

Oklahoma could soon have nation's first publicly funded Catholic charter schools

by [Mark Wingfield](#)

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A Catholic charter school funded by taxpayer dollars is likely coming to Oklahoma soon, based on a recent ruling of the state's outgoing attorney general, with support from the re-elected governor and newly elected state superintendent of public education.

On December 1, Attorney General John O'Connor—who is [Catholic](#)—and Solicitor General Zach West wrote a non-binding legal opinion that says a current state law blocking religious institutions and private sectarian schools from state funding of public charter school programs is unconstitutional and should not be enforced.

Already, the Roman Catholic Archdiocese of Oklahoma City “states it is willing to adhere to every jot and tittle of state law and intends to apply for a charter,” [wrote](#) Andrew Spiropoulos, the Robert S. Kerr Professor of Constitutional Law at Oklahoma City University in an opinion piece for the (Oklahoma City) *Journal Record*.

That means for the first time, government funding for public schools could also flow to Catholic schools and other faith-based schools.

And that’s not good news to Charles Foster Johnson, who helped found the group [Pastors for Oklahoma Kids](#), a coalition of clergy that advocates for public schools.

“It’s perfectly fine for those Oklahoma charter schools to become religious schools if they no longer receive public tax dollars from the people of Oklahoma,” he said. “But the last thing the devout religious folks of Oklahoma need is for their state to entangle itself in the establishment of religion through the funding of religious schools masquerading as public charter schools. All true religion, whether in congregation or class room, is voluntary and free. It must remain unencumbered by state intrusion.”

Oklahoma currently ranks 48th in the nation for per-student spending on public education. The state’s public schools serve 703,650 students, accounting for 93 percent of the school-age population.

The 15-page [opinion](#) from O’Connor and West responds to a request for clarification from Rebecca Wilkinson, executive director of the Statewide Virtual Charter School Board. She had asked for a ruling on whether her agency should continue to enforce the portion of state law that says an Oklahoma charter school must not be “affiliated with a nonpublic sectarian school or religious institution,” and must “be nonsectarian in its programs, admission policies, employment practices, and all other operations.”

The question was precipitated by US Supreme Court’s rulings in three cases where a conservative majority on the high court opened the door to public funding of sectarian education in specific circumstances.

What Oklahoma now proposes to do is to move beyond those specific circumstances to allow all eligible sectarian schools to receive public funding.

“The policy implications are huge because this is the first state that is going to allow religious charter schools,” Nicole Stelle Garnett, a University of Notre Dame law

professor and influential religious charter school supporter told [Politico](#). “The legal implications are huge because this is the first state that says that they have to.”

The attorney general’s letter was praised by Republican Gov. Kevin Stitt, who said the opinion “rightfully defends parents, education freedom, and religious liberty in Oklahoma.” And newly elected State Superintendent of Education Ryan Walters called it “the right decision for Oklahomans.”

Brett Farley, executive director of the Catholic Conference of Oklahoma, told a local news station that the diocese hopes to open the nation’s first publicly funded Catholic charter school by fall 2024.

In his view, sectarian schools should not be excluded from public funding: “That pool of money is for all Oklahoma kids. It’s not just for public school kids.”

Currently, Catholic schools and other private religious K-12 schools nationwide require parents to pay tuition. The schools operate off tuition income and gifts from the church and other donors.

The implications of such a move are enormous not only for Oklahoma but for the nation, Derek Black, education and civil rights professor at the University of South Carolina School of Law, told Politico.

“It is a whole other ballgame for the state to instruct children on religious doctrine and teach it as truth,” he said. “That’s what we’re talking about here: State dollars in public schools, delivering instruction to children preaching religion as a way of life that must be adhered to. That’s staggering.”—Baptist News Global