

Article 105 Interpretations: Inclusion of Swimmers with Disabilities at USA Swimming Competitions

Article 105 of the USA Swimming rule book provides guidelines for referees, coaches, and swimmers with respect to rule modifications and disability accommodations. This document focuses on Article 105 interpretations of selected case studies. We suggest that you read the files on Referee and coach responsibilities before examining the case studies.

IMPORTANT! This document reflects revisions to Article 105 that were adopted at the 2008 USA Swimming Convention, with revisions effective May 2009.

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Referee Responsibilities

According to Article 105, the Referee has the authority to modify the rules for a swimmer with a disability. The Referee acts in response to a request for specific modifications from the coach or the athlete with a disability, not a parent. The Referee should consider the following issues when making a decision:

- *Does the athlete have a permanent physical or cognitive disability that substantially limits one or more major life activities (Article 105.1.1)?* If the disability is not obvious from the coach's description, the Referee might ask when the disability started and when it is expected to end (is the disability permanent). The Referee could also ask whether or how the disability interferes with home life, community activities, or school/work (does the disability affect major life activities). The Referee is expected to apply common sense - not to evaluate detailed medical evidence or otherwise demonstrate expertise about disability.
- *Does the proposed modification facilitate participation by the swimmer with a disability?* The spirit of Article 105 is to facilitate the inclusion of persons with disabilities in USA Swimming programs, including swim meets. Note the emphasis on participation - there is no guarantee of success!
- *Is the proposed modification fair to other swimmers in the event?* Modifications should not provide an unfair advantage to the swimmer with a disability, nor should modifications interfere with the opportunities of other swimmers to compete.
- *Is the proposed modification feasible?* Possible concerns include the meet timeline or facility limitations; however, these concerns should not squelch efforts to include the swimmer with a disability. Instead the Referee and coach should collaborate to determine an appropriate method of inclusion.

The standard of determination for Referee decisions is common sense. Per Article 102.13.8, the Referee's decision shall affect only the current meet and shall not set precedent for modifications at other competitions. There is no appeal to the LSC or to USA Swimming headquarters.

Coach Responsibilities

The coach (or the athlete with a disability) has two responsibilities. First, the coach should contact the meet director to request disability accommodations, if any, that are needed at the swimming meet facility. Examples could include preferred parking, wheelchair seating, use of a service animal, etc. It is courteous to make this request at the time entries are submitted, giving plenty of notice to the meet director.

Second, the coach should speak with the meet referee before the competition to provide a concise description of the athlete's disability and to request appropriate rule modifications or disability accommodations related to the actual competition. Examples of possible modifications are provided in Article 105. The cases that follow in this document provide further examples. USA Swimming believes that coaches (not parents) are in the best position to make such requests because they have observed the athlete regularly during practice and understand ways in which the disability does or does not affect the athlete's ability to comply with the rules. In addition, coaches understand the need to be fair to other swimmers, as well as the time constraints associated with swim meets.

Additional Hints for Coaches

Coaches play a key role relative to the inclusion of swimmers with a disability in USA Swimming meets. The coach typically is in the best position to judge an athlete's readiness to compete in a particular event/meet and to advocate for the inclusion of the athlete. The coach can help to "grease the wheels" by anticipating need for information by meet workers and officials, as well as proposing strategies for inclusion that do not have an adverse effect on the meet timeline.

Entering the Meet

If swimmers do not satisfy the time standard, but are otherwise qualified, enter them at the slowest time standard. At some meets, such as sectionals, multiple course entries (short course yards, short course meters, and long course meters) are accepted. Enter the swimmer at the distance where they will be seeded the slowest. For long course meets, this is usually short course yards.

On the entry form, note the difference between the distance of the event and the distance at which the swimmer is competing. For example:

Mike Michaels		
200 brst	2:22.22	(Mike will swim the 100 brst)
400 IM	4:44.44	(Mike will swim the 150 IM)
200 IM	2:11.11	(Mike will swim the 100 fly)

Do not enter a stroke event (brst, back, fly, or IM) during a freestyle event. Often officials are placed differently for freestyle events, and they are not in the correct positions to make stroke calls.

Note on the entry form if there are any special seeding considerations. For example:

Mike Michaels	Please seed Mike in an outside lane so that he can use the ladder for entry/exit.
Molly Michaels	Please seed Molly next to the warm-up lane so she can slide quickly in and out of her racing lane.
Mary Michaels	Please seed Mary in lanes 3-6 so she can see the strobe light more easily.

