

PHYSICAL ACTIVITY AND ATHLETIC COMPETITION FOR INDIVIDUALS WITH DISABILITIES

INTRODUCTION

The Women's Sports Foundation urges all educational institutions, national sport governing bodies and athletics organizations to adopt policies that protect the health of individuals with disabilities and their right to participate in sports and physical activity.

The following guidelines are consistent with civil rights and antidiscrimination laws¹ that protect individuals with disabilities from discrimination and research regarding the physical and psychological development of individuals with disabilities.

I. DO SCHOOLS HAVE AN OBLIGATION TO PROVIDE ATHLETIC OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES?

POSITION: Yes. Schools must provide individuals with disabilities, male and female, with equal opportunities to participate and equal treatment in physical education, school recess, club, varsity and intramural sports programs.

In order to provide equal opportunities for students with disabilities to participate in physical education and athletic programs, schools must provide reasonable accommodations as necessary to provide these students with opportunities to participate in mainstream physical education and athletic programs (programs for students without disabilities) as well as develop adapted physical education and athletic programs² for students with disabilities as necessary to provide such students with a physical education or athletic program that is as effective as that provided to students without disabilities.

II. CAN SCHOOLS DENY INDIVIDUALS WITH DISABILITIES THE RIGHT TO PARTICIPATE BASED ON SAFETY CONCERNS?

POSITION: No. School systems cannot assume that sports and physical activity participation with and against students with disabilities by students without disabilities is unsafe or make generalizations that students with disabilities cannot safely participate in physical education or athletics and exclude them from such programs.

For example, in competition, recreation or teaching situations involving students without disabilities, a student in a wheelchair can generally participate in racing on the school track during gym class, intramural or interscholastic sports; a student who has only one leg can participate in wrestling; a student who is deaf or hard of hearing can participate in basketball; a student with diabetes may wear an insulin pump during football games. If students with disabilities are excluded from participation in an athletic activity, it must be based on an individualized assessment that inclusion of the student presents an objective risk of harm. If, for example, a student using a wheelchair is not able to remain in her or his lane during a track event, the student could be excluded from track meets based on the demonstrated safety risk she or he creates for others in the race. However, when the student can demonstrate that she or he is able to control the wheelchair enough to negate the risk of harm, the student should be allowed to participate in the program.

III. WHAT TYPES OF REASONABLE ACCOMMODATIONS MUST SCHOOLS MAKE TO PROVIDE STUDENTS WITH DISABILITIES OPPORTUNITIES TO PARTICIPATE TO THE MAXIMUM EXTENT POSSIBLE?

POSITION: “Reasonable accommodation” means that school systems must modify existing policies, practices or rules in order to include a student with a disability. Examples of reasonable accommodations include modifying the general rule that disqualifies swimmers who fail to use a two-handed touch when they approach the pool wall to finish a race in breast stroke in

order to permit a one-handed student to qualify with a one-handed touch or modifying the rule that requires tennis players to return the ball after no more than one bounce in order to allow a student using a wheelchair to return the ball after no more than two bounces. For example, consider Jim Abbott, who played professional baseball and had a 3.92 earned run average in his rookie year. Abbott was born with one hand, and Major League Baseball made an accommodation to its general rule that all ball players had to wear specific, league-approved gloves.

IV. DO SCHOOLS HAVE AN OBLIGATION TO CREATE ADAPTED TEAMS FOR INDIVIDUALS WITH DISABILITIES?

POSITION: Yes. Schools must provide students with disabilities who cannot or do not wish to participate in mainstream physical education or athletic programs with adapted programs that provide students with opportunities to participate in and to receive the benefits of physical education or athletic programs.

Examples of adapted athletic programs include wheelchair basketball or beep baseball. However, even if a separate adapted sports team is developed for students with disabilities, an individual student with a disability must be allowed to participate in mainstream programs for students without disabilities. For example, if a school system offered a golf program as part of its mainstream athletic program and also offered an adapted golf program, an individual student with a disability must be permitted the opportunity to participate in the mainstream program and must be offered reasonable accommodations.

V. DO SCHOOLS HAVE AN OBLIGATION TO CREATE ADAPTED TEAMS FOR INDIVIDUALS WITH DISABILITIES WHEN THE NUMBERS OF STUDENTS WITH DISABILITIES AT AN INDIVIDUAL SCHOOL ARE INSUFFICIENT TO FIELD A TEAM?

