

**BEFORE THE INDIANA
CASE REVIEW PANEL**

In the matter of K.A,)	
Petitioner,)	
)	
and)	CAUSE NO. 121010-92
)	
The Indiana High School Athletic Association,)	
Respondent.)	

Earl Smith, dissenting.

The CRP affirmed the Executive Committee’s determination that Petitioner may participate in athletics at Cathedral on a limited-basis because her transfer did not correspond to a change in residence. Based on the evidence presented, Petitioner’s decision to transfer was solely faith-based. For this reason, I respectfully dissent.

A student seeking a Rule 17-8.1 waiver must prove by clear and convincing evidence that the primary purpose of the Rule will still be accomplished if the Rule is not strictly enforced; a waiver will not harm or diminish the Rule’s purpose or spirit; the student will suffer or be harmed if a waiver of the Rule is not granted; and a hardship condition exists as defined in Rule 17-8.3.

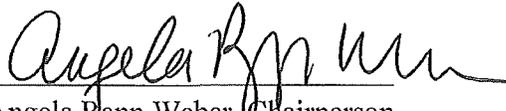
Because Petitioner’s decision to transfer is because of her faith and based on the facts in this case, the Rule does not require strict enforcement; the Rule’s purpose will not be harmed; and limiting her athletic eligibility because of her dedication to her faith harms the Petitioner by punishing her for practicing her faith in the way she feels is best for her. Petitioner has demonstrated a hardship here because in her opinion, the way she chose to practice her faith, which is unique to her, compelled her transfer to Cathedral and was unavoidable. To illustrate, Petitioner chose to transfer because of her faith even though she knew it might limit her athletic eligibility.

The Petitioner has proved by clear and convincing evidence that a Rule 17-8.1 waiver should be granted. To do otherwise would effectively limit a person’s ability to practice his or her faith freely.

ORDER

The CRP finds by a vote of 3-2 that Petitioner is able to participate in athletics at Cathedral on a limited-basis until February 8, 2013. She will be fully eligible to participate in athletics at Cathedral on February 9, 2013.

DATE: 11/23/12


Angela Rapp Weber, Chairperson
Case Review Panel

APPEAL RIGHT

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