

World News

Supreme Court may allow church-run, publicly funded charter schools across the nation

DAVID G. SAVAGE
Los Angeles Times

WASHINGTON — The Supreme Court’s conservative majority appeared poised Wednesday to rule that church-run schools have a right to operate as public-funded charters.

If so, the decision could transform K-12 education and public schooling nationwide.

Since the early 1990s, charter schools have taken hold in California and 46 other states as a popular public-funded option for parents and their children. They enroll 3.5 million children nationwide.

California is home to 1,300 charter schools serving nearly 630,000 students, about 11% of K-12 students, according to the California School Boards Association.

It has been understood those schools are both public and “non-sectarian,” or not religious.

In authorizing charter schools, lawmakers and education officials believed the Constitution’s ban on an “establishment of religion” and the principle of church-state separation prohibited using tax money to fund churches or teach religion.

But the court’s conservatives said Wednesday they believe it is unfair and unconstitutional to turn down church-run schools as tax-funded charters.

“They are saying don’t exclude us because of our religion,” said Justice Brett M. Kavanaugh.

Washington attorney Gregory Garre said it would be “remarkable” for the court to overrule Congress and the laws of 47 states and to instead require them to fund church-sponsored schools.

A former U.S. solicitor general under President George W. Bush, Garre said Congress and the states adopted charter schools believing they would be funding public schools, not the teaching of religion. He said it would be “astounding” for the court to now rule that “states not only may but must fund and create public religious schools.”

But that argument did not appear to sway the court’s conservative majority.

The charter schools case heard Wednesday highlighted the stark shift in religion law that has been engineered by Chief Justice John G. Roberts Jr. over the last decade.

In a series of opinions, he has staked out the view that denying public funding to religious groups

violates the First Amendment and its protection for the “free exercise” of religion. His opinions said it is discriminatory and wrong to deny funding to churches or religious groups if others can obtain the same public benefits.

The court’s conservatives, all of whom were raised as Catholics, trace the history of opposition to “sectarian” schools to 19th century anti-Catholic “bigotry.”

Denying public funding based on religion “is odious to our Constitution and cannot stand,” Roberts wrote in 2017. Such discrimination violates the First Amendment’s protection for the “free exercise” of religion, he said.

That case involved a Lutheran church in Missouri that sought a state grant to improve the playground for its day care center. In later decisions, the court applied this principle to give parents a right to obtain state grants or vouchers to send their children to religious schools.

Now the court sounded ready to apply that principle nationwide, opening the door for churches to sponsor state-funded charter schools that could teach religion.

On Wednesday, the court confronted the high-stakes clash over the religious schools in a case from Oklahoma. It will determine not just whether states may permit church-run charter schools using public funds, but whether they must authorize them.

The court’s three liberals were skeptical of converting public charter schools into a program that includes privately run religious schools.

“The hallmark of public education is that taxpayers are paying for it,” said Justice Sonia Sotomayor. And the court’s precedents say that tax money should not be used to teach religion, she said.

If religious charter schools are approved by the high court, churches would rush to apply, Justice Elena Kagan predicted. “There’s a big incentive to operating charter schools since everything is funded for you,” she said. “There’s going to be a line out the door.”

But none of conservative justices sounded skeptical.

Two years ago, the Catholic bishops of Tulsa and Oklahoma City formed a private, nonprofit corporation to establish the nation’s first religious charter school. They said St. Isidore of Seville Catholic Virtual School

would operate “as a Catholic school” but would be open to all.

But Oklahoma Attorney General Gentner Drummond said that public funding for the Catholic school would violate state and federal laws on charter schools as well as the state’s Constitution and the U.S. Constitution.

The Oklahoma Supreme Court agreed last year and blocked the authorization of the new charter school. The “Oklahoma Constitution prohibits the state from using public money for the benefit or support of any religious institution,” the state justices said in a 6-2 decision.

The Alliance Defending Freedom, a Christian legal group, appealed to the Supreme Court, quoting the court’s opinions written by the chief justice.

They said the state court’s ruling against the new Catholic-run charter school “poses a grave threat to fundamental freedoms.” It “harms religious schools and religious parents who wish to send their children to schools that align with their values,” they wrote. “The Free Exercise clause firmly rebukes such anti-religious discrimination.”

Only eight justices will decide the case of Oklahoma Statewide Charter School Board vs. Drummond.

Justice Amy Coney Barrett is a longtime friend of Notre Dame law professor Nicole Garnett, who has been a leading advocate for religious charter schools. The two met when they were law clerks at the Supreme Court in 1998. Barrett was a clerk for Justice Antonin Scalia while Garnett worked for Justice Clarence Thomas. Afterward, they taught for decades at the Notre Dame law school.

In January, when the court said it would hear the charter school case from Oklahoma, the order also said Barrett “took no part” in the decision.

That created the possibility of a 4-4 tie, which would uphold the Oklahoma court’s decision blocking the new Catholic charter schools.

But the court’s five other conservative justices who heard Wednesday’s argument sounded as though they would rule in favor of the Catholic charter school. In addition to Roberts, they are Justices Clarence Thomas, Samuel A. Alito, Neil M. Gorsuch and Kavanaugh.

The court is likely to hand down a decision by late June.