Before the Meet Starts

- Talk to the Meet Secretary. Ask if there are any questions about your team's entries.
- Talk to the Head Referee. Explain your requests for accommodations or modifications. Negotiate win-win solutions. For example, in long course meets, ask if the Referee wants you to provide extra timers for timing a 50 during a 100, or if s/he wants the swimmer to start from the opposite end of the pool (starting from the opposite end works well in backstroke or the 150 IM).
- Talk to the Equipment Operator and explain that there will be some swims at shorter distances. If a swimmer with a disability races a shorter distance than other swimmers in an event, suggest that the meet results be adjusted to reflect the actual distance completed. It should be possible to change the event number for the swimmer with a disability *after* the swim so that the performance is noted for the correct distance in the meet results. For example, if a swimmer with a disability entered Event #9 – 400 free but actually swam a 200 free, after the swim the Equipment Operator or Meet Secretary can change the swimmer's event number to the 200 free.
- Check the heat sheets to see if your entries might cause problems to other swimmers. If a heat includes only one swimmer without a disability, bring the situation to the attention of the Head Referee so the heats can be arranged so that everyone has competition. This will usually occur only in the first heat of a typical meet (slow-to-fast seeding), or in the last heat when fast-to-slow seeding is employed.

During the Meet

- Remind the Referee about accommodations/modifications before the heat begins. Sometimes the Referee will annotate his/her copy of the heat sheet for all of the athlete's events, and this will only need to be done once. But sometimes they don't have all the heat sheets early in the meet, so reminders prior to each event will be helpful. It doesn't hurt to get the Referee's attention before each event.
- Have the athlete tell the timers the distance s/he will be swimming (or do this yourself).
- Remember that the goal is to get the competition the swimmer needs with the least, or no, impact upon the length of the meet.

Article 105 Interpretations/Case Studies

The following rule interpretations are offered by the Disability Swimming Committee. Additional cases may be brought to the attention of the staff liaison, Randy Julian (rjulian@usaswimming.org) for consideration at an upcoming committee meeting.

“SWAD” refers to “swimmer with a disability” in the following interpretations.

Case #1 - Latriece

Latriece is a teenager who has a spinal cord injury. She is a world-ranked Paralympic swimmer who also competes regularly in USA Swimming meets. Regardless whether she enters a senior or age-group meet, Latriece is much slower than the rest of the swimmers in her events. Her coach requests that Latriece be allowed to swim the 100m freestyle within a 200m freestyle race (her 100m time satisfies the qualifying time for the 200m distance).

- *Disability?* Latriece has an obvious physical disability.
- *Fair to SWAD?* The coach's request is fair to Latriece; it facilitates her participation in the meet.

- *Fair to others?* The proposed accommodation is fair to other swimmers because it is considerate of the meet timeline. Some reseeding may be needed to make certain that nondisabled swimmers have sufficient competition within their heats - they should not have to compete only against slower swimmers with disabilities.
- *Feasible?* The proposed accommodation is feasible, especially if the coach makes the request well in advance of the event.

Case #2 – Joe

Joe has an attention deficit disorder. He has difficulty managing to be at the right place at the right time during swimming meets because he gets so distracted. Joe’s coach has requested that his father serve as a personal assistant during the meet, helping Joe to manage the meet environment. Should the Referee approve this request?

- *Disability?* Joe has a disability that probably does not affect his ability to swim, but does affect his compliance with meet routines.
- *Fair to SWAD?* The coach's request for a personal assistant should be evaluated in light of the coach's ability to provide such assistance. If the coach is responsible for a large number of athletes, s/he may be unable to provide the needed help to Joe, in which case a parent acting as personal assistant is reasonable.
- *Fair to others?* The proposed accommodation does not give Joe an unfair advantage.
- *Feasible?* The proposed accommodation is feasible; however, the coach should be instructed to ask Joe's parent to be as unobtrusive as possible while on deck. Although personal assistants are not required to have membership in USA Swimming, membership is advisable.

Case #3 – Michelle

Michelle has a range of motion limitation in her right shoulder. Her coach wants her to swim butterfly using only one arm during an individual medley race (but Michelle does use both right and left arms for the freestyle, backstroke, and breaststroke legs). How should the Referee respond?

