PRELIMINARY PRINT

VOLUME 605 U. S. PART 1

PAGES 165–167

OFFICIAL REPORTS

OF

THE SUPREME COURT

MAY 22, 2025

Page Proof Pending Publication

REBECCA A. WOMELDORF

REPORTER OF DECISIONS

NOTICE: This preliminary print is subject to formal revision before the bound volume is published. Users are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, pio@supremecourt.gov, of any typographical or other formal errors.

Syllabus

OKLAHOMA STATEWIDE CHARTER SCHOOL BOARD ET AL. *v.* DRUMMOND, ATTORNEY GENERAL OF OKLAHOMA, EX REL. OKLAHOMA

CERTIORARI TO THE SUPREME COURT OF OKLAHOMA

No. 24–394. Argued April 30, 2025—Decided May 22, 2025*

2024 OK 53, 558 P. 3d 1, affirmed by an equally divided Court.

James A. Campbell argued the cause for petitioners in No. 24–394. With him on the brief were *Kristen K. Waggoner*, *Christopher P. Schandevel*, *Philip A. Sechler*, *Mark A. Lippelmann*, *John J. Bursch*, *Erin M. Hawley*, *Caroline C. Lindsay*, *Andrea R. Dill*, and *Cheryl Plaxico*.

Michael H. McGinley argued the cause for petitioner in No. 24–396. With him on the briefs filed in both cases were *Steven A. Engel*, *Brian A. Kulp*, *John A. Meiser*, *Meredith H. Kessler*, and *Michael R. Perri*.

Page Proof Pending Publication

Solicitor General Sauer argued the cause for the United States as *amicus curiae* supporting petitioners. On the brief filed in both cases were *Acting Solicitor General Harris*, *Deputy Assistant Attorney General McArthur*, *Yaira Dubin*, *Michael S. Raab*, *Lowell V. Sturgill, Jr.*, and *Sean R. Janda*.

Gregory G. Garre argued the cause for respondent in both cases. With him on the brief filed in both cases were *Gentner F. Drummond*, Attorney General of Oklahoma, *Garry M. Gaskins II*, Solicitor General, *Bradley S. Clark*, *Jordan R. Goldberg*, and *Christine C. Smith*.†

---

*Together with No. 24–396, *St. Isidore of Seville Catholic Virtual School* v. *Drummond ex rel. Oklahoma*, also on certiorari to the same court.

†Briefs of *amici curiae* urging reversal in both cases were filed for the American Center for Law and Justice et al. by *Jay Alan Sekulow*, *Benjamin P. Sisney*, *Jordan A. Sekulow*, *Stuart J. Roth*, and *Andrew J. Ekonomou*; for the Christian Legal Society et al. by *Eric W. Treene*, *Steven T. McFarland*, and *Laura Nammo*; for Classical Charter Schools of America,

PER CURIAM.

The judgment is affirmed by an equally divided Court.

JUSTICE BARRETT took no part in the consideration or decision of these cases.

Inc., et al. by *Aaron M. Streett, J. Mark Little*, and *Travis L. Gray*; for the Covenant Journey Academy by *Mathew D. Staver*, *Anita L. Staver*, and *Horatio G. Mihet*; for EdChoice et al. by *Thomas M. Fisher*, *Bryan G. Cleveland*, *Cynthia Fleming Crawford*, and *Lawrence S. Ebner*; for the General Council of the Assemblies of God et al. by *Noel J. Francisco* and *Eric C. Rassbach*; for Great Hearts Academies et al. by *Denise M. Harle*, *Nicholas J. P. Meros*, and *Kassandra S. Reardon*; for the Jewish Coalition for Religious Liberty et al. by *Jacob Huebert* and *Howard Slugh*; for the Lepanto Institute by *Gerard V. Bradley*; for the Manhattan Institute by *Ilya Shapiro*; for National Religious Broadcasters by *Michael P. Farris*; for The Rutherford Institute by *Jason P. Gosselin* and *John W. Whitehead*; for the Union of Orthodox Jewish Congregations of America by *Lori H. Windham*, *Adèle A. Keim*, *Benjamin A. Fleshman*, *Andrea R. Butler*, and *Nathan J. Diament*; for the United States Conference of Catholic Bishops by *Benjamin M. Flowers*; for the Wisconsin Institute for Law & Liberty, Inc., by *Richard M. Esenberg* and *Luke Berg*; for the World Faith Foundation et al. by *James L. Hirsen*, *Tami Fitzgerald*, and *Deborah J. Dewart*; for Peter Deutsch by *Gordon D. Todd* and *Nicholas R. Reaves*; for Charles L. Glenn by *Eric N. Kniffin*; for Francis Keating II et al. by *Miles E. Coleman* and *Randall L. Wenger*; for Sen. James Lankford et al. by *Mark I. Pinkert*, *Jason Torchinsky*, and *Edward M. Wenger*; for John M. O'Connor et al. by *Thomas R. McCarthy* and *Tiffany H. Bates*; for Gov. J. Kevin Stitt by *Jonathan R. Whitehead*; for Ryan Walters et al. by *Allyson N. Ho*, *Elizabeth A. Kiernan*, *Kelly J. Shackelford*, *Jeffrey C. Mateer*, *Hiram S. Sasser III*, *David J. Hacker*, *Anthony J. Ferate*, and *Andrew W. Lester*; for S. Ernie Walton by *Christopher T. Holinger*; and for the Wolff Family by *Will K. Wright*.