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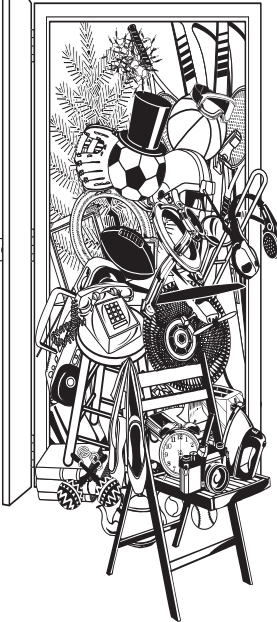
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Did you know?

Outdoor living is wildly popular, as more and more homeowners are bringing elements once reserved for home interiors into their backyards. When designing outdoor living spaces, homeowners may learn about biophilic design, an architectural concept that aims to incorporate natural elements into outdoor living spaces. Proponents of biophilic design say it satisfies an innate human need to affiliate with nature, thereby helping to reduce stress that people may experience after being stuck indoors for much of their days. Biophilic design is often part of a home interior design, but many homeowners also embrace it when designing their outdoor living spaces. For example, surrounding outdoor living areas with noninvasive plants, flowers and trees and using natural materials like wood and stone when building such spaces are great ways to embrace biophilic design and create a tension-free ambiance in outdoor living spaces.



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• County Commission

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items to tide you over until your social security check or your pension check comes in,” stated Ysusi. The pantry spends over \$5,000 monthly to keep the shelves stocked. “We thank you for your services, much needed. I mean 400 people served a month. Everybody needs help at times,” stated Chair Mike Cordray. “We look forward to working hand in hand with the County Commissioners,” concluded Ysusi.

Brandon Beurskens, Public Works, requested permission to go out for bids for corrugated metal pipe. The Commissioners noted. He then presented the receipts for bids for emulsion oil. He recommended accepting the bid from Wright Asphalt for \$2.14 per gallon 120,000 gallons totaling \$250,000. This is \$0.33 less than the price per gallon last year. The Commissioners approved. Then he presented bids for asphalt. He recommended accepting the bid from Brent Bell Construction for \$112.33 per ton for a total of 12,000 tons to cover 10.6 miles of road. The Commissioners approved.

Chair Mike Cordray asked for an update on the continuing Buckeye Street project. The paint striping is the final touch. This is expected to be completed on Wednesday. Cordray did ask Beurskens if there was any way temporary striping can be placed so the road can be opened up due to the continuing rain forecasted through the week. Beurskens stated that he would have to contact K-DOT to see if that was feasible.

Casey Brown, SEK CAP, requested a letter of support for their Community Service Block Grant. It is a federal initiative to alleviate poverty. They are conducting a survey to find out what the people of the 12 counties they serve think they are in need of most whether that is transportation, housing, or economic de-

velopment. They currently have 100 families housed. There is currently only one early childhood center, but there are plans to put a second one in Coffeyville. The Commissioners approved.

Michael Smith, Rural Fire, requested permission to purchase two pumps; one for truck 52 and one for truck 55 in Liberty. He recommends purchasing the pumps from Emergency Fire out of Eureka for approximately \$4,000. He did not send out for bids. Instead he researched what was available for purchase. The Commissioners approved.

Jonathan Booe, County Administrator, provided the Commissioners with an invoice from Edmund’s GovTech for the final percentage for the software implementation. They had originally anticipated Phase One of implementation to happen in September, but now they believe it will be January 2026. Nancy Clubine, County Treasurer, asked if they will still be handling taxes. The Commissioners requested a copy of the contract. They will table this discussion until then.

Ron Wade, Sheriff, came forward to discuss medical services for the jail. They have a nurse available 40 hours a week who sees to the health on inmates from Turn Key Medical. The jail has had some issues with this company which have gone unresolved. The contract with Turn Key Medical will be up on June 30. Wade and Booe want to look at other companies to compare. These companies are invited to tour the facility before offering an estimate. Proposals will be due May 16. They will then review the proposals and choose a company.

Brandee Kirk, County Health Department, requested approval for the quote for the County Health Trailer. It was originally purchased with Covid

funds before she was hired. She took the trailer over to Bell Camper for inspection. The lights didn’t work when hooked up. The slide out motor needs replaced. An alarm inside kept making a beeping noise. All repairs together totaled to \$3,700. The Commissioners questioned if the jack needs to be replaced, as well as the battery for the slide out motor. They plan to take it to the OK Kids Festival and the Cherryvale, the Riverside Park and the Cherryvale Back to School events. It would give them the ability to visit WIC clients in Cherryvale and Caney and make visits to the schools. Because the trailer was acquired by grant, it cannot be resold. The Commissioners approved.

Jared Daniels, Caney Betterment Group, gave the Commissioners a quarterly report. They use the Transient Guest Tax for tourism projects. They are putting a big emphasis on signage to make Caney look more appealing. “If it looks better, they are going to come back and visit,” stated Daniels.

Carol Staton, Cherryvale Chamber of Commerce, provided their quarterly report. They handle Cherryvale’s tourism. The tourism funds help fund the Cherry Blossom Festival. They also sponsor the End of Summer Bash. They have hired an artist to update Cherryvale with fresh murals.

Marilyn Calhoun, Registrar of Deeds, presented the quarterly report. They continue to work on archiving documents. The Commissioners noted.

The next meeting of the County Board of Commissioners will be held on Monday, May 5 at 9:00 a.m., in the lower level of the Judicial Center. Everyone is welcome and encouraged to attend. Meetings are available by live-stream on Facebook @mgcountyks.org.

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