- *Disability?* The Referee should ask for more information about Michelle's range of motion (ROM) limitation, including the start date and likely end date for the condition. Lifetime/chronic ROM limitations can be associated with disabilities such as cerebral palsy, arthritis, muscular dystrophy, or a brachial plexus injury to name a few. Limited ROM is not a disability if it is caused by a temporary injury such as tendonitis.
- *Fair to SWAD?* Swimming butterfly with one arm might not be fair to Michelle. Following the rules is important to her self esteem and personal success, and learning to follow the rule is important to her development as a swimmer. But ... if her ROM limitation is a lifetime/chronic condition that prevents her from following the rules despite coaching, one-arm butterfly may be a solution. In that case, Michelle must still abide by other rules such as a horizontal body position. Another option is to require Michelle to use both arms for the butterfly leg, but to modify the rules so that symmetry of arm movements is not required.
- *Fair to others?* Swimming butterfly with one arm may be unfair if it enables Michelle to achieve a time standard, beat another swimmer, or break a record. Although not ideal evidence, the coach might provide Michelle's splits from an IM race. If her butterfly split is proportionate to her times in the other strokes, she probably does not have an advantage over other swimmers.
- *Feasible?* Although the wisdom of the accommodation is debatable, it is feasible.

Case #4 – Rick

Rick competes internationally in Paralympic/disability swimming events, but does not achieve the qualifying times needed to enter LSC senior or championship level meets. His coach wants Rick to get more experience in prelim/final meets to help Rick prepare for international competition. Should Rick be allowed to compete in LSC (or zone or sectional or national) level USA Swimming meets without the necessary qualifying times?

- *Disability?* If Rick competes in Paralympic/disability competitions, he probably satisfies the disability requirement of Article 105. Nonetheless, the coach should describe the disability to the Referee.
- *Fair to SWAD?* Rick should be allowed to compete in senior or championship level meets for a variety of reasons. He should be exposed to elements of the championship environment such as a ready room, prelims/finals format, excellent facilities, and top competition. There are many ways to do this. For example, some LSCs allow a SWAD to swim a 100m distance in a 200m race if the SWAD's time for 100m satisfies the time standard for the 200m race (similar modifications are made for other strokes/distances). Some simply trust the coach's decision to enter the SWAD in a meet, and forego time standards altogether.
- *Fair to others?* There is no problem with fairness unless Rick is advanced to finals without having earned his position.
- *Feasible?* It is absolutely feasible to include Rick in LSC, zone, or sectional meets, especially if the coach and Referee are alert to methods of inclusion that do not have a negative impact on the meet timeline. Inclusion at a zone meet depends upon Rick's age (swimmers over the age of 18 are not eligible at zone age group meets), and quotas on the entries submitted by LSCs. However, most zones have provisions that facilitate participation by SWADs. Rick must have achieved the qualifying time standards for national meets.

Case #5 – Tameka

Tameka's coach has requested that she be seeded (or re-seeded) in Lane 1 or Lane 2 so that she can see the starter's hand signals (Tameka is deaf). Should the Referee approve this request? What if the coach requests Lane 4?

- *Disability?* Tameka does have a disability.
- *Fair to SWAD?* There is no question that hand signals should be used if requested. Tameka should have a lane assignment that allows her to see the Starter's hand signals, and the Referee should consult with Tameka or her coach about preferred lanes (near or far from the Starter). Sometimes the decision depends upon the availability of light signals at each starting block. In that case, the swimmer may watch the starter for "on the blocks" and "take your mark" signals, but then watch the starting block strobe light for the start.
- *Fair to others?* Hand signals do not present an unfair advantage to Tameka over other swimmers. Tameka should not be seeded in an "inside" lane unless she has earned that privilege, because that would constitute an unfair advantage.
- *Feasible?* Hand signals are feasible and should be a component of official's education for Starters. Changes in lane assignments also are feasible. The Referee's decision will also depend upon equipment available at the meet. Hand signals may not be needed if strobe lights are positioned at each starting block, or if an extra strobe light can be positioned within Tameka's field of vision. The solution to this challenge will be easier to determine if the coach makes the accommodation request well in advance of the event.

Case #6 – Aaron

The Referee has seeded Aaron, a deaf swimmer, in Lane 1 next to the starter's strobe light so that he will have a fair start. But Aaron uses peripheral vision at the start and would normally have been seeded in Lane 4. The Referee did not converse with the Aaron or his coach prior to re-seeding the event. The coach objects to the re-seeding, requesting that Aaron be placed in Lane 4. Should the Referee approve this request?

