



Personal Assistants for Swimmers with a Disability

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

What are Personal Assistants?

Personal assistants are individuals who provide disability-related help to swimmers who have a disability. Some swimmers need personal assistants to enable successful participation in the sport, while others need help to assure personal safety in practice and meet environments.

- Examples of permitted tasks include but are not limited to helping swimmers with physical disabilities enter or exit the pool, tapping blind swimmers just prior to turns and finishes, assisting swimmers who have cognitive disabilities to understand meet routines or coach instructions, sign language interpreting for deaf swimmers, helping swimmers with autism spectrum or behavioral disorders to cope with challenging situations at practices and meets, and assisting with personal care tasks in locker room settings.
- Personal assistants may not coach unless registered as coach members. Personal assistants must not interfere with meet operations. According to Article 305.2, a coach acting as a personal assistant may not perform a rubdown or massage for the swimmer.

Who Identifies and Approves the Use of Personal Assistants?

Swimmers with a disability typically arrange for their own personal assistants, as well as any necessary disability-related equipment such as tapping devices (Article 105.1.2A). Swimmers may have personal assistants at swim practices if permitted by the coach and at meets if permitted by the referee. Athletes or coaches (not parents) are responsible for notifying the referee prior to the competition of the disability and requested modification (Article 105.1.2A).

Article 105 Case Studies posted at <http://www.usaswimming.org/disability> provides guidance for coaches and referees when making decisions whether to approve a personal assistant or other disability accommodation. The decision-making rubric consists of four questions: (1) does the athlete have a permanent physical or cognitive disability that substantially limits one or more major life activities; (2) does the proposed modification facilitate participation by the swimmer with a disability; (3) is the proposed modification fair to other swimmers in the event; and (4) is the proposed modification feasible?

Is USA Swimming Membership Required for Personal Assistants?

According to Article 105.1.3C, "A personal assistant is not required to be a member of USA Swimming unless acting in a coaching capacity." However, new Athlete Protection legislation adopted at the 2010 meeting of the USA Swimming House of Delegates (new Article 305.4) specifies that effective January 1, 2011 "employees and volunteers of USA Swimming, LSCs and member clubs who interact directly and frequently with athletes as a regular part of their duties and individuals with any ownership interest in a member club must be non-athlete members of USA Swimming and satisfactorily complete criminal background checks as required by USA Swimming. This does not apply to volunteers such as timers, marshals, computer operators, etc. who only have limited contact with athletes during a meet."

John R. Morse, Secretary and General Counsel of USA Swimming, has issued an opinion that the new legislation requires membership/background check for any personal assistant who interacts directly and frequently with athletes as a regular part of their duties. Acting as a personal assistant only at meets would not rise to the frequency standard necessary to require membership; however, a personal assistant who routinely comes on deck or into locker rooms at practices would rise to the level that would mandate a membership.

Are Personal Assistants Covered by USA Swimming Insurance?

According to John Peterson, President of Risk Management Services, Inc. (the General Manager of United States Sports Insurance Company, a subsidiary of USA Swimming), general liability insurance coverage for USA Swimming members is not affected by the USA Swimming membership status of personal assistants. Personal assistants who are not USA Swimming members are protected by USA Swimming general liability insurance, but do not have the benefit of USA Swimming excess accident insurance. (Please refer to the appropriate insurance policies for specific coverages, conditions, and exclusions.)"

Additional Information

Article 105 of the *USA Swimming Rules and Regulations* provides guidelines for officiating swimmers with a disability, and Article 305 contains athlete protection rules. Other documents are posted in the disability swimming section of the USA Swimming web site (<http://www.usaswimming.org/disability>), namely *Article 105 Case Studies*, *Safety/Risk Management and the Inclusion of Swimmers with Disabilities*, and *USA Swimming Coach Safety Requirements: Waiver for Coaches with Physical Disabilities*.

The information in this document was approved on October 26, 2010, by Dan McAllen, Chair of the Rules and Regulations Committee.

ADA – Reasonable Accommodations

★ *Personal assistants*

- Provide disability-related help
- Identified by the swimmer
- Approved by coach for practices and referee for meets
- May not coach unless a coach member
- USA-S membership - required if *direct* and *frequent* contact per Athlete Protection guidelines - otherwise not
- Insurance - membership status of PAs does not affect liability coverage, accident coverage applies only if PA is a USA-S member

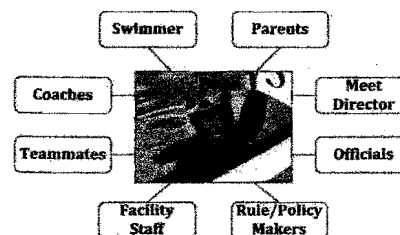
ADA- Full and Equal Enjoyment

- Consider all club activities - anything offered for other club members should be available to SWADs
- Training - provide reasonable accommodations when providing coaching, swimming pool and locker room access, weight room access, etc.
- Swim meets - coach should request needed accommodations from referee or meet director as appropriate
- Related activities - club should provide accommodations for events such as recognition, award banquets, team trips, etc.

ADA – Individual Assessment

- Individual assessment is used to determine
 - If the person is a qualified individual (including issues related to safety)
 - The nature of reasonable accommodations
- Criteria:
 - Must be applied within the context of the program
 - Must be valid and reliable
 - Must not discriminate on basis of disability

Swimmer Who is Responsible for ~~SWAD~~ Safety?



Resources

- USA-S Disability Swimming Committee: contact staff liaison Randy Julian
rjulian@usaswimming.org
- Disability swimming section of USA-S web site:
<http://www.usaswimming.org/disability>
 - Safety/Risk Management and the Inclusion of Swimmers with a Disability
 - Personal Assistants for Swimmers with a Disability
 - Article 105 Case Studies
 - Waiver for Coaches with Physical Disabilities

Questions?

Evaluation

1. What have you learned today?
2. What unanswered questions do you have about safety and SWADS?
3. What suggestions do you have for the Disability Swimming Committee?
4. Provide a name, email address, and phone number if you want someone from the Disability Swimming Committee to contact you.