POSITION: Yes. Schools have the obligation and must be flexible as they develop programs that consider the interests of students with disabilities.

When the numbers of students with disabilities at an individual school are insufficient to field a team, school systems may (1) develop district-wide teams as opposed to a school based team in order to provide competitive experiences, (2) mix male and female students on teams together or (3) offer “allied sports” teams on which students with disabilities participate with students without disabilities. All of these options have been used by numerous school systems. Three states have mandated selected adapted sports on a statewide basis (Alabama, Georgia, and Minnesota).

VI. IN INDIVIDUAL SPORTS, SHOULD EVENTS FOR INDIVIDUALS WITH DISABILITIES BE AWARDED POINTS IN THE SAME MANNER AS EVENTS FOR INDIVIDUALS WITHOUT DISABILITIES?

POSITION: Yes. Events for individuals with disabilities should be awarded points in the similar manner as events for individuals without disabilities.

Events for women and men are scored in a similar manner, why should events for individuals with disabilities be any different? If a track meet had only one runner competing in the 400-meter race, that runner would score points for first place for her team. Similarly, if a wheelchair racer is the only racer in a 400-meter heat, she should score points for first place for her team in a similar manner as a student without a disability would score points.

VII. DO PROSTHESES PROVIDE AN UNFAIR ADVANTAGE IN COMPETITION?

POSITION: No. Having a missing limb and replacing that body part with a prosthesis does not give the athlete with a disability an advantage.

Contrary to popular thought, prostheses do not contain technological mechanisms that make the replacement part better than a real limb. For example, an athlete running with a prosthetic limb cannot correct for a foot hitting the ground at the wrong angle like an athlete running with feet and ankles. The athlete using a prosthesis lacks feet and ankle muscles and cartilage to absorb shock, which travels through her or his stumps and into the knees, hips and backs. Athletes with legs don't have swollen stumps or stumps that hurt and bleed. In addition, in unilateral amputee studies, results indicate that the human ankle is three times more powerful than a carbon foot, and a unilateral amputee needs to generate over 200% more power at the hips than a person without an amputation. The amputee with a prosthesis has to expend dramatically more energy than a non-amputee to run the same distance. These blades are passive devices that do not generate any powered movement; they only return a percentage of what the athlete puts into them. As technology advances, sport governing bodies need to work with the athletes to determine fair parameters for mixed competition, i.e. runners without prostheses competing alongside amputee runners.

VIII. CAN SCHOOLS DENY INDIVIDUALS WITH DISABILITIES THE RIGHT TO USE COMPETITION AND TRAINING FACILITIES DUE TO CONCERNS ABOUT EQUIPMENT (WHEELCHAIRS, PROSTHESES) DAMAGING PLAYING SURFACES?

POSITION: No. Schools cannot deny access to competition and training facilities to students who use wheelchairs or prostheses based on misconceived notions of damaging playing surfaces.

Universities with athletics programs for students with disabilities report no unusual damage or wear to competition and training surfaces by wheelchairs or prostheses. In fact, the most common wear on track surfaces is caused by runners using lane one more than any other lane. Sprinting spikes are also known to cause wear and tear on track surfaces.

IX. CAN SCHOOLS REFER STUDENTS WITH DISABILITIES TO COMMUNITY-BASED ADAPTED SPORTS PROGRAMS AS A WAY TO MEET THEIR OBLIGATIONS UNDER THE LAW?

POSITION: No. Community-based adapted sports programs do not fulfill a school's obligation to provide individuals with disabilities with equal opportunities to participate in school physical education and athletic programs.

Individuals with disabilities have the right to participate in both school-based and community-based athletics and recreation programs. Federal disability rights laws recognize these as distinct settings and require equal access to both.

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Endnotes

¹ The Americans with Disabilities Act of 1990 provides that "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." The Rehabilitation Act, 29 U.S.C. § 794, specifies that "No qualified handicapped person, shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance." 34 C.F.R. § 104.37 (c)(1) "A recipient [of federal funds] that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation."

² Adapted physical education and athletic programs means programs that are specifically developed for students with disabilities.