

St. Isidore

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Drummond



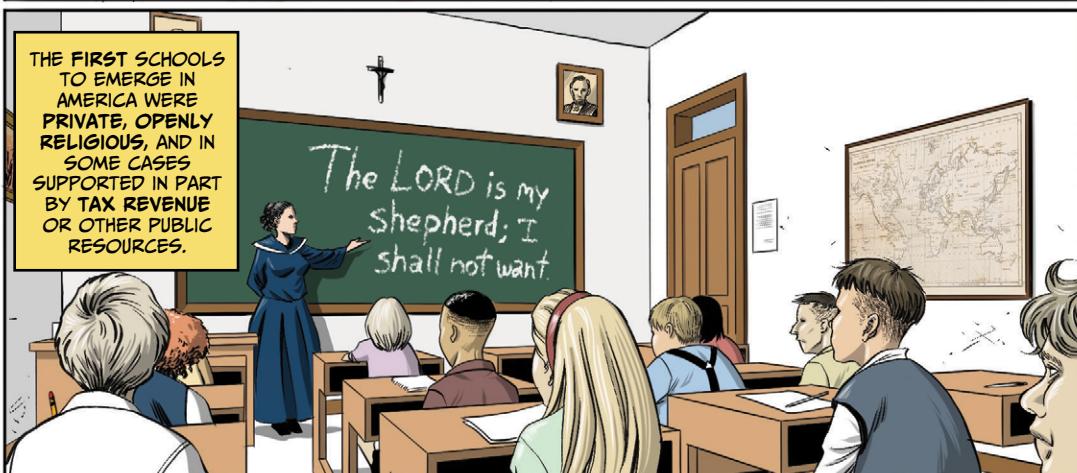
Clark Neily

IN THE EARLY DAYS OF AMERICA, THERE WERE NO PUBLIC SCHOOLS. CHILDREN WERE EDUCATED AT HOME BY THEIR PARENTS, AND MOST FAMILIES DID NOT OWN MANY BOOKS—THEY WERE EXPENSIVE LUXURIES.

AND IF A FAMILY DID OWN A BOOK, CHANCES ARE THAT BOOK WAS THE BIBLE.



THE FIRST SCHOOLS TO EMERGE IN AMERICA WERE PRIVATE, OPENLY RELIGIOUS, AND IN SOME CASES SUPPORTED IN PART BY TAX REVENUE OR OTHER PUBLIC RESOURCES.



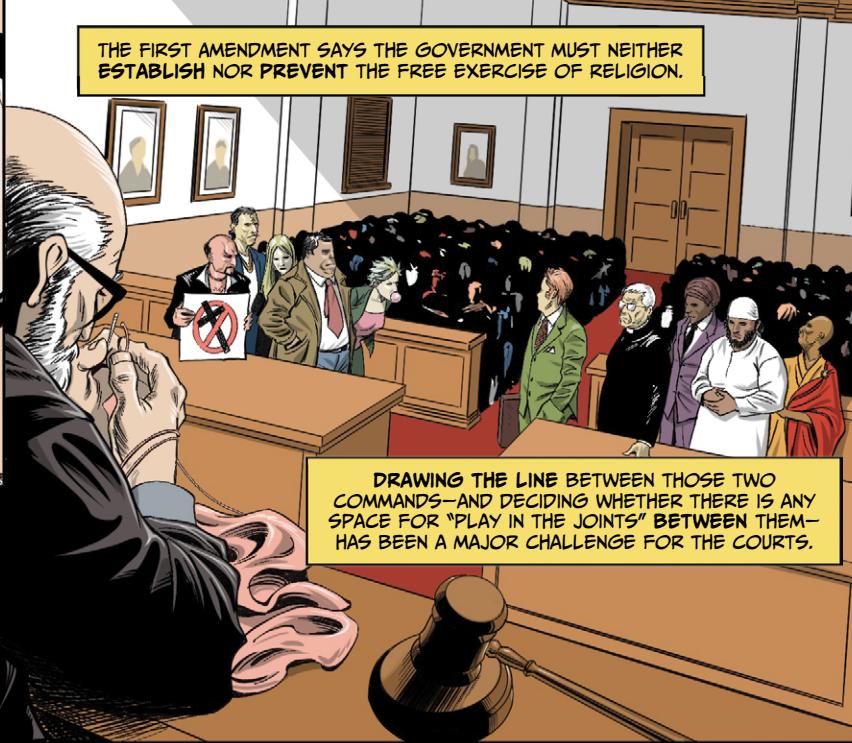
THE RELIGIOUS—SPECIFICALLY, PROTESTANT CHRISTIAN—CHARACTER OF MANY PUBLIC SCHOOLS CONTINUED WELL INTO THE 19TH AND EVEN 20TH CENTURIES.



