Section 504.	TRUE	42	76
Section 504 includes a "child find" requirement that specifies the schools' responsibility to locate and identify students with handicapping conditions	TRUE	41	71
To receive services under Section 504 a specific diagnosis (e.g., ADHD) must be made.	FALSE	42	26
An IEP is written for all children who are eligible for Section 504 services.	FALSE	43	23

Section 504 provides federal funding to schools to provide services to disabled children.	FALSE	43	16
The Family Educational Rights and Privacy Act (FERPA; Buckley Amendment) of 1974 penalizes school employees who divulge information about a child's academic performance &/or behavior to someone other than the child's parents.	FALSE	42	7

Results

Quantitative Results

The authors used a mixed methods approach when collecting data. The true/false questions and completed coursework were analyzed using a quantitative approach, whereas the open-ended questions were analyzed using a qualitative approach.

For the quantitative results, the authors excluded anyone who left more than 20% (3 questions) blank. Therefore, 43 surveys were included, of these 32 completed all questions, 8 did not answer one, 2 failed to answer two, and 1 left three blank. For each of the True-False items, the percentage of respondents who answered the question and provided the correct response was tallied (see Table 1). Teachers were asked ten questions related to information about IDEIA policy. Eighty-five percent of respondents thought that IDEIA required that the student's current teacher conduct observations of students even though it does not. Whereas 26% of teachers indicated that an IEP only includes information about a student's short and long-term educational goals. There were seven items related to knowledge of Section 504. Only 22% correctly indicated that children do not need to have a specific diagnosis to receive services. Furthermore, 76% of teachers incorrectly thought that an IEP was written for services provided under Section 504. Eighty-four percent of teachers incorrectly thought that Section 504 provides federal funding to schools to provide services to children with disabilities. With regard to IDEIA, 36% of teachers did not know that the qualifications of teachers providing instruction are considered in making a specific learning disability determination.

Two additional questions asked teachers whether they had coursework or seminars that discussed these laws. Nine (21%) teachers reported having had coursework related to IDEIA. Eight (19%) of those same teachers reported also having had coursework related to Section 504. Because some respondents left several questions blank, we took the percentage correct for completed questions. Those without IDEIA coursework (see Table 2) had an average of 66% (SD = 11%) whereas those with IDEIA coursework averaged 68% (SD = 17%).

Those without Section 504 coursework averaged 66% (SD = 10) and those with Section 504 coursework averaged 68% (SD = 10). Two independent samples t-tests were conducted to examine mean difference in correct responses to the survey for those with and without relevant coursework experience. There were no significant differences for those who had coursework related to IDEIA, $t\,(43) = .5264$, $p > .05$, or Section 504, $t\,(43) = .7328$, $p > .05$.

Table 2. **Means and Standard Deviations for Education Law Knowledge Survey by Respondents with and without coursework on these laws.**

	Overall Sample	**IDEA Coursework**		**Section 504 Coursework**	
		Yes	No	Yes	No
Percentage	66.28%	68.23%	65.76%	68.42%	65.79%
StDev	(10.22)	(16.90)	(10.51)	(9.85)	(10.38)

Qualitative Results

Open-ended responses were analyzed for common response patterns. For the first question, teachers were asked to describe the main provisions/benefits specified under the IDEIA. Forty-three percent of teachers showed a general understanding of the IDEIA. One teacher said it "provides services to those students who need them. Students can obtain seat accommodations, testing modifications, adaptations to work, devices to help hearing impaired, etc." While another said it is used "to determine the rights of people with disabilities, determine which services each person is entitled to receive and make sure they receive them." Fifty-two percent of the teachers stated, "I don't know" or did not respond to this question. Other teachers seemed to confuse IDEIA with state testing or No Child Left Behind. For instance one said, "No Child Left Behind in school & education. State tests are administered & analyzed to see the status of the school's education system" and another teacher stated, "It attempts to ensure that no child gets left behind by providing national standards children have to meet before moving forward."

Item number two asked teachers to describe the main provisions/benefits specified under Section 504. Thirty-four percent of teachers showed a general understanding of Section 504, such as "The main benefits of the 504 are to help students who are not classified special ed." Another 54% stated, "I don't know" or did not respond, and 13% showed a lack of understanding based on their responses to this item. Examples of teachers having some misunderstanding of this provision can be seen in these two responses: "Section 504 is the act that picks up where IDEA leaves off, it takes care of people with disabilities after

High School" and "I think it is another way to protect children with disabilities. I believe 504 is for children with mild disabilities where IDEA is for more severe cases."

