News



People gathered in front of the U.S. Supreme Court April 30 hold signs supporting that a Catholic charter school, St. Isidore of Seville Catholic Virtual School in Oklahoma, should get state taxpayer support. (NCR photo/Carol Zimmermann)



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The U.S. Supreme Court has blocked an effort by two Catholic dioceses in Oklahoma to establish what would have been the nation's first taxpayer-funded religious public charter school.

The high court's 4-4 ruling on Thursday, May 22, sidesteps what could have been a landmark decision that had the potential to impact charter schools nationwide and create a precedent for taxpayer-funded parochial schools.

The one-page decision did not include a tally of how the justices voted. It only stated that a lower court’s previous ruling against the school was "affirmed by an equally divided court."

Justice Amy Coney Barrett recused herself from the case without explanation.

In a joint statement, Oklahoma City Archbishop Paul Coakley and Tulsa Bishop David Konderla said they were disappointed with the decision and added that they will be exploring "other options for offering a virtual Catholic education to all persons" in Oklahoma.

"We remain firm in our commitment to offering an outstanding education to families and students across the state of Oklahoma. And we stand committed to parental choice in education, providing equal opportunity to all who seek options when deciding what is best for their children," the bishops said.



Archbishop Paul Coakley of Oklahoma City, chair of the U.S. bishops' Committee on Priorities and Plans, speaks during a Nov. 13, 2024, session of the fall general assembly of the U.S. Conference of Catholic Bishops in Baltimore. (OSV News/Bob Roller)

John Meiser, the director of the University of Notre Dame Law School's Lindsay and Matt Moroun Religious Liberty Clinic, which helped represent St. Isidore, said he was disappointed for "the hundreds of children for whom this school would have opened a new world of opportunities."

"It has been our privilege to represent St. Isidore and to fight for the freedom for people of all faiths to serve the public good. Today's evenly divided decision unfortunately fails to vindicate that fundamental right," Meiser said.

Meanwhile, opponents of the school praised the decision for safeguarding public education and upholding the separation of church and state.

"The Supreme Court's decision represents a resounding victory for religious liberty and for the foundational principles that have guided our nation since its founding," Oklahoma Attorney General Gentner Drummond said in prepared remarks.

Drummond, a Republican who broke with other members of his party in opposing the school, said the decision ensures that Oklahoma taxpayers will not be forced "to fund radical Islamic schools" while protecting the religious rights of families.

"I have always maintained that we must faithfully uphold the Constitution, even when it requires us to make difficult decisions," Drummond said. "I will continue upholding the law, protecting our Christian values, and defending religious liberty — regardless of how difficult the battle may be."



The Supreme Court is pictured in Washington June 29, 2024. An evenly divided Supreme Court on May 22, 2025, sidestepped a major ruling in a case over St. Isidore of Seville Catholic Virtual School in Oklahoma, what would have been the nation's first taxpayer-funded religious public charter school, effectively blocking the effort. (OSV News/Reuters/Kevin Mohatt)

In a prepared statement, Americans United for Separation of Church and State said that a religious public school would have been "an abject violation of religious freedom."

"Charter schools are public schools that must be secular and serve all students. St. Isidore of Seville Catholic Virtual School, which planned to discriminate against students, families, and staff and indoctrinate students into one religion, cannot operate as a public charter school," the group said.

The high court ruling's left intact a 2024 ruling by the Oklahoma Supreme Court that found St. Isidore of Seville Catholic Virtual School violated the U.S. Constitution's prohibition against the establishment of religion. The lower court also ruled that the school violated the state constitution and a law that prohibited public schools from being sectarian.

Attorneys representing St. Isidore had argued that the Catholic Church in Oklahoma had the same right as other private groups in that state to apply for and operate a charter school, which they argued was a private entity rather than a public school for purposes of state and federal law.

The U.S. Supreme Court heard arguments in the case on April 30.

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The case was one of the most closely watched of the Supreme Court term and the speed of the decision — just 22 days after oral arguments — was somewhat unexpected.

During the April 30 arguments, the court's three Democrat-appointed liberal justices expressed skepticism that St. Isidore did not violate the Constitution’s Establishment Clause while the four conservatives — Justices Clarence Thomas, Neil Gorsuch, Brett Kavanaugh and Samuel Alito — appeared sympathetic to the school's arguments.

In his questioning, Chief Justice John Roberts emerged as the potential swing vote who would make the difference in a case where Barrett had recused herself. A former law professor, Barrett used to teach at the University of Notre Dame. The university's Religious Liberty Clinic helped represent St. Isidore.

A tied ruling now leaves unresolved the question of whether charter schools are state actors, as well as the matter of whether a state can require that charter schools be secular without violating the U.S. Constitution's religion clauses.

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Approved by a state education board in 2023 amid significant controversy, St. Isidore was set to open last autumn as a K-12 virtual school. The mission of the Catholic public charter school was to educate students in underserved Oklahoma rural counties while also being described as an entity that "participates in the evangelizing mission of the Church."

The Catholic bishops of the Archdiocese of Oklahoma City and the Diocese of Tulsa said St. Isidore would be a Catholic school operated "in harmony with faith and morals, including sexual morality, as taught and understood by the Magisterium of the Catholic Church based upon Holy Scripture and Sacred Tradition," according to their application to the Oklahoma Statewide Virtual Charter School Board.

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The contract that the Oklahoma Statewide Virtual Charter School Board signed with St. Isidore's board in October 2023 stipulated that the school would be free and open to all students "as a traditional public school." The pact also stated that it would comply with local, state and federal laws pertaining to the education of children with disabilities and children who are English language learners.

While the contract says that St. Isidore will ensure that no student is denied admission based on race, sex, sexual orientation, gender identity or gender expression, its language also recognizes that the school may have "certain exemptions or entitlements" from laws and regulations based on its status as a religious organization.

In its revised application to the state's virtual charter school board, St. Isidore said it would comply with laws pertaining to nondiscrimination requirements and educating students with disabilities, "to the extent" that they do not compromise the school's religious tenets.

This report was copy edited by Mick Forgey.

This is a breaking news story and has been updated.

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