

Amy Coney Barrett Steps Aside in Supreme Court Religious Charter School Battle

In Oklahoma, the debate over public schooling and religious freedom is intensifying as efforts to remove barriers separating church and state coincide with a pivotal Supreme Court case. The outcome could set a major precedent for how the Constitution is applied in public education.

Oklahoma Attorney General Gentner Drummond is in a legal battle with the state's charter school board, aiming to prevent taxpayer dollars from funding faith-based institutions.

In a statement following Governor Kevin Stitt's executive order to position Oklahoma as the nation's strongest defender of religious liberty, Drummond warned that if a taxpayer-funded religious charter school is allowed to open in Oklahoma, "it will only be a matter of time before taxpayers are funding schools dedicated to Sharia law, Wicca indoctrination, Scientology instruction – even the Church of Satan."

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Drummond, a Christian, contends that the state should not support or sponsor any religion with public funds.

Meanwhile, Oklahoma State Superintendent Ryan Walters, a member of the charter school board, argues that the priority should be giving families public funding to send their children to the school of their choice. He said the issue centers on the freedom to express religious beliefs without government penalty and the right to school choice.

“It’s about school choice—making sure that parents have that power over their kids’ school education,” Walters said. “We’re talking about roughly six to seven thousand dollars per child. So that would follow that child there.”

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At the heart of the case now headed for the Supreme Court is St. Isidore of Seville Catholic Virtual School, which seeks to become the nation’s first publicly funded religious charter school. Walters said the school would be eligible for funding in a way private schools are not.

“Why this would be so helpful is, as a charter school, when a parent enrolls their child into their school, their taxpayer dollars flow directly to that school,” he said.

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Walters added that if the Supreme Court rules in favor of St. Isidore, it could create new opportunities across the country. “What you’re going to have are opportunities that have never been given before—access to religious charter schools for children, where parents don’t have to try to scrape together funds to get their kids a great education.”

Civil liberties organizations, including the ACLU, argue that public funding for religious schools violates the separation of church and state. In a press release, the ACLU said Oklahoma taxpayers, including the plaintiffs it represents, should not be compelled to finance a religious public school “that intends to discriminate and indoctrinate students into a singular faith.”

Justice Amy Coney Barrett has recused herself from the case due to a personal connection, potentially setting the stage for a 4-4 tie.

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