

Subject: FORMAL WRITTEN PUBLIC COMMENT by Michael Paul English – Legislative Commission Meeting: June 30, 2026

Attention: Assemblymember Sandra Jauregui, Chair; Assemblymember Steve Yeager, Vice Chair; and Members of the Legislative Commission

RE: Systemic Subversion of Legislative Intent, Arbitrary Mismanagement of AB 398 Retention Funds, and Relevant Regulatory Review (Regulations R015-26 and R019-26)

Dear Chair Jauregui, Vice Chair Speaker Yeager, and Members of the Legislative Commission:

My name is Michael Paul English. I am a licensed Special Education Teacher currently serving five Title 1 schools within the Clark County School District (CCSD). I am submitting this formal written comment to alert this Commission to a systemic crisis regarding administrative accountability and the weaponization of arbitrary local definitions that is directly harming the frontline educators this body intended to reward and retain.

I. The Subversion of AB 398 Statutory Framework (Track 1)

During the 2023 legislative session, this body enacted Assembly Bill 398 to provide an urgent, state-funded mechanism to stabilize public school classrooms experiencing severe vacancy crises. The statute was meticulously structured under Section 2, Subsection 6(a)(1) to mandate that **any** teaching position at a designated Title I school experiencing chronic vacancy thresholds (10% to 15% or more depending on school level) qualifies for retention compensation. Crucially, this high-vacancy campus framework contains no "teacher of record" restriction or narrow core-subject limitations. The clear legislative intent was to stabilize the *entire instructional ecosystem* of our state's most vulnerable school buildings.

Despite the clear statutory criteria, CCSD and the Clark County Education Association (CCEA) have colluded to invent an unwritten, unauthorized "itinerant rule." Local administrators are utilizing this fabricated rule to completely freeze out frontline specialists—such as Adapted Physical Education (APE) specialists and school librarians—who physically report to these designated Vacancy Threshold schools and spend 100% of their operational hours teaching high-need pupils.

II. Explicit Contractual Precedent and State Labor Shortage Certification

The district's current defense—claiming that itinerant specialists do not fill "hard-to-fill" positions or match the intent of retention accounts—is thoroughly contradicted by their own signed records and state filings:

- **The SB 231 Precedent:** Under the signed 2023–2025 Senate Bill 231 Memorandum of Agreement between CCSD and CCEA, both entities explicitly designated school librarians and Adapted Physical Education personnel as qualifying "hard-to-fill" roles. The agreement mandated that these personnel qualify for state-funded retention

matching "**regardless of funding source**," acknowledging that their presence is vital to mitigating vacancy impacts. I was deemed eligible and fully compensated under this exact state retention framework last year.

- **State-Certified Critical Labor Shortage (CLS):** APE positions are currently utilized by CCSD under the **Critical Labor Shortage** exemption via the Public Employees' Retirement System (PERS) pursuant to **NRS 286.523**. CCSD has legally certified to the State of Nevada that my exact department experiences a labor shortage so acute that retired educators must be hired back to maintain operations. It defies all logic to claim a position is in a "Critical Labor Shortage" for pension exemptions, but simultaneously "not hard-to-fill" when distributing state retention funds.

III. The June 2026 Surplus Payout: Direct Violation of Section 2(4)

The district and union have continuously asserted that financial and administrative rigidity prevented the inclusion of itinerant classroom educators. However, an internal directive issued by CCSD and CCEA revealed that the district is sitting on a massive financial surplus of unspent AB 398 funds.

Rather than utilizing these leftover legislative allocations to correct wrongful denials and fulfill the baseline \$5,000 stipends for excluded frontline educators at Vacancy Threshold schools, CCSD and CCEA authorized an unnegotiated, one-time lump-sum payment of **\$645** to a preferred subset of employees who had already received the full \$5,000 stipend.

Section 2, Subsection 4 of AB 398 strictly mandates that awarded money "**may only be used to provide additional compensation for hard-to-fill positions.**" Redistributing millions in surplus funds as a "bonus on top of a bonus" to already-compensated staff—while leaving critical shortage vacancies completely unaddressed—is a flagrant misuse of state public policy allocations. Because of this bad-faith administrative evasion, I have been forced to escalate this matter to a formal state lawsuit with the Nevada Government Employee-Management Relations Board (**EMRB Case No. 2026-012**).

IV. Relevance to Today's Agenda: Regulations R015-26, R019-26, and the Battle for Oversight

This Commission meets today to review critical administrative regulations that directly intersect with this crisis:

1. **Regulation R015-26 (Commission on Professional Standards in Education):** This regulation attempts to adjust interim endorsements in special education to combat severe personnel shortages. It is an exercise in futility for the state to adjust licensing standards to attract special education personnel when local school districts are actively violating statutes to withhold signed retention funds from the specialized personnel already serving on the front lines.

2. **Regulation R019-26 (State Board of Education - Local School Precincts):** This regulation governs the administrative mechanics of local school precinct autonomy. The crisis under AB 398 highlights a complete breakdown of precinct accountability, wherein central school district administrators are permitted to override the needs of individual high-vacancy Title I precincts by inventing unwritten central office payroll rules.

Furthermore, the **Nevada Association of School Superintendents has openly stated that their goal for the upcoming legislative cycle is to demand "*more oversight over differential pay to ensure funds align with strategic plans and initiatives.*"** Let us be entirely clear about what this means in bureaucratic code: local districts do not want an outside watchdog keeping an eye on them. **They want this Legislature to surrender its funding power so local administrators can override your statutory text, invent their own definitions, and divert teacher retention funds into their own corporate initiatives.** You do not have to wait until next year to see what that looks like; CCSD is actively doing it right now with AB 398.

V. Conclusion & Request for Action

Legislative intent becomes entirely meaningless if local school board administrators and labor union executives can redline statutory language behind closed doors.

I explicitly urge this Commission—particularly Speaker Yeager as the primary sponsor of AB 398—to exercise its direct statutory oversight authority over the interim budget and the Department of Education. I request that this Commission demand a comprehensive, school-by-school data audit of AB 398 allocations within CCSD to determine exactly how many millions in state retention funds were diverted away from high-vacancy classrooms.

Thank you for your time, your leadership, and your commitment to statutory accountability.

Respectfully submitted,

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