

TOP 10 TEXAS LEGISLATIVE CHANGES IMPACTING PRIVATE SCHOOLS + YOUR COMPLIANCE PLAN

Insights
Aug 28, 2025

The 2025 Texas legislative session brought significant updates that directly impact private schools. These extensive changes will require Texas private schools to review and potentially update policies, procedures, and trainings related to child abuse reporting, employee misconduct, student medications, and participation in state programs. Here's an overview of the top 10 changes for this school year and practical compliance strategies for private schools.

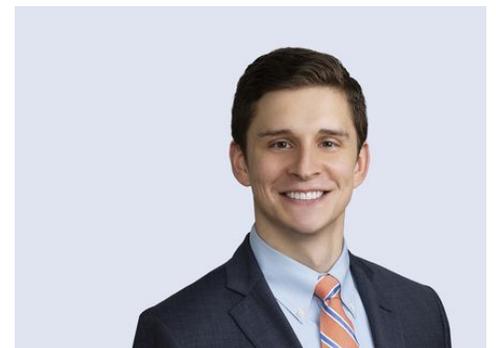
1. Child Abuse Reporting and Investigation

Key Changes:

- **Shorter Reporting Window:** The timeframe for professionals, including school employees, to report suspected child abuse or neglect has been reduced to 24 hours from 48. This means professional reporters such as teachers and nurses must report to the Texas Department of Family and Protective Services within 24 hours of having "reasonable cause to believe" a child has been abused or neglected.
- **Confidentiality Rules:** The law clarifies that the identity of reporters is confidential but may be disclosed to the Texas Education Agency (TEA) or the State Board for Educator Certification (SBEC) for investigation or compliance monitoring related to the Do Not Hire Registry.

Compliance Strategies:

Related People



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- **Update Reporting Procedures:** Revise your school’s child abuse and neglect reporting protocols and policies to reflect the new 24-hour requirement.
- **Training:** Remind your employees of confidentiality rules and exceptions and emphasize the new shorter reporting timeframe.

2. Extended Time to Take Legal Action for Failing to Report Child Abuse or Neglect

Key Change:

- **New Limitations Period:** The timeframe for prosecution for failing to report child abuse or neglect is being extended by one year to four years in situations involving felony intentional concealment and three years for all other failures to report. The limitations period begins when the reporter has “reasonable cause to believe” a child is or may be abused or neglected.

Compliance Strategy:

- **Train Employees on These Changes:** The best way to avoid a failure to report scenario is to frequently train employees on their reporting obligations, provide them an opportunity to ask questions and seek assistance about reporting, and err on the side of good faith reporting.

3. Expanded Misconduct Reporting and Investigation Requirements

Key Changes:

- **Broader Reporting Duties:** If a chief administrative officer of a private school becomes aware of evidence that an employee or applicant has engaged in certain types of misconduct including, among others, inappropriate relationships, child abuse, inappropriate communications, or failing to maintain appropriate boundaries with a minor – this must be reported to SBEC. Previously, private schools were only required to report inappropriate romantic relationships, child abuse, or other unlawful acts with minors and only in connection with terminations or resignations.
- **Faster Reporting Timeline:** Reports of the misconduct described above must be made to SBEC within 48 hours of becoming aware of the misconduct rather than the prior

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seven-day reporting period from termination or resignation.

- **Mandatory Use of TEA Portal:** Reports must be filed through a secure internet portal maintained by the Texas Education Agency. Reports by fax or U.S. mail are no longer permitted.

Compliance Strategies:

- **Update Policies and Handbooks:** Revise your school's policies and protocols to reflect the new definitions and reporting obligations.
- **Conduct Trainings:** Educate key leadership on recognizing and reporting educator misconduct, emphasizing the 48-hour reporting window and the expanded scope of what must be reported, while making clear that child abuse reports to the Texas Department of Family and Protective Services (CPS) and/or law enforcement are separate and must now be made within 24 hours. Consider providing annual training to all employees on maintaining appropriate adult-student boundaries as well as child abuse prevention, recognition, and reporting obligations.

4. Immunity and Liability Protections for Medication Administration

Key Changes:

- **Immunity for Staff (Including Nurses):** To clarify prior guidance provided by the Texas State Nursing Board and to align with many schools' practices, the Texas Legislature has now made it clear that private school employees and volunteers may administer non-prescription (aka over-the-counter) medications. Lawmakers also granted immunity from civil liability and administrative disciplinary action for administering non-prescription medication to students in accordance with written parental requests and school policy. Note that medication must be in its original container, unexpired, properly labeled, and administered consistent with the medication's label. Moreover, the school must have written parental consent.