The next question asked teachers to explain how IDEIA impacted their work with children. Forty-six percent of teachers indicated that IDEIA has a positive or neutral impact on their work with children, 4% indicated it had no impact or a negative impact and 45% stated, "I don't know" or did not respond to the question. For those who did respond to the question, "It will help to inform me of the rights of any students in my class who may have disabilities. It will help me meet the needs of students." There was a diversity of responses on how teachers perceived IDEIA influenced their work with children:

- "It gives more support for the teacher and child"
- "Allows students to work comfortably at his/her instructional level. Children are less tense, able to work well b/c they can function better."
- "Depending on the services your students are supposed to receive you have to comply. Also based on IEP"
- "It puts more pressure on a classroom teacher to accommodate every student"
- "Have to prepare them for state tests. Teachers must modify lessons to meet the different needs of every student"
- "It makes me less flexible in the classroom. I am forced to 'teach to the test' and left with little room for creativity and branching away from the curriculum"

Finally, teachers were asked to explain how Section 504 impacts their work with children. Thirty-four percent of teachers explained how Section 504 impacted their classroom teaching, and 29% indicated they did not know how it impacts their work with children, and 5% stated it did not impact their work. Again there were a variety of responses:

- "Differential instruction"
- "Used hearing devices. Work with several teacher aides. Administer state tests in separate locations and for longer durations."
- "If a child has a 504, it helps the teacher to accommodate that child in the classroom. This is an individualized report which shows the teacher how a child benefits the best in a classroom. This is a very helpful document."
- "As a teacher, the IEP will represent the child's strengths and weaknesses to focus on while teaching the child"

Discussion

Now that inclusion classes are more common for children with special needs, general education classroom teachers "should know the major legal and policy foundations for inclusive practices. Deep knowledge of the LRE principle, civil rights conceptions of inclusion, and prior research on inclusion are essential areas of background knowledge" (Holdheide & Reschly, 2008, p. 6). Furthermore, with the re-authorization of IDEIA (P.L. 108-446) and the increased requests for services under Section 504 it is important to ensure that professionals working with young children are aware of legislation that could possibly impact delivery of services. Knowledge of services available under Section 504 and IDEIA may impact a teacher's decision to refer a student for assessment and services. As such, it is essential to ensure that teachers are informed of services available to students.

The results of this study indicate that teachers are lacking some essential information about IDEIA, and have limited knowledge of provisions covered by Section 504. Only 21% of teachers in this study had any coursework related to special education laws IDEIA and Section 504. When asked to describe the main provisions/benefits of the special education laws only 43% had a general understanding of IDEIA and even less (34%) understood the basics of Section 504. Teachers are typically misinformed and lack knowledge about education law, which in turn may inadvertently violate students' legal rights (Bruner & Bartlett, 2008; Imber, 2008; Littleton, 2008; Schimmel & Militello, 2007). School administrators are often being threatened by lawsuits; special education is the second most common area of threat with 7% of principals getting threats on a weekly basis, and 19% on a monthly basis (Militello et al., 2009). Since principals are getting threats in relation to special education issues, it is important to make sure that all school personnel are well informed on the basics of IDEIA and Section 504. Principals have indicated that special education laws are one of the most important areas of education law that they want teachers to be informed about (Militello, Schimmel, & Eberwein, 2009). "One result of this legal confusion for teachers is that they may avoid taking actions that they think are right because of possible legal hassles" (Militello & Schimmel, 2008, p. 100).

Seventy-four percent of teachers surveyed in our study believed that in order for students to receive services under Section 504 a specific diagnosis (e.g., ADHD) must be made, which is false. This indicates that teachers would not pursue possible services under Section 504 for their students if their students do not have a specific label. They are unaware that Section 504 is an alternative path to help and possibly provide services for children who have special needs but who do not have a diagnosis. Moreover, Schimmel and Militello (2007) found

that more than fifty percent of their respondents would change their behavior if they knew the correct answers to the authors' survey of educational laws.

Our research, and others', confirms the need for teachers to be better informed about special education law. It is recommended that universities consider offering a course or coursework that includes information about educational law for all education majors. For universities that do not offer a three-credit course because it is not an option in an already packed curriculum, colleges should consider offering an intense one-credit course or include a six-to ten-hour unit on educational law in one of their courses (Schimmel & Militello, 2007). In addition, professional development workshops or in-service presentations can be ideal venues to share information about these laws with teachers. States could offer online tutorials regarding special education laws that teachers would have to pass every few years as part of their requirement for certification (Imber, 2008).

With more than half the children with special needs being taught in a regular education classroom (Bocala, Morgan, Mundry, & Mello, 2010; Holdheide & Reschly, 2008) an important first step for all teachers in inclusive settings is to be educated in the rights and responsibilities conferred by the law. With this knowledge teachers will be aware of students' right and be an advocate for the children they teach. This way children may receive the help they need and deserve.

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