



Family Law Update: New Education Orders to Help Educators

The Arizona Supreme Court has ordered that, commencing January 1, 2024, all final orders involving legal decision-making and parenting time will require the court to also issue a separate education order.

Historically, parents were responsible for handing school officials a copy of the court orders and official parenting plan, which often include substantive legal provisions that had to be read and sifted through by school officials to find the relevant terms. This responsibility, under certain circumstances, created loopholes around enforcement for parents, resulting in the involvement of law enforcement and/or school officials and children being pulled unnecessarily into disputes. The new education orders are created with the goal of eliminating or reducing the involvement of school officials and teachers in these disputes between parents.

In the New Year, all decrees, judgments, and post-decree modifications involving children (excluding child support) in Arizona will require the court to issue an education order. The court has provided two templates for education orders under a joint legal decision-making agreement and under a sole legal decision-making agreement. The education order will be binding on parents but will only serve to guide schools. Each parent will be required to ensure the school has a copy of the education order.

The education order addresses the following issues:

- Identification of party(ies) with legal decision-making over education decisions for the children;
- Identification of individuals permitted to pick up the children from school;
- List of emergency contacts with contact information;

- Identification of individuals permitted or not permitted to access school grounds, including school events and activities;
- Identification of party(ies) permitted to sign permission slips and authorize extracurricular activities;
- Identification of individuals permitted or not permitted to access school records and the parent portal;
- Identification of party(ies) permitted to attend parent-teacher conferences and confer with teachers and counselors; and
- Identification of party(ies) permitted to select the school, school district, and curriculum / instruction for the children.

The education orders are clear and concise (around five pages in length) and serve as a short-hand (yet detailed) guide for education-related issues. This level of guidance for school officials should reduce disputes and future litigation between the parties. Our Arizona educators are unsung heroes who deserve the ease of having a go-to resource related to the children they assume responsibility for at school. A copy of the Order issued by the Arizona Supreme Court and forms for education orders can be found [here](#).

This post was drafted by [Norma C. Izzo](#) and Karen N. Wohlgemuth, attorneys in the Phoenix, Arizona, office of Spencer Fane LLP. For more information, visit www.spencerfane.com.