

24-396 ST. ISIDORE OF SEVILLE SCHOOL V. DRUMMOND

DECISION BELOW: 558 P.3d 1

LOWER COURT CASE NUMBER: 121,694

QUESTION PRESENTED:

This Court has repeatedly held that the Free Exercise Clause prohibits a state from denying generally available benefits to a school solely because it is religious. That principle should have resolved this case. Petitioner is a private religious institution. It seeks to partake in the benefits of Oklahoma's charter school program. But the court below invalidated Petitioner's contract with the charter school board. The court disregarded this Court's Free Exercise precedents because, in its view, Petitioner had become an arm of the government by virtue of that contract. It thus held that the Establishment Clause and Oklahoma laws aimed at creating "a complete separation of church and state" compelled the court to deny Petitioner-on religious grounds-the benefits created by Oklahoma's Charter Schools Act.

The questions presented are:

1. Whether the academic and pedagogical choices of a privately owned and run school constitute state action simply because it contracts with the state to offer a free educational option for interested students.

2. Whether a state violates the Free Exercise Clause by excluding privately run religious schools from the state's charter school program solely because the schools are religious, or whether a state can justify such an exclusion by invoking anti-establishment interests that go further than the Establishment Clause requires.

CONSOLIDATED WITH 24-394 FOR ONE HOUR ORAL ARGUMENT. JUSTICE
BARRETT TOOK NO PART.
EXPEDITED BRIEFING.

CERT. GRANTED 1/24/2025