

Disabilities, Religion, Officials and You

By Donald C. Collins

An official can work a long time and never see a player ask to wear jewelry because of their religion or ask to be in a coaching area — or even playing — with a prosthetic device or a wheelchair. Officials may not see that often, but they should be ready when the moment comes for one of the toughest of calls.

Officials should remember that their job is to enforce the rules. If the rules don't provide for an accommodation, the official can't create it. It is important to read the rules closely though and it is important to ask state and national rules interpreters questions in gray areas.

For example, baseball rules allow coaches to use "mobility devices" in the coaching box. Now, I've got to tell you that I have no idea whether that means a pair of crutches, a wheelchair or a motorcycle. They're all mobility devices. I'd be willing to bet that the rule was put in to account for *Anderson v. Little League Baseball, Inc.*, 794 F. Supp. 342 (D. Ariz. 1992), in which a federal court held the Americans with

Disabilities Act (ADA) gave a disabled baseball coach full access to the coaches box — but it doesn't really say so. It forces officials to guess on a rule.

It's not the official's job to guess. Disabilities and religious issues require officials associations to be proactive so they don't have to guess.

Associations have to do four things in order to protect their officials. First, associations need to ask schools if they have any students or coaches who need a religious or physical disabilities exemption. Second, the state or national rules interpreters must rule whether the exemption can be granted. Third, associations need to instruct members what the exemption is. Finally, officials should educate their client schools on those matters and report to the state office through the rules interpreter.

Officials should not count on schools to do their job and ask for the exemption in advance. That will lead to potential problems when the student who needs an exemption runs into the official who does her job and enforces the rules.

When officials do not take the four steps set out above, problems occur. Sometimes the problems are simple. A girl is allowed by local basketball officials to wear a hijab, and then officials tell her she can't play when she takes a road trip because she didn't provide the documentation required by rule. The local officials didn't enforce the rule so they really didn't do their job and they hung out to dry the official who enforced the rule. However, that is an easy one-day fix. Extended harm won't be done.

Things get tougher when a student is ready to play with a prosthetic leg but the opposing coach complains. The official has to prohibit the student from playing because he didn't have the required authorization from the state association. Usually, the official who enforces the rules becomes the subject of anger or ridicule that could have been avoided if an officials association had asked schools about unusual situations, asked interpreters about unusual circumstances, instructed their membership and reported up. Worse, prosthetic-related issues are a bit tougher to resolve than issues concerning religious medals, yarmulkes and hijabs. That may not be a one-day fix.

The good news for officials is that they generally can't get into legal trouble for enforcing the rules (officials could get into trouble for not enforcing the rules though). After all, officials aren't the ones who wrote the rules so they're not generally responsible for some flaw in the rule. Indeed, under the ADA, a person or group has to have sufficient control over a discriminatory policy that he or she could modify it to accommodate a disabled person. Officials don't have that power.

In short, the problems officials confront with disability and religious issues are legal issues, but if officials enforce the rules and get help from their associations they can solve those issues with good procedures.

Don Collins is executive director of the San Francisco section of the California Interscholastic Federation. He is a longtime basketball official and lawyer. This material is for informational purposes only and is not legal advice. □

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