

Court blocks publicly funded religious charter school

June 27, 2024

OKLAHOMA CITY (BP)—The Oklahoma Supreme Court blocked a publicly funded religious charter school that would have been the first in the U.S. on June 25.

The state's contract creating a religious charter school violates state and federal law and is unconstitutional, the court [wrote](#), siding with Oklahoma Attorney General Gentner Drummond in his [challenge](#) to the St. Isidore of Seville Catholic Virtual School.

"Under Oklahoma law, a charter school is a public school. As such, a charter school must be nonsectarian," the court said. "However, St. Isidore will evangelize the Catholic faith as part of its school curriculum while sponsored by the State.

"This State's establishment of a religious charter school violates Oklahoma statutes, the Oklahoma Constitution, and the Establishment Clause. St. Isidore cannot justify its creation by invoking Free Exercise rights as a religious entity."

Oklahoma Gov. Kevin Stitt, who has spoken in favor of the school, said the court ruling sends the wrong message.

"I'm concerned we've sent a troubling message that religious groups are second-class participants in our education system," Stitt said after the ruling.

"Charter schools are incredibly popular in Oklahoma, and all we're saying is: we can't choose who gets state dollars based on a private entity's

religious status.

“Religious freedom is foundational to our values, and today’s decision undermines that freedom and restricts the choices available to Oklahomans.”

Stitt expressed hope that the U.S. Supreme Court might reverse the decision.

The Archdiocese of Oklahoma City and the Roman Catholic Diocese of Tulsa have sought since 2022 to establish the school. The Oklahoma Statewide Virtual Charter School Board [approved](#) by a vote of 3-2 the application for the school in June 2023, reversing its April decision that blocked the school and cited problems with the application.

Next steps

Catholic leaders said they are exploring their next step.

“We will consider all legal options and remain steadfast in our belief that St. Isidore would have and could still be a valuable asset to students, regardless of socioeconomic, race or faith backgrounds,” Archbishop Paul Coakley of Oklahoma and Bishop David Konderla of Tulsa said in a joint statement.

“Today’s ruling is very disappointing for the hundreds of prospective students and their families from across the state of Oklahoma who desired the educational experience and promise of St. Isidore of Seville Catholic Virtual School.”

Justices disqualified the school in a 6-1 opinion, with Vice Chair Justice Justin Rowe agreeing in part and Chief Justice M. John Kane recused.

“This case turns on the State’s contracted-for religious teachings and

activities through a new public charter school, not the State's exclusion of a religious entity," the majority wrote. "The Court grants the extraordinary and declaratory relief sought by the State. The St. Isidore Contract violates state and federal law and is unconstitutional."

Dissenting, Justice Dana Kuehn argued state-approved religious charter schools legally could coexist alongside state public schools.

"The Oklahoma Constitution requires the State to create a system of public schools, 'free from sectarian control' and available to all children in the State," Kuehn wrote, citing Article 1, section 5 of the constitution.

"It does not bar the State from contracting for education services with sectarian organizations, so long as a state-funded, secular education remains available statewide.

"St. Isidore would not be replacing any secular school, only adding to the options available, which is the heart of the Charter Schools Act."