THIS CAUSED GROWING TENSION WITH IMMIGRANTS FROM TRADITIONALLY CATHOLIC COUNTRIES SUCH AS IRELAND AND ITALY, WHO DID NOT APPRECIATE THEIR CHILDREN BEING TAUGHT BOTH READING AND THEOLOGY FROM THE KING JAMES BIBLE.



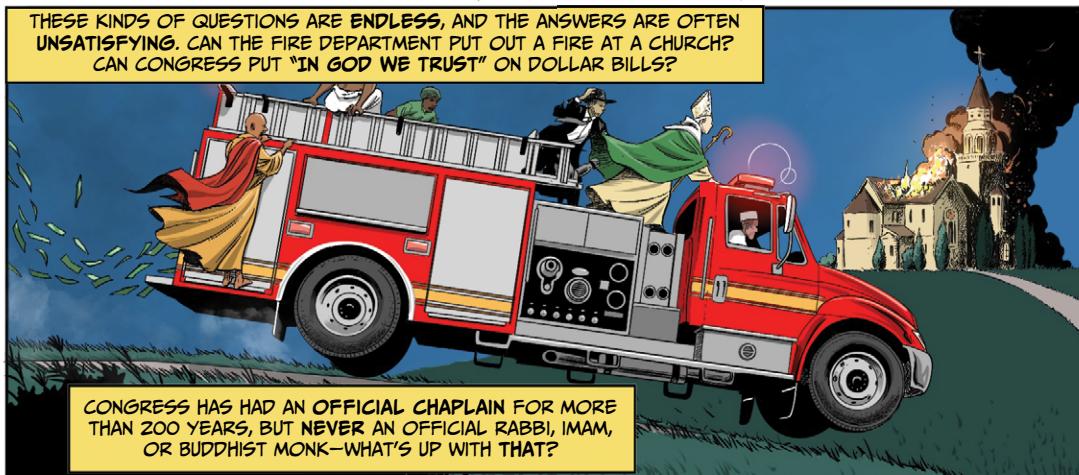
THE FIRST AMENDMENT SAYS THE GOVERNMENT MUST NEITHER ESTABLISH NOR PREVENT THE FREE EXERCISE OF RELIGION.



AS ESSAYIST GEORGE F. WILL HUMOROUSLY RELATED IN A 2021 COLUMN, "DECADES AGO, THE SUPREME COURT RULED THAT THE FIRST AMENDMENT'S PROHIBITION OF 'ESTABLISHMENT' OF RELIGION WAS VIOLATED IF THE GOVERNMENT SUPPLIED MAPS TO RELIGIOUS SCHOOLS, BUT NOT IF IT SUPPLIED BOOKS. SO, SENATOR DANIEL PATRICK MOYNIGHAN MISCHIEVOUSLY WONDERED: WHAT ABOUT ATLASES, WHICH ARE BOOKS OF MAPS?"



THESE KINDS OF QUESTIONS ARE ENDLESS, AND THE ANSWERS ARE OFTEN UNSATISFYING. CAN THE FIRE DEPARTMENT PUT OUT A FIRE AT A CHURCH? CAN CONGRESS PUT "IN GOD WE TRUST" ON DOLLAR BILLS?



MEANWHILE, THE FACE OF EDUCATION HAS CHANGED RADICALLY: FROM NO PUBLIC SCHOOLS, TO UNABASHEDLY RELIGIOUS PUBLIC SCHOOLS, TO TODAY'S SECULAR PUBLIC SCHOOLS—REQUIRED BY COURTS TO AVOID RELIGIOUS INSTRUCTION ON CONSTITUTIONAL GROUNDS.



IN RECENT DECADES—
AND PARTICULARLY IN
THE WAKE OF THE 2020
COVID-19 PANDEMIC—
THE SCHOOL-CHOICE
MOVEMENT HAS TAKEN
OFF, ALLOWING A
GROWING NUMBER OF
FAMILIES TO CHOOSE
AMONG AN ARRAY OF
PUBLIC AND PRIVATE
EDUCATIONAL OPTIONS.