Compliance Strategies:

- **Adopt Clear Medication Policies:** Ensure your policies align with statutory requirements for medication administration and parental consent.
- **Train Staff:** Provide regular training on medication administration and documentation.

5. Epinephrine Nasal Spray

Key Change:

- **Broader Term:** While Texas private schools have long been able to stock unassigned epi-pens, the new term “epinephrine delivery system” now includes both auto-injectors (epi-pens) and nasal sprays. Private schools must adopt policies to maintain, administer, and dispose of these systems if they choose to stock unassigned epi-pens and/or nasal sprays.

Compliance Strategy:

- **Adjust Policies:** Revise policies on maintaining and administering epinephrine delivery systems and consider whether to stock unassigned epinephrine delivery systems on your campus in accordance with the statutory requirements.

6. Emergency Medical Care

Key Changes:

- **CPR Added to Required Training for Certain Private Schools:** School nurses, coaches, PE teachers, and certain extracurricular activity directors must participate in CPR training – in addition to automated external defibrillator (AED) training – if your school received an AED or funding from TEA for an AED.
- **Cardiac Emergency Response Plan for Certain Private Schools:** Private schools that received an AED from TEA or funding from TEA for an AED must create and implement a cardiac emergency response plan that, among other things, establishes a cardiac response team, and provides for training, as well as an annual review, of the plan.

Compliance Strategies:

- **Confirm Funding Source:** Double check where your school got the funds for its AED and whether the money came from the state. This may involve a review of records over the course of several years, as the requirement applies without limit to any AED that was ever received from or funded by the TEA.
- **Work with Legal Counsel to Craft a Compliant Plan:** We recommend working with your school's legal counsel to draft a plan or at least review it to ensure compliance with applicable laws and regulations.

7. Inappropriate Content in Libraries, Curriculum, and Performing Arts

Key Change:

- **No More "Educational Purposes" Defense:** Under Texas law, it is a crime to distribute, exhibit, or possess for sale, distribution, or exhibition to a minor harmful material, which is defined as material whose dominant theme "(A) appeals to the prurient interest of a minor, in sex, nudity, or excretion; (B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and (C) is utterly without redeeming social value for minors." It used to be a defense that the material was presented in connection with educational or scientific purposes, but the Texas Legislature removed these protections this session. Additionally, the law makes it a crime to produce, direct, or promote a play or performance that includes sexual conduct by a child. Formerly, schools had the chance to show that the conduct was connected with educational purposes.

Compliance Strategies:

- **Review Library Materials:** Carefully review the materials in your school's library and curricular materials, including books on required reading lists, to ensure they meet the legal definition outlined above.
- **Carefully Select Plays and Other Performances:** Think carefully about the plays and performances that your school produces and whether they contain any problematic content. You may want to roll out a multi-level review process when selecting performances.

8. Ban on Nondisclosure and Confidentiality Provisions for Claims of Sexual Assault

Key Change:

- **Non-Disclosure and Confidentiality Provisions are Void and Unenforceable for Sexual Abuse Claims:** Non-disclosure and confidentiality provisions, in the context of any agreement, are now void and unenforceable to the extent that the provisions restrict a person from disclosing an act of sexual abuse or facts related to the sexual abuse of someone else. This prohibition applies retroactively, except in limited circumstances.

Compliance Strategy:

- **Review Agreements:** You should carefully review any related settlement or separation agreements for compliance. Notably, nondisclosure and confidentiality provisions remain acceptable agreements unrelated to sexual abuse. [You can read more about this new law here.](#)

9. Open Carry for School Marshals

Key Change:

- **School Marshals May Open Carry a Handgun:** In a change to the previously established school marshal program, designated and authorized school employees may, if wearing a uniform identifying the employee as a school marshal, openly carry a handgun.

Compliance Strategy:

- **Revise Policy Prior to Implementing:** The law requires the school's governing body to adopt related policies prior to allowing the school marshal to open carry.

10. Education Savings Account (ESA) Program

Key Change:

- **New Program:** The 2025 session saw the creation of a new Education Savings Account (ESA) program, which allows eligible students to receive state funds for tuition and other educational expenses at participating private schools.

Compliance Strategy:

- Please review our previous [Insight](#) for more details on the program.

Conclusion

Please consult your Fisher Phillips attorney, the authors of this Insight, any attorney on our [Education Team](#), or any attorney in our [Texas offices](#) to obtain practical advice and guidance on how to navigate the new laws. Please also make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information.