

Some religious groups seem to demand that the general public pay for the propagation of their religious doctrines.

In Oklahoma a religious group sought permission to operate a religious charter school at public expense. On May 22, 2025, the U.S. Supreme Court blocked that proposal. The ruling affirmed that state-funded charter schools as public entities cannot operate as religious institutions under the Establishment Clause.

Now another religious group is seeking to operate a religious charter school at public expense. It seems that some religious groups will not accept “no” as the answer.

The details of this proposed deal are included in the April 1, 2026, issue of Education Law Center.

Oklahoma Families, Teachers, and Clergy Seek to Block Unconstitutional Religious Public School

April 1, 2026

OKLAHOMA CITY, Okla. — In support of church-state separation and public education, a predominantly Jewish group of seven Oklahoma taxpayers – including families with children attending public schools, teachers and clergy – filed a [motion](#) today in federal court seeking to intervene in a lawsuit brought by the National Ben Gamla Jewish Charter School Foundation. This religious organization is trying to open the nation’s first religious public charter school in Oklahoma – a clear violation of state and federal law that defines charter schools as public schools that must be secular and open to all students.

Like all public schools, charter schools cannot lawfully indoctrinate religion or discriminate. But Ben Gamla’s charter school application makes clear that Jewish religious teachings will be integrated into “every dimension of . . . life” at the school, including classroom instruction and other activities.

Additionally, Ben Gamla’s application indicates that the school plans to exclude students and staff who do not share its faith. Ben Gamla’s application states that “[a]dmission assumes the student and family willingness to adhere with respect to the beliefs, expectations, policies, and procedures of the school.” Because the school would promote the beliefs of a specific religion, students and families outside that faith would effectively be excluded on the taxpayer’s dime. And Ben Gamla’s application further states that the school may base employment decisions on religion.

The public school families are seeking to join the lawsuit, *The National Ben Gamla Jewish Charter School Foundation, Inc. v. Drummond*, to oppose Ben Gamla’s effort to force Oklahoma to authorize and fund an unconstitutional religious public charter school. They object to their tax dollars funding a public charter school that will indoctrinate students into a particular religion, in violation of Oklahoma and federal law and our nation’s longstanding commitment to the separation of church and state. They also object to public funds being diverted from their nonreligious and inclusive public schools – which already face serious resource limitations – to a religious school that plans to discriminate based on religion.

These taxpayers are asking the U.S. District Court for the Western District of Oklahoma to allow them to participate in the case in order to safeguard their interests in public education, religious freedom and church-state separation.

“Public education is a foundation of our pluralistic society, and it is worth protecting,” said proposed intervenor Rabbi Dan Kaiman, Principal Rabbi of Congregation B’nai Emunah in Tulsa, Okla., and the parent of two public school students. “I care deeply about Jewish education, but our community does not need or want the government’s help to pass our values on to our children. The separation of church and state is what protects every faith community, including my own.”

“My family is Jewish. We know firsthand that people of all faiths are best served when public schools don’t impose one idea of religion over others,” said Kara Joy McKee, another proposed intervenor and parent

of a public school student. “A religious public charter school would undermine religious freedom and drain tax dollars from schools that are welcoming to students of all faiths, families, and backgrounds.”

The proposed intervenors are represented by Americans United for Separation of Church and State, the Oklahoma Appleseed Center for Law and Justice, Education Law Center, the American Civil Liberties Union, and Freedom From Religion Foundation. Many of these organizations represented Oklahomans who challenged the first attempt to establish a religious charter school in their state, which the Oklahoma Supreme Court declared unconstitutional two years ago.

“The courts, Oklahoma public school families and taxpayers, and Jewish leaders in the state all have rejected the creation of the nation’s first religious public school,” said Americans United President and CEO Rachel Laser. “We’re proud to represent Oklahomans who won’t let a religious organization backed by Christian Nationalists strong-arm the people of Oklahoma into violating the Constitution’s promises of religious freedom and church-state separation.”

“Oklahoma kids and families deserve public schools that embrace everyone,” noted Oklahoma Appleseed Interim Executive Director Brent Rowland. “That includes respecting the religious freedom of every child and family rather than imposing a government-supported religious viewpoint on students, regardless of what the viewpoint is. We’re grateful for partners and for Oklahomans who steadfastly insist on religious freedom within every public school — whether neighborhood or charter — and stand against diversion of public school resources to establish religious schools.”

“Our clients are seeking to vindicate the age-old, basic constitutional principle that religious schools can’t be public schools, and public schools can’t be religious,” said Daniel Mach, Director of the ACLU Program on Freedom of Religion and Belief. “That vital protection, guaranteed by both Oklahoma and federal law, helps ensure that public education remains available to all students, free from religious pressure or discrimination.”

“There is a concerted effort underway to demolish the church-state separation and antidiscrimination guarantees that are crucial parts of this nation’s public school system,” said Jessica Levin, Litigation Director at Education Law Center. “The Oklahoma Supreme Court has declared religious charter schools unconstitutional, but just two years later we must defend against them once more. We will never stop fighting to protect and strengthen the public education opportunities that are the bedrock of our democracy.”

“We’re honored to be part of this pushback against religious imposition,” said Freedom From Religion Foundation Co-President Annie Laurie Gaylor. “The public school system must remain secular — and we’ll do our utmost to ensure that.”

Ben Gamla’s lawsuit was filed less than two weeks after Oklahoma Attorney General Gentner Drummond filed a lawsuit in state court arguing that the Oklahoma Statewide Charter School Board intentionally and improperly manipulated the administrative record of its denial of Ben Gamla’s application in a manner designed to aid Ben Gamla’s litigation position. Concern about statements by a majority of the board’s members expressing disagreement with state law prohibiting religious public charter schools is one reason that the proposed intervenors are seeking to participate in Ben Gamla’s lawsuit.

Americans United Associate Vice President and Associate Legal Director Alex J. Luchenitser is the lead attorney for the proposed intervenors, representing them together with AU Constitutional Litigation Fellow Luke Anderson; Brent Rowland and Morgan Bandy of Oklahoma Appleseed Center for Law and Justice; Dan Mach and Heather L. Weaver of the ACLU; Jessica Levin, Wendy Lecker, Patrick Cremin, and Katrina Reichert of Education Law Center; and Nancy A. Noet and Samuel T. Grover of Freedom From Religion Foundation.

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