



## Article 105 Case Studies: Inclusion of Swimmers with Disabilities at USA Swimming Competitions

The mission of the Disability Swimming Committee is the full inclusion of swimmers with a disability in USA Swimming programs

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 discussion of selected case studies related to Article 105. We suggest that you read the information about Referee and coach responsibilities before examining the case studies. The Situations and Resolutions file in the Officials section of the USA Swimming web site (<http://www.usaswimming.org>) is another good source of information.

***IMPORTANT!*** This document reflects revisions to Article 105 that were adopted at the 2008 USA Swimming Convention, with revisions effective May 2009. The information in this article was prepared by the Disability Swimming Committee, and was subsequently approved for distribution by the Rules & Regulations and Officials Committees.

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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) and might also ask the coach to explain 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 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.

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### **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, additional strobe light, 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 (including personal assistants) 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 swimming 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 facilitate inclusion 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***

Coaches should become familiar with their LSC's policies regarding swimmers with a disability and follow the appropriate entry procedures. Normally this will involve alerting the Meet Entry Chairperson that the athlete with a disability needs special consideration regarding the seeding of certain events. Final decisions about where the athlete will be seeded are made by the Meet Referee. Normally the Referee will make such decisions in conjunction with the coach, athlete, and Administrative Referee. Coaches and athletes should be prepared to indicate their preferred options for seeding (i.e., swim the race within a different event, swim the event with a different age group, etc.). Communicate requests to the Meet Entry Chairperson and Administrative Referee. For example:

- Please seed John Doe in an outside lane so that he can use the pool lift for entry/exit.
- Please seed Jane Doe next to the warm-up lane so that she can slide quickly in and out of her racing lane.
- Please seed Jason Doe in lanes 3-6 so that he can see the strobe light more easily (Jason is deaf).

- Please have Jennifer Doe swim the 200m freestyle in the same event where other swimmers in her age group are swimming the 400m freestyle (her 200m time is comparable to typical 400m times).
- Please have Jerome Doe (age 12) swim the 200m IM with the 10 & under 200m IM event (his 200m IM time is comparable to times from the 10 & under swimmers).

If swimmers do not satisfy the time standard, but are otherwise qualified, and the LSC has no stated policy regarding exceptions to time standards for swimmers with a disability, the coach should contact the Meet Referee and advocate for the swimmer's inclusion.

### ***Before the Meet Starts***

- Talk to the Meet Entry Chairperson. Ask if there are any questions about your team's entries.
- Talk to the Meet Referee. Explain your requests for accommodations or modifications. Negotiate win-win solutions. Offer to be helpful. For example, in long course meets, ask if the Referee wants you to provide extra timers for timing a swimmer with a disability who is completing a 50m distance during a 100m event.
- 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 Meet Referee so that heats can be rearranged to provide more competition for the swimmer without a disability. 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.
- The Referee should inform the timers the distance the swimmer will be completing if it is different from other swimmers in the heat, but it is certainly appropriate for you or the swimmer to remind the timers just before the race.
- Remember that the goal is to get the competition the swimmer needs with the least, or no, impact upon the length of the meet.

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## **Tips for Administrative Referees**

The most common way in which the Administrative Referee facilitates the inclusion of swimmers with a disability is special seeding. There are no hard and fast rules about how to accomplish special seeding. Just use common sense to match the accommodation to the situation. The goal is to provide opportunity, fairness, and challenge for all swimmers.

### ***Examples of special seeding include:***

- Swimming out-of-event (e.g., swimming a 100m freestyle during the 200m freestyle).
- Swimming out-of-age group (e.g., swimming a race with a younger age group).
- Swimming in an outside lane because of need to be close to a pool lift.

- Swimming in a lane where a deaf swimmer can best see the strobe light.
- Swimming an event such as the 150m IM (Paralympic event) that is not one of the meet events (This could be accommodated as an exhibition or time trial swim, or the swimmer might be accommodated within a 200m IM event. Also, the swimmer in a 150m IM might start at the opposite end of the pool so as to finish the race with others in the heat.)

***If the athlete needs special lane consideration***, but otherwise can be seeded within his/her event appropriately, simply adjust that particular heat keeping the seeding integrity intact as much as possible.

***Out-of-event*** (with another distance) and ***out-of-age group*** (with another age group) swimmers should be seeded last in the first/slowest heat, separated by an empty lane, even if the swimmer's time is faster than the others in the event (analogous to non-conforming times in a national championship meet).

***Psych sheets*** should list the athlete within the entered event, not the event in which the athlete will actually swim. For example, if an 11-12 year-old athlete is swimming the 100m freestyle in conjunction with the 10 & under 200m freestyle, that athlete should be listed on the psych sheet as entered in the 11-12 100m freestyle, not with the 10 & under 200m freestyle. If the event that the athlete will be swimming is not one of the meet events, then the event should be added as an exhibition event in the database.

***Meet results*** should be adjusted to reflect the actual distance completed. For example, if the athlete swam the 100m freestyle during the 200m freestyle for a younger age group, that athlete's time should be mingled with the results from that athlete's own age group for the 100m freestyle. If a 13-14 year-old swam the 100m freestyle with the 11-12 100m freestyle, that athlete's time should be mingled with the 13-14 results for the 100m freestyle. 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 and age group in the meet results.

