

United States Supreme Court Blocks Creation of Religious Charter School

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On Thursday, May 22, 2025, the U.S. Supreme Court blocked the creation of the nation's first religious charter school in Oklahoma, leaving in place a state Supreme Court ruling that declared the religious school violated the constitutional separation of church and state.

The case centered around two Catholic dioceses in Oklahoma that attempted to create a state-funded Catholic charter school, St. Isidore of Seville. St. Isidore of Seville was intended to be the country's first religious charter school, with plans to offer a curriculum shaped by Catholic teachings. This effort raised legal concerns given charter schools, under both federal charter school law and similar state laws, are public schools. Public schools receive government funding, are strictly regulated by the state, and are required to remain nonsectarian.

The U.S. Supreme Court, in a 4-4 decision, opined that the creation of a religious charter school would go against state and federal constitutional bans on state-sponsored religious teachings. Since the U.S. Supreme Court could not reach a majority decision, given Justice Barrett's recusal from the case, the Court's decision sets no nationwide precedent on whether the First Amendment permits states to establish and fund religious charter schools. In light of the deadlock, it is unclear whether Justice Barrett would participate in a future case if the issue were to come before the Court again and, if so, how the full Court would rule on the issue.

Despite not reaching a majority decision, the Court's decision reinforces that charter schools are public schools and must remain nonsectarian to comply with the U.S. Constitution and applicable state laws. We will continue to monitor any developments in this area and will provide updates as necessary.



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In the meantime, please contact any member of our Charter Schools Group if you have any questions about the recent decision or compliance with state or federal law concerning charter schools.

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