

BATTY V. GLENDALE UNION HIGH SCH. DIST. NO. 205

June 2, 2009 | Law Alerts

Batty v. Glendale Union High Sch. Dist. No. 205

Ct. Appeals, Div. One, June 2, 2009

Authored by the [JSH Appellate Team](#)

After suffering injuries in an accident at Independence High School, claimant delivered a notice of claim to the Glendale Union High School District superintendent, attempting to comply with A.R.S. § 12-821.01. The District moved for summary judgment, arguing that the superintendent is not the person “authorized to accept service on its behalf.” The trial court agreed, and granted the District’s motion.

The court of appeals affirmed. Delivery of the notice of claim to the District’s superintendent was insufficient because he did not have the “ultimate responsibility for ensuring the proper function of” the District, i.e., he was not the “chief executive officer” under Rule 4.1(i). Rather, this authority was vested in the District’s governing board. Consequently, the board was the proper party for purposes of serving a notice of claim.

In making this determination, the court relied on *Falcon ex rel. Sandoval v. Maricopa County* (2006), and considered the following factors: (1) the governing board had statutorily vested powers, including the power to sue and be sued; (2) the governing board had the discretion to hire a lead administrative employee such as a superintendent; (3) the superintendent served under the supervision of the governing board; (4) the superintendent’s duties merely included the administration and supervision of the District’s schools; (5) the governing board did not designate the superintendent the chief executive officer; and (6) not every school district in Arizona has a superintendent.