



IN THE
Indiana Supreme Court

Supreme Court Case No. 21S-CT-105

Michael and Mary Poore,
Individually and on Behalf of J.P.,
Appellants,

–v–

Indianapolis Public Schools
and its Board of Education,
Appellees.



Decided: March 18, 2021

Appeal from the Marion Superior Court,
No. 49D14-1705-CT-18190

The Honorable James B. Osborn, Judge

On Petition to Transfer from the Indiana Court of Appeals
No. 19A-CT-1439

Per Curiam Opinion

Chief Justice Rush and Justices David, Massa, Slaughter, and Goff concur.

Per curiam.

The trial court entered judgment in favor of Indianapolis Public Schools (IPS) on the Poores' claims for breach of contract, negligence, and violation of the Indiana Deceptive Consumer Sales Act after IPS refused to pay for their son's advanced math class at Butler University. The Court of Appeals affirmed. *Poore v. Indianapolis Public Schools*, 155 N.E.3d 643, 655 (Ind. Ct. App. 2020). The Poores sought transfer, joined by the State of Indiana as *amicus curiae*.

The Poores, IPS, and the State agree that the opinion contains an incorrect statement: that International Baccalaureate (IB) courses satisfy the requirements of the Dual Credit Statute, Indiana Code section 20-30-10-4. The Poores also challenge the Court of Appeals' broader conclusion that IPS was not negligent because it complied with its duty to provide J.P. with dual credit classes.

The Poores' negligence claim in the trial court was premised on IPS's duty to provide their son with the classes necessary to graduate with a Core 40 Academic Honors Diploma—a duty the Poores concede that IPS fulfilled. Appellants' Third Am. Br. at 20-21. They therefore waived the more specific claim that IPS was negligent for failing to satisfy the Dual Credit Statute. *See Collins Asset Group, LLC v. Alialy*, 139 N.E.3d 712, 714-15 (Ind. 2020). Accordingly, we grant transfer and summarily affirm the Court of Appeals opinion but for Section II, 155 N.E.3d at 650-51, which we vacate. *See* Ind. Appellate Rule 58(A). And while we agree with the Court of Appeals' conclusion that "IPS was not negligent," 155 N.E.3d at 655, we vacate its stated reasoning. Judgment in IPS's favor is warranted not "because [it] did not deny J.P. the benefit of early college credits," but because IPS fulfilled the duty the Poores claimed it breached and the Poores otherwise waived their Dual Credit Statute argument. *Id.*

Rush, C.J., and David, Massa, Slaughter, and Goff, JJ., concur.

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