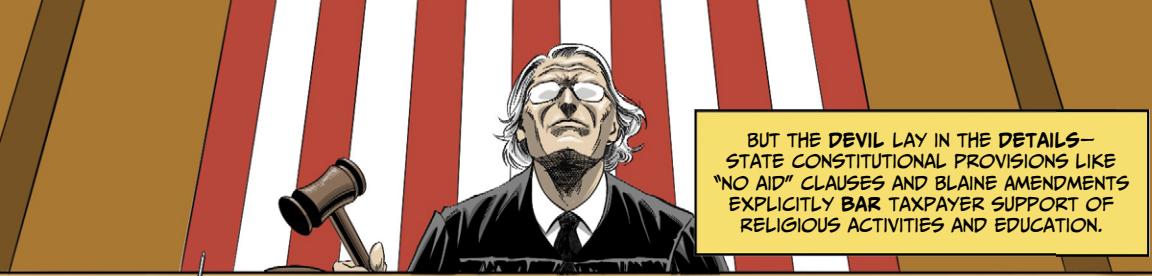
THE QUESTION AROSE: CAN RELIGIOUS SCHOOLS
PARTICIPATE IN PUBLICLY FUNDED SCHOOL-CHOICE
PROGRAMS? IN A 2002 CASE CALLED ZELMAN V.
SIMMONS-HARRIS, THE SUPREME COURT SAID YES—



PROVIDED THAT PARENTS' DECISION
TO SEND THEIR CHILDREN TO A
RELIGIOUS SCHOOL IS A "GENUINE
AND INDEPENDENT CHOICE."

THAT DECISION WAS HARDLY
SURPRISING, GIVEN THAT
TAX DOLLARS HAD LONG
BEEN SUPPORTING RELIGIOUS
HOSPITALS, DAY CARE
FACILITIES, AND EVEN HIGHER
EDUCATION AT OPENLY
RELIGIOUS SCHOOLS SUCH AS
THE UNIVERSITY OF NOTRE
DAME, VIA PELL GRANTS AND
THE GI BILL.

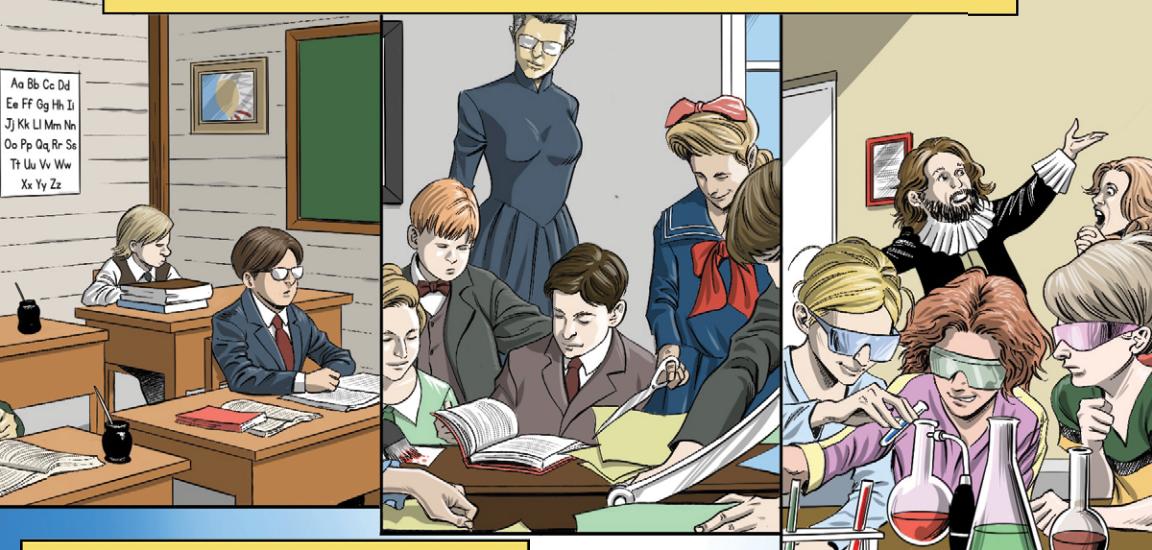




BUT THE DEVIL LAY IN THE DETAILS—
STATE CONSTITUTIONAL PROVISIONS LIKE
“NO AID” CLAUSES AND BLAINE AMENDMENTS
EXPLICITLY BAR TAXPAYER SUPPORT OF
RELIGIOUS ACTIVITIES AND EDUCATION.



