# Supreme Court deliberates landmark case on publicly funded religious charter school in Oklahoma



The Supreme Court is currently hearing a high-stakes case centered on the nation’s first publicly funded religious charter school, St. Isidore of Seville Catholic Virtual School, in Oklahoma. The case is being closely watched because its outcome could significantly alter the legal landscape for charter schools nationally, particularly regarding the constitutional boundaries between church and state.

The hearing took place in Washington, where justices engaged in over two hours of oral arguments that revealed a court deeply divided along ideological lines. Chief Justice John Roberts emerged as the pivotal figure, with his vote seemingly the deciding factor. Conservative justices largely supported St. Isidore and the state charter school board’s approval of the school, while liberal justices leaned toward upholding an Oklahoma Supreme Court ruling that deemed taxpayer funding of the school a violation of the First Amendment’s establishment clause.

Justice Brett Kavanaugh articulated the conservative perspective by stating, “They’re not asking for special treatment, not asking for favoritism,” and emphasised that the school merely seeks to avoid being disadvantaged “because we’re religious.” Conversely, Justice Elena Kagan underscored the equivalence of charter schools to traditional public schools, noting, “Charter schools are in every respect equivalent to regular public schools.”

Justice Amy Coney Barrett recused herself from the case without providing an explanation. Her previous professional affiliations, including teaching law at Notre Dame and friendships with prominent proponents of publicly funded religious charter schools, were noted during the proceedings.

The legal crux involves whether the school’s receipt of public funds breaches the separation of church and state or aligns with Supreme Court precedent affirming religious freedom under a different aspect of the First Amendment. Chief Justice Roberts acknowledged prior rulings that states “couldn’t exclude religious participants,” hinting at potential support for the school. However, he also expressed concerns that this case involves “much more comprehensive” state involvement than previous cases, leaving his final position uncertain.

St. Isidore operates as a K-12 online school and had been preparing to enrol around 200 students with a mission that includes evangelising Catholic faith. Supporters argue that the school meets all public charter school obligations—it is free and open to all, receives state funding, adheres to anti-discrimination laws, and complies with curriculum and testing oversight, all while being run by an independent board.

Opponents warn that sanctioning the school could divert crucial funding from public education and create a precedent that alters charter school regulations across the United States. Greg Garre, representing those opposing the school’s approval, told the court, “This is going to have a dramatic effect on charter schools across the country.” Meanwhile, James Campbell, defending the Oklahoma charter school board, argued that the state’s law discriminates against religion by encouraging “diversity, but deeming religion to be the wrong kind of diversity.”

The case unfolds against a backdrop of growing efforts in several conservative-led states to incorporate religious elements into public education. Examples include contested mandates requiring the Ten Commandments and the Bible to be displayed in public school classrooms in Louisiana and Oklahoma, respectively.

Oklahoma’s political landscape reflects the controversy, with Governor Kevin Stitt and Superintendent of Public Instruction Ryan Walters supporting public funding for religious schools, while Attorney General Gentner Drummond has opposed it and filed a lawsuit to overturn the state board’s approval of St. Isidore.

At issue is also the classification of charter schools as public institutions. Oklahoma and 45 other states, along with the District of Columbia, classify charter schools as public, providing them with public funding and holding them to various regulatory standards. Despite this public designation, charter schools operate independently and are not part of traditional local public school systems. Currently, nearly 4 million students in the US—about 8% of the total—attend charter schools.

The Supreme Court’s decision will have profound implications for the future of charter schools and their ability to receive public funding while maintaining a religious character. A ruling in favour of St. Isidore may expand access to publicly funded religious charter schools across the country, whereas an adverse decision would uphold existing constitutional limits on the entanglement of government funds with religious education.

Source: [Noah Wire Services](https://www.noahwire.com)

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