***Administrative procedures*** are the prerogative of the Administrative Referee and computer operator. There are several ways to accomplish the seeding when an athlete is swimming a race in conjunction with a different event. It may be easiest to manually write any addition of a swimmer with a disability onto the posted heat sheet, indicating heat, lane and distance/stroke. Obviously, the Referee, lane timer, timing machine operator, and announcer all need to be informed of any such additions. It is a good idea to scratch the athlete from the event in which s/he is entered until the seeding for that event is complete so that s/he doesn't seem to appear as a no-show during the event. After the initial seeding, one can go in and adjust the seeding, adding a heat and placing the athlete in the lane in which he will actually be swimming with the other event. Write manually on that heat sheet that the heat is being combined and will be swum with heat 1 of event #. Then when the athlete does swim, his time can be imported into the appropriate event using the race number. Be certain to make any adjustments to the seeding of heat 1 of the other event so that an empty lane can be placed as appropriate.

Things can get quite complicated when events are spread out over a number of days, so every effort should be made to allow the swimmer to compete (swim his event with another event) on the same day as his event is scheduled to be contested. This minimizes the delay in publishing results and enables you to import times directly. When this is not possible, and the athlete swims the event a day early, steps have to be taken to secure an additional printout that you can use to enter times manually the next day. When the swimmer swims his event a day after everyone else swam it, the results will simply have to be revised.

These are some suggestions for handling the seeding of a swimmer with a disability, but there may be others that work as well or better depending on the specific situation. If you can, take

advantage of the experiences that others have had in this area as you plan your modifications. The important thing to keep in mind is the set of four considerations outlined at the beginning of this document when identifying and implementing any modifications.

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### Article 105 Case Studies

The following case studies 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. However, the Referee should make certain that nondisabled swimmers in the slowest heat have sufficient competition and that there is an empty lane between Latriece and other swimmers in the heat.
- *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 should not affect other swimmers.
- *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 (ROM) limitation in her right shoulder. Her coach wants her to swim butterfly using only one arm because the ROM limitation causes a non-simultaneous arm stroke. How should the Referee respond?

- *Disability?* The Referee should ask for more information about Michelle's ROM limitation – is it temporary or permanent? The limitation must be permanent to qualify for accommodations. 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?* If Michelle's 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.
- *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 using one arm is proportionate to her times in the other strokes, there probably is not a question about fairness to other swimmers.
- *Feasible?* The proposed accommodation 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 be unfair to other swimmers.
- *Feasible?* Hand signals are appropriate as described in Article 105, 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. Another possible accommodation would be moving Patty to an outside lane so that if a seizure occurred, it would affect as few swimmers as possible and may also put Patty closer to the lifeguard.
- *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. Certainly the lifeguards should be alerted to Patty's situation.

### **Case #8 – Tom**

Tom is a 9-year-old swimmer who has spina bifida. Tom is a pretty good little swimmer, but he has club feet with no observable ankle or foot movements, so he is unable to turn his toes/feet outward when swimming breaststroke. Tom is routinely DQ'd for an improper breaststroke kick. Tom's mother "had enough" and chose to complain about the repeated DQs to the Referee at a recent meet. She provided a 3-ring binder filled with medical evidence of Tom's disability and requested that the Referee (and LSC) make a permanent determination that Tom should not be disqualified for an improper breaststroke kick. Can Tom swim the event without being in violation of the technical rules? Is written medical documentation of Tom's disability needed? Does Tom's mother need to talk to the officials at every meet?

- *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 complete lack of ankle/foot action) should not be approved. Article 105.5.2 requires that if a body part is used, it must be judged in accordance with the technical rules. If Tom attempts a breaststroke kick, he should be responsible for proper movements of the legs, ankles, and feet. Tom could choose to swim the race without using his legs or feet.
- *Fair to others?* Fairness to others is not an issue because performing an improper breaststroke kick is cause for a disqualification.
- *Feasible?* Three questions were posed in this case.
  - *Can Tom swim the event without being in violation of the technical rules?* The request for a rule modification permitting Tom to swim breaststroke without turning the toes/feet outward is not feasible. If he chooses to do the breaststroke kick his actions must be judged in accordance with the rules.
  - *Is written documentation of Tom's disability needed?* 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 from the coach or swimmer.

- *Does Tom's mother need to talk to the officials at every meet?* First, according to Article 105, requests for rule modifications should be made by the coach or swimmer, not a parent. A request for rule modifications must be made at every meet, in part because disability characteristics for some swimmers can change over time, and in part because officials at one meet should not be expected to know how other officials ruled at other meets.

### **Case #9 – Kristin**

Kristin has an above-wrist amputation of one hand. She was disqualified in a butterfly race for using a non-simultaneous 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 non-simultaneous arm stroke (e.g., were shoulders on the same plane, did both arms recover above water, did the arms move forward at the same speed). If the arm movements were indeed non-simultaneous, 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.
- *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 (and probably welcomed by everyone involved). The coach should be making this request, not the parent.
- *Fair to others?* There is no question about fairness to other swimmers. In fact, a personal assistant may be appreciated by other swimmers if the personal assistant helps Deena to remain calm, allowing other swimmers to focus on their race preparations.
- *Feasible?* The proposed accommodation is 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. The coach should be instructed to ask Deena's mother to be as unobtrusive as possible while on deck. Although personal assistants are not required to have membership in USA Swimming, membership is advisable.

<p><b>More Cases?</b></p>
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<p>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.</p>
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