- *Disability?* Aaron does have a disability.
- *Fair to SWAD?* Disability accommodations must be personalized to the individual SWAD. In this case the Referee created an unfair situation for Aaron by moving him to Lane 1 where he could not use his peripheral vision to advantage, and where he did not have the swimmer's advantage of an inside lane. The coach made a reasonable request for a return to the original Lane 4 seeding, and that request should be honored.
- *Fair to others?* Aaron does not have an unusual advantage with a Lane 4 seed – he earned the “pole” position in his heat. Thus, there is no question about unfair disadvantage to other swimmers.
- *Feasible?* A return to Lane 4 seeding is feasible.

Case #7 – Patty

Patty has a seizure disorder that has become worse in recent years, with more frequent seizures despite medication efforts. At meets, Patty's coach requests that a lifeguard be stationed at the end of Patty's lane so that the lifeguard can offer assistance if needed without interfering with other swimmers' races. Should the Referee approve this request?

- *Disability?* Patty has a disability that probably does not affect her ability to swim. However, her seizures do warrant an accommodation because of safety risks.
- *Fair to SWAD?* This accommodation enables Patty's participation in the meet. It is fair to her.
- *Fair to others?* The accommodation is fair to other swimmers unless it puts lifeguards in a position where they are less prepared to help other swimmers in the event.
- *Feasible?* The response to this situation is not clear-cut. First of all, the position of lifeguards is not under the Referee's jurisdiction. Instead, lifeguard positions may be dictated by facility policies or local public health regulations. The ability of the lifeguarding staff to respond to the request probably depends upon the number of lifeguards on duty. The coach might offer to stand at the end of Patty's lane and to make a rescue if needed, thus minimizing impact on the lifeguards. The coach should also anticipate this situation and make the request about lifeguards at the time entries are submitted.

Case #8 – Tom

Tom is a 9-year-old swimmer who has spina bifida. Tom is a pretty good little swimmer, but his feet don't turn out all the way, so he is unable to swim breaststroke legally. Initially Tom was getting DQ'd all the time until the parent finally spoke up at the last meet. Does Tom's mother need to talk to the officials at every meet? Does she need to provide some written medical documentation?

- *Disability?* Tom has a physical disability that probably is obvious to an observer.
- *Fair to SWAD?* A request for a rule modification (no DQ for improper foot action) from the coach to the Referee is fair to Tom.

- *Fair to others?* The request for a rule modification does not have a negative impact on other swimmers.
- *Feasible?* The feasibility question here is whether Tom's mother needs to make a request at every meet and whether she needs medical documentation of Tom's disability. First, requests should be made by the swimmer's coach, not a parent. Second, it is not appropriate to ask a Referee to evaluate medical documentation, either in terms of the Referee's expertise or the time available in the context of the meet. The Referee is only expected to use common sense in response to a common sense request. A request for modification must be made at every meet, in part because disability characteristics can change over time, and in part because officials at one meet should not be expected to know the way other officials ruled at other meets. But if Tom is a "regular" at meets in his LSC, it is likely that officials will come to know him over time, so that less discussion will be needed at subsequent meets.

Case #9 – Kristin

Kristin has an above-wrist amputation of one hand. She was disqualified in a butterfly race for using an asymmetrical arm stroke and touching with one hand. After the race, her coach complained to the Referee that Kristin should not have been disqualified. Neither Kristin nor her coach spoke to the Referee about her disability prior to the race. What should the Referee do?

- *Disability?* Kristin has an obvious physical disability.
- *Fair to SWAD?* The situation is not fair to Kristin or to the officials. The coach should have requested a modification before Kristin's event so that officials could be prepared, and so that Kristin would not be unfairly disqualified. At the point of the coach's complaint, the Referee should speak with the stroke and turn judge to learn exactly what was meant by asymmetrical arm stroke (e.g., were shoulders on the same plane, did both arms recover above water, did elbows move forward at the same speed). If the arm movements were indeed asymmetrical, Kristin should be disqualified. The one-hand touch should not be reason for disqualification.
- *Fair to others?* Based upon the case description, it seems unlikely that other swimmers are affected by this situation. Without propulsion from hand movements, Kristin is at a disadvantage in swimming races.
- *Feasible?* Resolution of this situation is feasible if the coach acted immediately following Kristin's swim. However, if the coach waited to complain, the stroke and turn judge might not have a good memory of Kristin's swim. Regardless of the decision about the DQ, the Referee should regard the situation as a teachable moment and should educate the coach and swimmer about the need to request accommodations prior to the event.

Case #10 – Martin

Martin has a sensory integration disorder that manifests as poor attention and fidgeting while on the starting block. Martin's coach requests that officials ignore the fidgeting on the block so that Martin won't be DQ'd for moving around after the "take your mark" command. Should the Referee approve this request?

