

**BEFORE THE INDIANA  
CASE REVIEW PANEL**

**In The Matter of J.C.** )  
**Petitioner,** )  
 )  
**and** )  
 ) **CAUSE NO. 2111112-235**  
**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 July 30, 2021, J.C. (“Petitioner”) 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 2021–2022 school year relating to the Petitioner’s transfer. On August 20, 2021, both the sending school, Noblesville High School (“Noblesville”) and the receiving school, Lapel High School (“Lapel”), completed their respective portions of the Transfer Report.

On August 20, 2021, the IHSAA Assistant Commissioner determined that Petitioner’s transfer was a Rule 20-2 transfer and ruled Petitioner ineligible for athletics at the receiving schools until July 30, 2022. The Petitioner appealed the Assistant Commissioner’s determination to the IHSAA Review Committee (“Review Committee”).

In response to Petitioner’s request to appeal, the matter was set for a hearing before the Review Committee for October 7, 2021. Following the evidence presented at the hearing, the Review Committee issued its ruling on October 23, 2021, which upheld the decision of the Assistant Commissioner.

On November 12, 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 the record from the IHSAA on November 12, 2021 and received it on November 23, 2021. On November 30, 2021, the Panel held a

meeting<sup>1</sup>, 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.<sup>2</sup>

### FINDINGS OF FACT

The Panel finds the following facts to be true and relevant to its decision.

1. Petitioner, a junior, lives with his parents in Noblesville, Indiana. Petitioner attended Noblesville, a public school which serves his parents' residence, his freshman (2019-2020) and sophomore (2020-2021) years. While at Noblesville he participated in junior varsity basketball and tennis and the last time he participated athletically was on February 26, 2021.
2. On July 30, 2021, Petitioner enrolled at Lapel, a public school that does not serve his parents' address. A corresponding change of residence was not made.
3. According to Transfer Report completed by Petitioner and his family on July 30, 2021, the reason for the transfer was because:

[Petitioner] has always done better and is more comfortable in a smaller setting. We moved here from Florida in 2018 where he attended a K-8 academy with smaller class sizes and a close community. He's never felt like he fit in at a bigger school. [We] felt he'd have a much better opportunity to reach his academic potential in a smaller environment and prepare himself for college.” (Record at 67.)

4. Both schools indicated the transfer was neither for athletic reasons nor a result of undue influence; however, each school recommended ineligibility pursuant to Rule 20-2.

### CONCLUSIONS OF LAW

1. Any Finding of Fact that may be considered a Conclusion of Law shall be so considered. Any Conclusion of Law that may be considered a Finding of Fact may be considered as such.

---

<sup>1</sup>The following members participated in the meeting: Ms. Risa Regnier (Chairperson), Mr. Joe Hermann, Ms. Laura Valle, Mr. Chuck Weisenbach, Ms. Meisha Wide, and Mr. John Prifogle. Ms. Leslie-Ann James and Mr. Brandon Knight, staff attorneys, were also present as legal counsel to the Panel.

<sup>2</sup> Prior to the meeting, the Panel received a Supplemental Submission from Petitioner as well as an objection from the IHSAA regarding references to previous Panel decisions within said Supplemental. The Panel, over the IHSAA's objection, considered the Supplemental, recognizing that it is largely a persuasive document to which the Panel is not bound. The Panel believes prior decisions can be discussed and considered during meetings; however, every referral is evaluated independently and according to the unique facts and circumstances regarding each appeal.

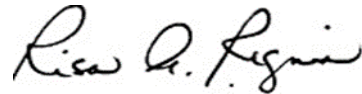
2. Although the IHSAA is a voluntary not-for-profit corporation and is not a public entity, its decisions with respect to student eligibility to participate in interscholastic athletic competition are considered a “state action” making the IHSAA analogous to a quasi-governmental entity. *IHSAA v. Carlberg*, 694 N.E.2d 222 (Ind. 1997), *reh. den.* (Ind. 1998).
3. The Panel has jurisdiction in this matter. The Panel was established to review final student eligibility decisions with respect to interscholastic athletic competition. Ind. Code § 20-26-14. The Panel has jurisdiction when a student’s parent or guardian refers the case to the Panel not later than thirty days after the date of the IHSAA decision. Ind. Code § 20-26-14-6(b). In this matter, the Review Committee rendered a final determination of student-eligibility adverse to the Petitioner on October 23, 2021 and Petitioner sought timely review on November 12, 2021.
4. The Panel may uphold, modify, or nullify the IHSAA Review Committee’s decision. Ind. Code § 20-26-14-6(c)(3).
5. The Panel reviews the IHSAA determination for arbitrariness or capriciousness. *Carlberg* at 233. A rule or decision will be found to be arbitrary and capricious “only when it is willful and unreasonable, without consideration and in disregard of the facts or circumstances in the case, or without some basis which would lead a reasonable and honest person to the same conclusion.” *Id.* (citing *Dep’t of Natural Resources v. Indiana Coal Council, Inc.*, 542 N.E.2d 1000, 1007 (Ind. 1989)).
6. The Review Committee decided that Petitioner would have no eligibility pursuant to Rule 20-2 because the “evidence shows that [Petitioner] has a past link with the Lapel junior varsity basketball coach, Coach Windlan.” *Record*, p. 5. This Past Link Rule was established to control the problem of students transferring for athletic reasons or being enticed to transfer. *IHSAA 2021-22 By-Laws & Articles of Incorporation*, p. 107. Under the rule, if there happens to be a past link between a student and the receiving school, it is *presumed* that the transfer is athletically motivated and/or the result of undue influence and, therefore, any actual proof of undue influence is not required before ruling the student ineligible. *Id.* While the Panel agrees that a Past Link Rule is necessary, Rule 20-2, as written, and when strictly applied to the facts of this case, is unreasonable. Here, the evidence is that Petitioner did not know and could not have anticipated that Coach Windlan would have to assist in coaching his AAU team after his former coach quit. Likewise, Petitioner had no knowledge of Coach Windlan’s connection to Lapel until he visited the school, which illustrates that Petitioner’s plan to transfer had nothing to do with the coach. During the Review Committee hearing, Coach Windlan explained that he had no knowledge of Petitioner’s plans to transfer from Noblesville and that they never discussed Lapel. The facts presented show that the “past link” between Petitioner and

Coach Windlan was completely coincidental and void of any undue influence or enticement; consequently, the presumption that the transfer was athletically motivated is rebutted. In no way is the goal of Rule 20-2 achieved by the Review Committee's decision; the only consequence is an unjust ruling against the Petitioner.

7. According to Rule 19-6.2, when a student's parents/guardians do not make a bona fide change of residence to a new district or territory, the student is eligible for limited eligibility at the receiving school, unless there is reason to believe the student transferred primarily for athletic reasons. Again, the Panel finds, just as both schools indicated on the Transfer Report, that Petitioner's transfer had absolutely nothing to do with athletics.
8. Having found that the transfer was not primarily for athletic reasons, the Petitioner shall have limited eligibility at Lapel under Rule 19-6.2.

### **ORDER**

The Panel finds by a vote of 4-2 that the decision of the IHSAA Review Committee, upholding the decision of the Commissioner, is MODIFIED. The Petitioner has limited eligibility at the receiving school as of November 30, 2021 until February 26, 2022, when he will be fully eligible, provided all other eligibility requirements are met.



DATE: December 6, 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.