

Viewpoints

The Legality of Religious Charter Schools Expected to be Heard by Supreme Court Next Term



The Oklahoma Supreme Court issued a decision this week holding that a religious charter school approved by the state violates the state's constitution and the U.S. Constitution. The decision is expected to be appealed to and heard by the U.S. Supreme Court.

In previous cases in 2020 and 2022, the Supreme Court ruled that Montana and Maine could not exclude religious schools from state programs that allowed parents to use government-financed scholarship or tuition programs to send their children to private schools. In both cases, Chief Justice John G. Roberts Jr. wrote that the rulings did not require states to support religious education, but that if a state were to choose to subsidize any private schools, it could not discriminate against religious ones. The Oklahoma case, which considered direct funding of religious charter schools, was the next legal challenge for parents seeking to use public funds for religious education.



F3 Law

The case considers two opposing constitutional claims – nondiscrimination against religion (Free Exercise Clause) and non-establishment of religion (Establishment Clause). If the Supreme Court hears the case, its decision will be effective nationwide, including in California, and will either close or open the door to religious charter schools nationwide.

www.politico.com/...

Professionals



Jennifer Nix

Partner

Oakland

510.550.8513

jnix@f3law.com