Education Law Center: Federal court in Oklahoma paves the way for opening of Ben Gamla, nation's first religious public school.

The September 24, 2026, Education Law Center bulletin reviews the Ben Gamla charter school case. The Ben Gamla religious school wants taxpayers to support its brand of religion, which is contrary to the Constitution of Oklahoma.

The October 8, 2026, Education Law Center bulletin provides follow-up information.

President Ulysses S. Grant had it right in an 1875 speech: "Leave the matter of religion to the family circle, the church, and the private school, supported entirely by private contribution. Keep the Church and State forever separate."

Federal Court in Oklahoma Paves Way for Opening of Ben Gamla, Nation's First Religious Public School, in Violation of State and Federal Constitutions

September 24, 2026

Despite state law prohibiting religious charter schools, the order clears a path for Ben Gamla Jewish Charter School to obtain full approval and open while litigation proceeds

OKLAHOMA CITY – In a blow to religious freedom, church-state separation and public education, a federal district court today issued a ruling paving the way for the National Ben Gamla Jewish Charter School Foundation to open the nation's first religious public charter school in Oklahoma while its lawsuit proceeds.

The U.S. District Court for the Western District of Oklahoma granted Ben Gamla's request for a preliminary injunction against enforcement of an Oklahoma state law that prohibits religious public charter schools. The lawsuit, *The National Ben Gamla Jewish Charter School Foundation, Inc. v. Shellem*, was filed by Ben Gamla in March after the Oklahoma Statewide Charter School Board rejected its application to operate as a religious public charter school that would integrate Jewish teachings into "every dimension of… life," including classroom instruction and other activities. Charter schools, like all public schools, must be secular and open to all students.

A predominantly Jewish group of seven Oklahoma taxpayers, who were granted intervenor status to participate in the lawsuit, opposes Ben Gamla's effort to force Oklahoma to authorize and fund an unconstitutional religious public charter school. The intervenors are represented by Americans United for Separation of Church and State, the Oklahoma Appleseed Center for Law and Justice, the American Civil Liberties Union, Education Law Center, and Freedom From Religion Foundation.

In response to the ruling, attorneys representing the intervenors issued the following statement:

"The court's conclusion that a public charter school can be religious opens the door to a dangerous sea change for our democracy. Forcing taxpayers to fund religious public schools violates state and federal law. Ben Gamla will not only indoctrinate students into a particular religion – it will discriminate against families that don't share the school's beliefs. We will continue to fight for all Oklahomans, who deserve public schools that are secular and open to all students."

Attorneys representing the intervenors include Alex J. Luchenitser at Americans United; Brent Rowland and Morgan Bandy of the Oklahoma Appleseed Center for Law and Justice; Daniel 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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Oklahoma Board Urged to Reject Ben Gamla's Religious Public Charter School Application as Lacking Credibility and Community Support

October 8, 2026

Civil rights organizations point to Ben Gamla's new disclosure that it seeks to enroll only 10 students in first year – an unfeasible plan that severely contradicts previous enrollment projections

OKLAHOMA CITY – In a letter sent today, national and Oklahoma civil rights organizations once again urged the Oklahoma Statewide Charter School Board to reject the nation's first proposed religious public charter school, after the school recently admitted that it will not come close to meeting the student enrollment numbers predicted in its charter school application. Instead of opening with 335 to 495 enrolled K-12 students, as promised in its application, the proposed Ben Gamla Jewish Charter School has disclosed it now aims to operate as a high school with an "aspirational enrollment goal" of only 10 students during its first year.

As explained in the groups' letter, the drastically reduced enrollment plan demonstrates that the school lacks community support, that the school is financially unsustainable, and that its application is non-compliant with Oklahoma's charter school requirements.

The school's severely scaled back enrollment efforts were revealed in a recent email sent by Ben Gamla founder Peter Deutsch of Florida to Oklahoma Jewish leaders asking for their help in finding 10 students for the school's first year of operation, which would begin in September 2027. Among the recipients of Deutsch's email was Rabbi Daniel Kaiman, one of the seven Oklahoma taxpayers participating in a lawsuit to oppose Ben Gamla's approval as a religious public charter school.

"I was surprised that Mr. Deutsch would not only ask for my help to enroll students in a public religious charter school – an endeavor I have publicly opposed because I believe in church-state separation and secular public education – but that he'd also invite me to apply to become the school's principal," **Rabbi Kaiman said.** "Mr. Deutsch's email shows what we've long argued: Mr. Deutsch, who's from Florida, and his school are completely disconnected from the Oklahoma Jewish community. It also shows how little our community wants this. Perhaps most importantly, it shows that this school is nothing but a Trojan horse for creating religious public schools. We don't need or want this school. We want strong public schools and to keep church and state separate."

Despite a recent federal court ruling that temporarily prohibits the Oklahoma Statewide Charter School Board from rejecting Ben Gamla's application because of the school's religious character, today's letter reminds the board that the court's order *does not* prevent it from rejecting the application on other grounds. Sent by Americans United for Separation of Church and State, the Oklahoma Appleseed Center for Law and Justice, the American Civil Liberties Union, Education Law Center, and Freedom From Religion Foundation, the letter argues that the school's erratic shift in operational plans raises serious concerns about Ben Gamla's credibility and ability to run a functioning public charter school funded by Oklahoma taxpayers.

The organizations outlined multiple reasons why the board must reject Ben Gamla's application, including:

- Ben Gamla lacks community support.
- Ben Gamla is not financially or operationally viable.
- Ben Gamla's application is fatally deficient.
- Ben Gamla lacks any credibility.

Attorneys representing the intervenors include Alex J. Luchenitser and Lauren Schoen of Americans United; Brent Rowland and Morgan Bandy of the Oklahoma Appleseed Center for Law and Justice; Daniel 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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