

**BEFORE THE INDIANA
CASE REVIEW PANEL**

In The Matter J.D.)
Petitioner,)
)
and)
) **CAUSE NO. 210701-224**
The Indiana High School Athletic Association,)
Respondent.)
)
Review Conducted Pursuant to Ind. Code)
§ 20-26-14 *et seq.*)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

PROCEDURAL HISTORY

On or about November 4, 2020, J.D.’s (“Petitioner”) parents completed the student portion of an Indiana High School Athletic Association (“IHSAA”) Athletic Transfer Report (“Transfer Report”). The Transfer Report requested that the IHSAA make an athletic eligibility determination for the 2020–2021 school year relating to the Petitioner’s transfer. On November 5, 2020, Lake Central High School (“Lake Central”), the sending school, completed its portion of the Transfer Report. The receiving school, Chesterton High School (“Chesterton”) completed its portion of the Transfer Report on November 5, 2020.

On December 7, 2020, the IHSAA Assistant Commissioner determined that Petitioner’s case was a Rule 19-4 transfer and ruled Petitioner was entitled to no eligibility at the receiving school until October 21, 2021. The Petitioner appealed the Commissioner’s determination to the IHSAA Review Committee (“Review Committee”).

The IHSAA sent a letter to Petitioner acknowledging receipt of Petitioner’s request for appeal and set the matter for a hearing before the Review Committee for January 14, 2021. Following the evidence presented at the January 14, 2021 hearing, the Review Committee issued its ruling on January 25, 2021 upholding the decision of the Commissioner declaring that according to Rule 19-4 Petitioner had no eligibility for 365 days.

On January 25, 2021, the Petitioner appealed the Review Committee’s decision to the Indiana Case Review Panel (“Panel”), and the Panel notified the parties that it would review the decision during a Panel meeting. The Panel requested and received the record from the Petitioner on January 25, 2021. No record was tendered by the IHSAA. The Petitioner submitted a

supplemental submission on January 26, 2021. On January 27, 2021, the Panel held a meeting¹, and based on a review of the record and applicable rules and laws, the Panel upheld the decision of the IHSAA Review Committee, upholding the decision of the IHSAA Commissioner. The Petitioner would have no eligibility at the receiving school until October 21, 2021.

On January 28, 2021, the Petitioner sought a temporary restraining order, preliminary and permanent injunctive relief against the Review Committee's and Panel's decision in Porter Superior Court. The temporary restraining order was issued on January 29, 2021, and a hearing for a preliminary injunction was scheduled for February 5, 2021. On February 4, 2021, the IHSAA filed a Motion to Continue the Hearing and Motion to Remand to the IHSAA Review Committee for Further Proceedings which the trial court later denied. Following the evidence presented at the February 5, 2021 hearing, the motion for a preliminary injunction was denied. On March 12, 2021, the Petitioner filed an appeal with Indiana Court of Appeals where the case, cause number 21A-MI-00430, is currently pending.

In February 2021, the sending school corporation contacted the IHSAA alleging newly discovered evidence that might have impacted the outcome of the IHSAA Commissioner's December 7, 2020 decision in Petitioner's case. The Commissioner deemed the new evidence as basis under Rule 17-5.1 to reopen the Petitioner's case. On April 2, 2021, the Review Committee voted to reopen the Petitioner's case and conduct a new hearing to review the newly discovered evidence. The Review Committee set the matter for a hearing for May 19, 2021. Following the evidence presented at the May 19, 2021, hearing, the Review Committee issued its ruling on June 1, 2021, upholding the decision of Commissioner declaring the Petitioner ineligible for 365 days from enrolling at Chesterton High School based on Rule 19-4.

On July 1, 2021, the Petitioner appealed the Review Committee's decision to the Indiana Case Review Panel ("Panel"), and the Panel notified the parties that it would review the decision during a Panel meeting. The Panel requested and received the record from the Petitioner on August 2, 2021. The Petitioner submitted a supplemental submission on August 9, 2021. On August 10, 2021, the Panel held a meeting², and based on a review of the record and applicable rules and laws, the Panel made the following Findings of Fact and Conclusions of Law.

ORDER

The Panel finds that it does not have jurisdiction in this matter to render a decision. The Review Committee reopened and modified its decision on Petitioner's eligibility without seeking permission from the court while the matter is currently before the Indiana Court of Appeals

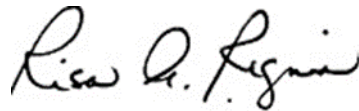
¹The following members participated in the meeting: Dr. Jennifer Jensen (Interim Chairperson), Mr. Brett Crousore, Mr. Ben Ballou, Mr. Marques Clayton, Mr. Mickey Golembeski, Ms. Laura Valle and Ms. Mary Quinn. Ms. Kelly Bauder, staff attorney, was also present as legal counsel to the Panel.

²The following members participated in the meeting: Risa Regnier (Chairperson), Mr. Brett Crousore, Mr. Ben Ballou, Ms. Laura Valle, Ms. Mary Quin and Mr. Chuck Weisenbach. Ms. Leslie-Ann James, staff attorney, was also present as legal counsel to the Panel.

awaiting final disposition. The Review Committee did not have the authority to issue an eligibility determination while the Indiana Court of Appeals has exclusive jurisdiction over the matter. See Hossman v. State, Ind. App. 525 N.E. 2d 340 (1988). The Review Committee should have requested the Court of Appeals to remand the matter to the Review Committee or a stay of the appellate proceedings per Indiana Appellate Rule 37. The Review Committee did seek a motion to remand however it was not granted by the court. Consequently, the Indiana Court of Appeals still maintains exclusive jurisdiction over the matter. The Panel finds that the Review Committee did not have the jurisdiction to reopen the Petitioner's case nor modify its decision. Consequently, the Panel finds that it does not have the jurisdiction or the authority to issue a decision on Petitioner's eligibility while the matter is currently before the Indiana Court of Appeals under cause number 21A-MI-00430.

As the Panel does not have jurisdiction, no vote was taken nor decision rendered on the ISHAA Review Committee's June 1, 2021 decision.

DATE: 8/18/2021



Risa Regnier, Chairperson
Case Review Panel

APPEAL RIGHT

Any party aggrieved by the decision of the Case Review Panel has forty-five days from receipt of their written decision to seek judicial review in a civil court with jurisdiction, as provided by Ind. Code § 20-26-14-7.