



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 632

December 10, 2025

ISSUE

Whether a current State Board of Education (SBOE) member can provide continuing professional development to educators in return for compensation during their SBOE service. (AOR-734)

SUMMARY

Public servants may accept an honorarium for performing services if the public servant's official status was not a deciding factor in the decision to request the public servant to perform those services.

FACTS

Requestors are two members of the SBOE who wish to receive compensation for providing Continuing Professional Development to educators while serving on the SBOE.

ANALYSIS

The requestor asks if the standards of conduct laid out in Section 572.051(a)(2)-(3) of the Texas Government Code would apply in this situation.

A state officer or employee should not:

(2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
[or]

(3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgement in the performance of the officer's or employee's official duties.

Texas Gov't Code § 572.051(a)(2)-(3).

The requestor states that the SBOE infrequently enters executive session or handles confidential information that could apply to subsection (a)(2) but requested clarification regarding the application of subsection (a)(3) to SBOE members.

We have previously found potential for impairment of independence or judgement of a state officer for: 1) accepting subscription fees for a website which compiles information about trainings regulated by the agency at issue; 2) a member of a licensing board offering courses in a private

capacity for board licensees; and 3) testifying as an expert witness on whether a person had committed a violation of laws, rules, or standards within the jurisdiction of the state agency the officer worked for. Tex. Ethics Comm'n Op. Nos. 534 (2016), 318 (1996), 492 (2010). The listed activities were found to "intertwine the private interest of the board member in promoting his professional expertise with the [regulatory] interests" of the agency they worked for. Tex. Ethics Comm'n Op. No. 318 (1996).

The SBOE adopts rules, curriculum, and guidelines for public education. *See* Tex. Educ. Code § 7.102. The State Board for Educator Certification handles educator licensing. *See id.* § 21.041. There are no facts in the request to suggest the people offering compensation to the requestors have any interests before the SBOE. Therefore, Texas Government Code Section 572.051(a)(3) would not prohibit members of the SBOE from performing continuing education services.

However, in addition to the provisions of chapter 572 of the Government Code, certain Penal Code provisions are relevant to this opinion request.

A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.

Penal Code § 36.07(a).¹ "Thus, an honorarium is permissible as long as the public servant's official status was not a deciding factor in the decision to request the public servant to perform the services at issue." Tex. Ethics Comm'n Op. No. 305 (1996).

The Texas Ethics Commission cannot adjudicate disputed facts in an Advisory Opinion. 1. Tex. Admin. Code § 8.3(d). Therefore, the requestors will have to ask themselves: Am I being asked to provide Continuing Professional Development because of my knowledge or skills or because of my position?

We acknowledge that it is difficult to untangle those two things, especially as they hinge on the motivation of a third party. In a previous Advisory Opinion, it was suggested that a way to analyze whether the acceptance of an honorarium was acceptable was to ask: "Would my services be useful or desirable if I did not hold a position with the government?" "What do they want from me?" "What do they want from my board or agency?" *See* Tex. Ethics Comm'n Op. No. 305 (1996). It is also important to be cognizant of whether someone is seeking or is likely to seek some official action from the public servant or the public servant's governmental entity in order to guard against the appearance of quid-pro-quo corruption.

¹ Previous opinions have determined that payments for speaking and teaching are included in the term "honorarium." Tex. Ethics Comm'n Op. Nos. 173, 148, 125 (1993), 17 (1992).