

AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT SCHOOLS

Press Release 1006

LEGAL CHALLENGE TO RELIGIOUS CHARTER SCHOOLS IN THE USA

[Faith Leaders, Education Advocates, and Parents Seek To Join Oklahoma Attorney General's Lawsuit Opposing Operation of a Religious Public Charter School](#)

In America Charter schools are publicly funded schools run, often for profit, by private organisations. Nevertheless, they are generally open to all children and do not have any religious affiliation. But this is changing. A precedent for a religious charter school is being set in Oklahoma.

However, a group of faith leaders, public-education advocates, and public-school parents – who are among the plaintiffs in a lawsuit filed on July 31, 2023, to stop Oklahoma from sponsoring and funding the nation's first religious public charter school – are [seeking to join](#) a similar lawsuit recently [filed](#) by Oklahoma Attorney General Gentner Drummond.

The organizations representing the plaintiffs – Americans United for Separation of Church and State, the American Civil Liberties Union, Education Law Center, and Freedom From Religion Foundation – released the following statement:

“Oklahoma’s public schools must remain free from discrimination and religious indoctrination. We applaud and appreciate Attorney General Drummond’s efforts to protect public education and the separation of church and state in Oklahoma. We look forward to continuing our longstanding defense of these core American values.

“Our clients’ proposed intervention would benefit the Attorney General’s lawsuit”

“Our clients’ proposed intervention would benefit the Attorney General’s lawsuit because they are among the people – parents, students, families, educators, clergy, taxpayers, and a citizen of the Muscogee (Creek) Nation – who will suffer if a religious public school is permitted to open. They and their children will be excluded by the school’s discriminatory practices. They will be taxed by the government and forced to financially support a religion that many

of them do not share. Their interests and diverse perspectives are valuable and will help the Oklahoma Supreme Court reach a just outcome.

“The legal team representing these individuals includes the nation’s top religious-freedom, church-state separation, and education-rights lawyers. These litigators have a breadth of knowledge, experience, and expertise that will add to the Oklahoma Supreme Court’s understanding of the issues and arguments in this case. Our joining in the lawsuit makes sense.

“The law is clear: Charter schools are public schools that must be secular and serve all students. St. Isidore of Seville Catholic Virtual Charter School plans to discriminate against students, families, and staff and indoctrinate students into one religion. Allowing a religious public charter school like St. Isidore to operate would be a sea change for our democracy.”

Background

On October 20, 2023, Oklahoma Attorney General Gentner Drummond filed a lawsuit against the Oklahoma Statewide Virtual Charter School Board and its members to “undo the unlawful sponsorship of St. Isidore of Seville Virtual Charter School.” The Board approved the religious public charter school contrary to an opinion issued by Drummond’s office, which explained that it would be unconstitutional. AG Drummond filed his lawsuit directly with the Supreme Court of Oklahoma.

On July 31, 2023, AU, the ACLU, ELC, and FFRF, supported by Oklahoma-based counsel Odom & Sparks PLLC and J. Douglas Mann, filed a [lawsuit](#), OKPLAC, Inc. v. Statewide Virtual Charter School Board, on behalf of a group of faith leaders, public-school parents, and public-education advocates who object to their tax dollars funding a public charter school that will discriminate against students and families based on their religion and LGBTQ+ status, fail to adequately serve students with disabilities, and indoctrinate students into one religion.

The lawsuit charges that the Oklahoma Statewide Virtual Charter School Board violated the Oklahoma Constitution, the Oklahoma Charter Schools Act, and the board’s own regulations when it approved St. Isidore’s application for charter school sponsorship on June 5, 2023.

The progress of this case will be watched with interest.

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