- *Disability?* A sensory integration disorder typically does not qualify as a "permanent physical or mental impairment that substantially limits one or more major life activities" (Article 105.1.1). If there is doubt, the Referee could ask for more information about how the disorder affects home, school, and community activities.
- *Fair to SWAD?* The request is not fair to Martin. Following the rules is important to his self esteem and personal success, and learning to follow the rule is important to his development as a swimmer.

- *Fair to others?* Martin's movements on the starting block are likely to be distracting to other swimmers and to cause false starts. This situation is not fair to other swimmers.
- *Feasible?* The Referee and coach could discuss options for Martin, including starting in the water, as ways to help Martin remain stationary at the start.

Case #11 – Deena

Deena has autism with concomitant problems understanding and following meet routines. For example, Deena is prone to melt-downs in crowded spaces such as the clerk of course and sitting with the team in the bleachers. She is over-sensitive to touch and noise. Deena's mother approached the Referee to request permission to serve as Deena's personal assistant during the meet, including permission to accompany Deena on the pool deck. Deena's mother presented the Referee with a 19-page medical and educational assessment of her daughter's disability. Should the Referee: (a) evaluate the medical and educational data about Deena's disability; (b) accept a request from Deena's mother rather than her coach; and (c) approve this request?

- *Disability?* Deena does have a disability that may or may not affect her ability to swim, but definitely affects her compliance with meet routines.
- *Fair to SWAD?* The request for a personal assistant should be evaluated in light of the coach's ability to provide such assistance. If the coach is responsible for a large number of athletes, s/he may be unable to provide the needed help to Deena, in which case a parent acting as personal assistant is reasonable. The coach should be making this request, not the parent.
- *Fair to others?* The proposed accommodation does not give Deena an unfair advantage. In fact, if a personal assistant may be appreciated by other swimmers if the personal assistant helps Deena to remain calm.
- *Feasible?* Requests for accommodation should come from the swimmer's coach rather than a parent (unless the parent is a registered coach). It is not reasonable to ask a Referee to evaluate medical and educational data, either in terms of the Referee's expertise about disability or the time needed to read and study the documentation. The Referee's responsibility is to use common sense about requests for accommodation.

Case #12 – Will

Will is missing part of his right foot. He has normal movement in the hips and knees, but has limited ankle mobility because of surgical interventions. Will's coach brings the situation to the Referee's attention and also has Will demonstrate his ankle range of motion to the Referee. The coach asks for an accommodation during breaststroke and IM races because Will cannot turn the right foot outward as required by the breaststroke rules. Specifically, the coach suggests that Will not be disqualified for improper movements of the right foot and ankle. Should the Referee approve this request?

- *Disability?* Will has an obvious physical disability that does affect his ability to comply with the breaststroke rules.
- *Fair to SWAD?* The Referee should agree to the coach's request, but might choose to remind the coach that Will is responsible for correct movements of the hips, knees, and legs. This accommodation is fair to Will because it facilitates participation.
- *Fair to others?* Inability to turn-out the right foot does not give Will an advantage over other swimmers; in fact, the disability probably has a negative impact on propulsion.
- *Feasible?* The proposed accommodation is feasible. The Referee should notify stroke and turn judges about the accommodation.

Case #13 – Will (continued)

In response to Case #12, the Referee agreed to the accommodation that Will not be disqualified for improper movements of Will's right foot and ankle. In the 50y breaststroke race, Will is not DQ'd. In the 100y IM race, a stroke and turn judge disqualifies Will for using an asymmetrical scissors kick with the right foot/toes breaking the surface of the water. The coach protests the disqualification to the Referee. How should the Referee respond?

- *Disability?* Will has an obvious physical disability that does affect his ability to comply with the breaststroke rules.
- *Fair to SWAD?* As per Case #12, the accommodation is fair to Will. However, the DQ described in Case #13 should not be overturned because it is based on improper movements of the legs, specifically a scissors kick. Following the rules is important to Will's self esteem and personal success, and learning to follow the rule is important to his development as a swimmer. The DQ is fair to Will.
- *Fair to others?* The Referee should disqualify Will out of fairness to other swimmers who expect the same rules to apply to everyone
- *Feasible?* The coach's request to overturn the DQ, while feasible, is not appropriate.

More Cases?

Do you have a case that should be added to this list? Additional cases may be brought to the attention of the staff liaison, Randy Julian (rjulian@usaswimming.org) for consideration at an upcoming Disability Swimming Committee meeting.