



OKLAHOMA STATE  
DEPARTMENT *of* EDUCATION

To: Superintendent Ryan Walters and Other Members of the State Board of Education  
From: Bryan Cleveland, General Counsel  
Date: May 18, 2023  
Re: Underpayment Complaint Against Pocola Public Schools  
Attached: (1) Teacher Complaint and Two Addendums; (2) School Response

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**Background**

On November 9, 2021, a teacher in Pocola Public Schools filed the attached underpayment complaint with the State Department of Education. It appears from agency records that the prior administration did not send this complaint to the school district or to this Board.

Since 2021, the teacher has filed two additional supplements to her complaint. Both are attached here. On March 8, 2023, I transmitted a copy of the three complaint documents to the school district and requested a response as well as some records needed for review. Their response letter is attached.

**Recommendation**

I recommend that you deny the complaint.

The teacher's complaint is based on the premise that her hours were increased without a commensurate increase in pay. Personnel Records here at the Department confirms that her view is accurate: [REDACTED]

[REDACTED]. (I understand this change in number of days occurred because of the state law requirement for a minimum of 165 days of instruction. *See* 70 O.S. § 1-109(a).)

The school is correct, though, that state law only prohibits incommensurate *decreases* of pay. *See* 70 O.S. § 18-114.9(A). The statute states that total compensation “shall not be decreased the next

school year unless the hours or the duties of the teacher are reduced proportionately.” *Id.* It does not require that salary increases are commensurate with hour increases. *See id.*

The teacher raises the fair point that the logical corollary of the statute is that an increase in hours requires an increase in pay. After all, if a school can freely increase hours, it can effectively decrease salary without actually decreasing salary, evading the statute’s protections against decreases.

Nevertheless, the school is correct that the statute could address both reductions and increases if that were legislative intent. The text only requires commensurate decreases without mentioning increases in hours. The Board’s job is to enforce the text of the statute, not to adjust it based on what might be a fair corollary.