CHARTER SCHOOLS—FIRST LAUNCHED IN MINNESOTA IN 1991, NOW OPERATING IN 46 STATES—
ARE PUBLICLY FUNDED BUT INDEPENDENTLY RUN, GIVING THEM FLEXIBILITY TO OPERATE
DIFFERENTLY THAN TRADITIONAL SCHOOLS WHILE EXPANDING PARENTAL CHOICE.



OKLAHOMA ENACTED A LAW PERMITTING
CHARTER SCHOOLS IN 1999. IT LATER CREATED A
STATEWIDE CHARTER SCHOOL BOARD WITH THE
SOLE POWER TO SPONSOR VIRTUAL CHARTER
SCHOOLS THAT HAVE ENORMOUS FLEXIBILITY
REGARDING PEDAGOGY AND CURRICULUM.



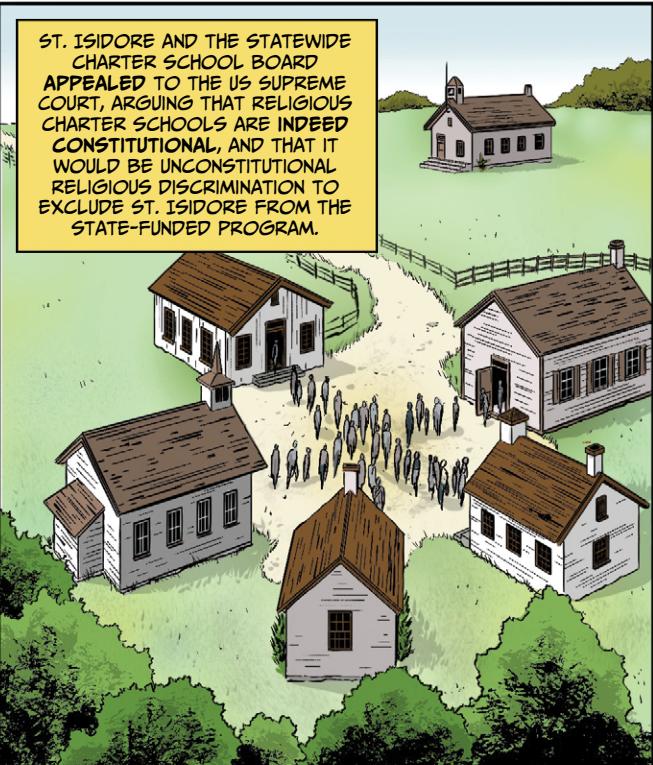
IN 2023, THE CATHOLIC ARCHDIOCESE OF OKLAHOMA CITY AND THE DIOCESE OF TULSA FORMED THE ST. ISIDORE OF SEVILLE CATHOLIC VIRTUAL SCHOOL AND APPLIED TO JOIN OKLAHOMA'S CHARTER SCHOOL PROGRAM—MAKING CLEAR THAT THE NEW SCHOOL WOULD INTEGRATE RELIGION INTO ITS PROPOSED CURRICULUM.



CONCERNED THAT EXCLUDING ST. ISIDORE FROM THE CHARTER SCHOOL PROGRAM MIGHT AMOUNT TO UNCONSTITUTIONAL ANTI-RELIGIOUS DISCRIMINATION, THE BOARD APPROVED THE APPLICATION.

OKLAHOMA'S ATTORNEY GENERAL FILED SUIT THE NEXT DAY—ARGUING THAT ALLOWING ST. ISIDORE TO PROVIDE RELIGIOUS EDUCATION WITH PUBLIC DOLLARS WOULD VIOLATE STATE LAW, THE OKLAHOMA CONSTITUTION, AND THE US CONSTITUTION. THE OKLAHOMA SUPREME COURT AGREED.

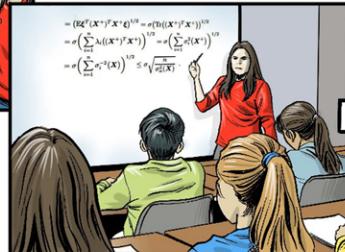
ST. ISIDORE AND THE STATEWIDE CHARTER SCHOOL BOARD APPEALED TO THE US SUPREME COURT, ARGUING THAT RELIGIOUS CHARTER SCHOOLS ARE INDEED CONSTITUTIONAL, AND THAT IT WOULD BE UNCONSTITUTIONAL RELIGIOUS DISCRIMINATION TO EXCLUDE ST. ISIDORE FROM THE STATE-FUNDED PROGRAM.



