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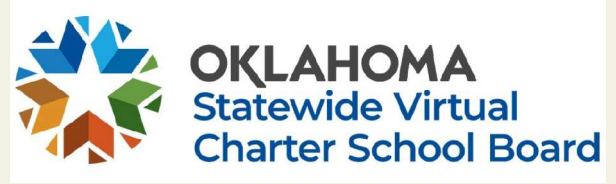
# Oklahoma Statewide Charter School Board v. Drummond

Civics is all around us. The United States Supreme Court is the highest court in the land. Through its power of judicial review, its decisions have a lasting impact on "We the People". So what is the Court hearing this session and how might the justices rule? Let's help each other expand our civic literacy.

## The Case of Religious Charter Schools

### The Facts of [Oklahoma Statewide Charter School Board v. Drummond](#):

Charter schools are taxpayer-funded and tuition-free public schools. The main difference between a traditional public school and a charter school comes from a legislative contract with the state, district, or other entity. Charter schools generally have increased instructional flexibility, which makes them popular among some state legislatures and boards of education.



In 2023, the [Oklahoma Statewide Virtual Charter School Board](#) approved the application of and entered into a contract with the St. Isidore of Seville Catholic Virtual School to become a registered charter school in Oklahoma. The charter agreed upon by St. Isidore and the state allows the school to freely exercise its religious beliefs as part of its programming and operations. Despite the approval, [Oklahoma law states](#) that public education must remain non-religious in their "programs, admissions policies, and other operations." As charter schools are considered public schools, the Attorney General of Oklahoma, Gentner Drummond, argued that granting St. Isidore's charter violated state and federal laws, including the Establishment Clause of the U.S. Constitution. The Oklahoma Supreme Court ruled in favor of the state, ruling that Oklahoma's charter schools must comply with the state's constitution and be non-sectarian.

On appeal to the [U.S. Supreme Court](#), the Oklahoma Statewide Charter School Board filed a petition for certiorari, requesting the justices hear the case. On January 24, 2025, the justices issued a writ of certiorari agreeing to hear the case. Petitioners argue that allowing this school to exist will "ensure religious organizations have equal access to Oklahoma's charter-school program, opening life-changing educational opportunities for children and families" (Petitioners' Brief, p. 9) They believe excluding religious schools from charter programs because of their religious nature violates the Free Exercise Clause of the First Amendment.

[The Respondents](#) argue that because charter schools are considered public schools, they are government entities. Because of being a government entity or state actor, they should not have the right to freely exercise their religion because of the Establishment Clause. The Respondents believe the U.S. Supreme Court should uphold the decision of the Oklahoma Supreme Court invalidating this contract due to its violations of state and federal law, while also recognizing the constitutional provisions prohibiting government establishment of religion.

Now, before the U.S. Supreme Court, the justices are being asked to address two questions:

1. Are educational decisions made by privately owned and operated schools considered state action simply because the school has a contract with the state to provide free education to students?
2. Does the First Amendment's Free Exercise Clause prohibit, or the Establishment Clause require a state to exclude religious schools from its charter school program?



Because of a personal connection to the case, Justice Amy Coney Barrett recused herself from the case. As a result, the possibility exists that the Court could have a 4-4 ruling, meaning the decision from the Oklahoma Supreme Court would stand.

### Supreme Court Precedent Used in this Case:

- [Trinity Lutheran Church v. Comer \(2017\)](#): The Court ruled that religious institutions cannot be excluded from public benefits solely based on their religious status.
- [Espinoza v. Montana Department of Revenue \(2020\)](#): The Court held that states cannot exclude religious schools from programs that provide scholarships to students attending private schools.
- [Carson v. Makin \(2022\)](#): The Court ruled that Maine's exclusion of religious schools from a tuition assistance program was unconstitutional. This case further reinforces the idea that religious schools should not be excluded from public funding programs.

**To Think and To Do:** In recent rulings, the justices have found that the prevention of public dollars going to religious schools through scholarships or non-secular aid violates the [First Amendment's](#) guarantee of free exercise of religion, and not a violation of its Establishment Clause. Given the precedents used in this case and the language of the 1st Amendment, how do you think the U.S. Supreme Court will rule? Explain

To [Learn MORE](#) about this case, view [the Brief for the Petitioner](#), Oklahoma Statewide Charter School Board and the [Respondent Brief](#), Drummond

(This is a consolidated case with [St. Isidore of Seville Catholic Virtual School v. Drummond](#))



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