Briefs of *amici curiae* urging affirmance in both cases were filed for the Advancement Project et al. by *Carmen Daugherty*; for American Atheists, Inc., by *Geoffrey T. Blackwell*; for the Baptist Joint Committee for Religious Liberty et al. by *David M. Gossett*, *Thaila K. Sundaresan*, *K. Hollyn Hollman*, and *Heather E. Kimmel*; for the Charter School Growth Fund by *Jonathan Y. Ellis* and *H. Brent McKnight, Jr.*; for Charter Schools by *Christopher A. Brook*; for Constitutional and Education Law Scholars by *Stephan J. Schlegelmilch*; for Historians and Legal Scholars

by *Charles A. Rothfeld*, *Steven K. Green*, and *Eugene R. Fidell*; for the National Alliance for Public Charter Schools by *Pratik A. Shah* and *Kristen E. Loveland*; for the National Association of Charter School Authorizers by *Lisa Scruggs*; for the National Parents Union et al. by *Seth P. Waxman* and *James S. Liebman*; for the Oklahoma Parent Legislative Advocacy Coalition et al. by *Alex J. Luchenitser*, *Robert Kim*, *Jessica Levin*, *Daniel Mach*, *Heather L. Weaver*, *Cecillia D. Wang*, *Louise Melling*, *Patrick Elliott*, *Benjamin H. Odom*, *John H. Sparks*, *Michael W. Ridgeway*, and *J. Douglas Mann*; for Public Charter School Organizations by *Paul E. Salamanca*; for Public Charter School Parents et al. by *Dallas F. Kratzer III* and *Shaina Richardson*; for Public School Organizations and Advocates by *Daniel A. Rubens*, *Alyssa Barnard-Yanni*, *Melanie R. Hallums*, and *Thomas M. Bondy*; and for Scholars of the Religion Clauses by *Donald B. Verrilli, Jr.*, and *Martin S. Lederman*.

Briefs of *amici curiae* were filed in both cases for the State of Colorado et al. by *Philip J. Weiser*, Attorney General of Colorado, *Shannon Stevenson*, Solicitor General, *Russell D. Johnson*, Deputy Solicitor General, *Joe Peters*, Senior Assistant Attorney General, and *Abby Chestnut* and *Dayna Zolle Hauser*, Assistant Solicitors General, and by the Attorneys General for their respective jurisdictions as follows: *Kris Mayes* of Arizona, *Rob Bonta* of California, *William Tong* of Connecticut, *Kathleen Jennings* of Delaware, *Brian L. Schwalb* of the District of Columbia, *Kwame Raoul* of Illinois, *Aaron M. Frey* of Maine, *Anthony G. Brown* of Maryland, *Andrea Joy Campbell* of Massachusetts, *Keith Ellison* of Minnesota, *Aaron D. Ford* of Nevada, *Matthew J. Platkin* of New Jersey, *Raúl Torrez* of New Mexico, *Letitia A. James* of New York, *Dan Rayfield* of Oregon, *Peter F. Neronha* of Rhode Island, and *Nicholas W. Brown* of Washington State; for the State of South Carolina et al. by *Alan Wilson*, Attorney General of South Carolina, *Robert D. Cook*, Solicitor General, and *Joseph D. Spate*, Assistant Deputy Solicitor General, and by the Attorneys General for their respective States as follows: *Steve Marshall* of Alabama, *Tim Griffin* of Arkansas, *James Uthmeier* of Florida, *Christopher M. Carr* of Georgia, *Kris Kobach* of Kansas, *Liz Murrill* of Louisiana, *Andrew Bailey* of Missouri, *Austin Knudsen* of Montana, *Michael T. Hilgers* of Nebraska, *Dave Yost* of Ohio, and *Ken Paxton* of Texas; for the Association on American Indian Affairs et al. by *John E. Echohawk*, *Melody L. McCoy*, and *Morgan E. Saunders*; for Former Elected and Appointed State Officials et al. by *Joshua Tropper*; for the Foundation for Moral Law by *Roy S. Moore* and *Jeffrey Tuomala*; and for Jon R. Meador, *pro se*.

Preliminary Prints Pending Publication

Reporter's Note

The attached opinion has been revised to reflect the usual publication and citation style of the United States Reports. The revised pagination makes available the official United States Reports citation in advance of publication. The syllabus has been prepared by the Reporter of Decisions for the convenience of the reader and constitutes no part of the opinion of the Court. A list of counsel who argued or filed briefs in this case, and who were members of the bar of this Court at the time this case was argued, has been inserted following the syllabus. Other revisions may include adjustments to formatting, captions, citation form, and any errant punctuation. The following additional edits were made:

Page Proof Pending Publication

None