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The Supreme Court in Washington, June 30, 2024. (AP Photo/Susan Walsh, File)

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The Supreme Court agreed Friday (Jan. 24) to take on a new culture war dispute: whether the nation's first publicly funded religious charter school should be allowed to open in Oklahoma.

The justices said they would review an Oklahoma Supreme Court decision that invalidated a state board's approval of an application by the Catholic Church in Oklahoma to open a charter school.

The conservative-dominated high court has issued several decisions in recent years signaling a willingness to allow public funds to flow to religious entities. At the same time, conservative-led states have sought to insert religion into public schools, including Louisiana's requirement that the Ten Commandments be posted in classrooms.

**[Related: Taxpayer-funded Oklahoma Catholic school likely to draw Supreme Court review](#)**

The case probably will be argued in late April and decided by early summer. Justice Amy Coney Barrett is not taking part in the case, but did not explain why.

Last June, Oklahoma's top court held by a 7-1 vote that a taxpayer-funded religious charter school would violate the part of the First Amendment that prohibits government from making any law "respecting an establishment of religion."

The decision followed a 3-2 vote in 2023 by the Statewide Virtual Charter School Board to approve an application by the archdiocese for the St. Isidore of Seville Virtual Charter School. The K-12 online school had planned to start classes for its first 200 enrollees last fall, with part of its mission to evangelize its students in the Catholic faith.

**[Related: Okla. state school board voids contract with Catholic virtual charter school](#)**

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A group of Oklahoma parents, faith leaders and a public education nonprofit sued to block the school.

"Under Oklahoma law, a charter school is a public school," Justice James Winchester, an appointee of former Republican Gov. Frank Keating, wrote in the court's majority

opinion. "As such, a charter school must be nonsectarian.

"However, St. Isidore will evangelize the Catholic school curriculum while sponsored by the state."

In dissent, Justice Dana Kuehn wrote that excluding St. Isidore from operating a charter school based solely on its religious affiliation would violate a different part of the First Amendment that protects religious freedom.

The case puts Oklahoma's Republican governor, Kevin Stitt, and its Republican attorney general, Gentner Drummond, on opposing sides. Stitt favors the school. Drummond reversed the advice given to the charter school board by his Republican predecessor, warning that the Catholic charter school would in his view violate the Constitution.