AT THE SUPREME COURT, THE OPPOSING PARTIES PRESENTED THE JUSTICES WITH TWO RADICALLY DIFFERENT TAKES. IN ONE TELLING, ST. ISIDORE IS AN UNABASHEDLY RELIGIOUS INSTITUTION THAT SEEKS TO INDOCTRINATE CHILDREN UNDER THE AUSPICES OF EDUCATING THEM.

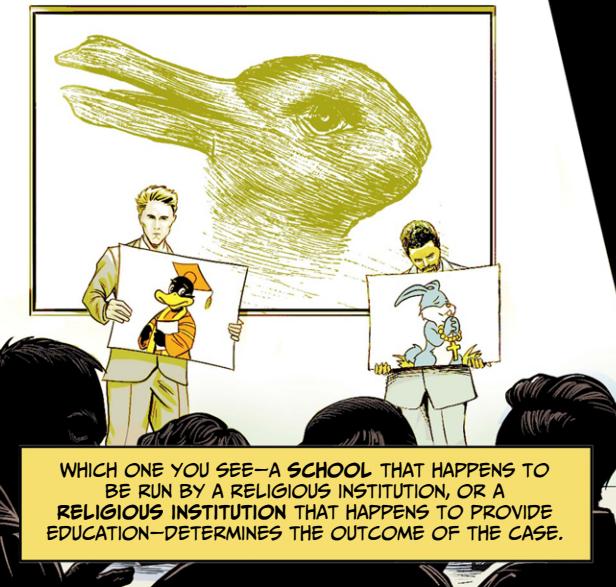


IN THE OTHER TELLING, ST. ISIDORE IS JUST ANOTHER ONE OF THE COUNTLESS PRIVATE ENTITIES THAT STATES ROUTINELY CONTRACT WITH TO PROVIDE VARIOUS PUBLIC SERVICES, INCLUDING HEALTH CARE, CHILD CARE—AND, YES, EDUCATION.

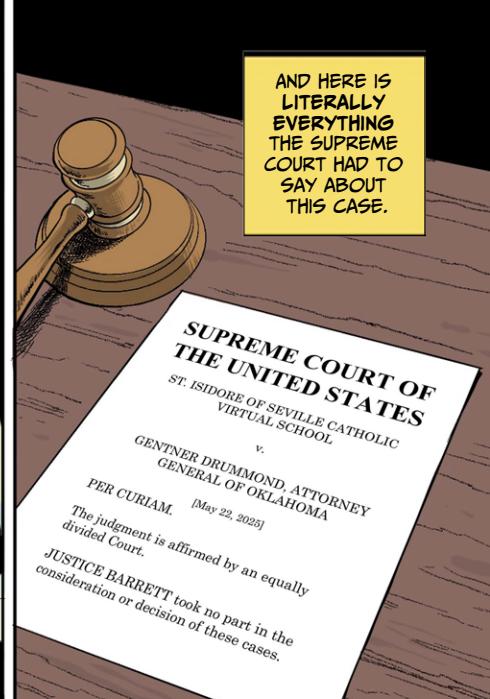


THE PARTIES ESSENTIALLY PRESENTED THE JUSTICES WITH A LEGAL OPTICAL ILLUSION—TWO COMPLETELY DIFFERENT REALITIES IN THE SAME SET OF FACTS.

AND HERE IS LITERALLY EVERYTHING THE SUPREME COURT HAD TO SAY ABOUT THIS CASE.



WHICH ONE YOU SEE—A SCHOOL THAT HAPPENS TO BE RUN BY A RELIGIOUS INSTITUTION, OR A RELIGIOUS INSTITUTION THAT HAPPENS TO PROVIDE EDUCATION—DETERMINES THE OUTCOME OF THE CASE.



IF YOU THINK EVERYTHING ABOUT THIS CASE BESIDES THE SPECIFIC OUTCOME FOR ST. ISIDORE REMAINS VERY MUCH IN QUESTION—INCLUDING WHETHER THE RESULT MIGHT HAVE BEEN DIFFERENT HAD JUSTICE BARRETT NOT RECUSED—YOU'RE RIGHT!

