

## **Supreme Court prohibits further implementation of social studies standards**

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(QC) The Oklahoma Supreme Court prohibited Monday further implementation of the State Department of Education's new social studies standards.

"No further action shall be taken and no public funds shall be spent by Respondents the Oklahoma State Board of Education or the Oklahoma State Department of Education to enforce or implement the 2025 Oklahoma Academic Standards for Social Studies pending further order of this course," the five justice majority ruled.

The order assuming original jurisdiction and issuing the injunction was signed by Acting Chief Justice James Winchester. He was joined by Justices James Edmonds, Douglas Combs, Noma Gurich and Richard Darby. Chief Justice Dustin Rowe and John Kane dissented. Vice Chief Justice Dana Kuehn and Justice Travis Jett recused themselves from the case.

Thirty-three petitioners, represented by Americans United for Separation of Church and State and Oklahoma Appleseed Center for Law and Justice, filed the suit in July to prevent the standards from being implemented . The suit seeks injunction to prevent the standards from being implemented .

The petitioners also requested a temporary stay to prohibit the standards from being utilized when the new school year began. Following a hearing before a Supreme Court referee July 29, the court initially rejected that request. Its order Monday vacated the August 4 action.

"Respondents shall treat the 2019 Oklahoma Academic Standards for Social Studies as the applicable standards pending further order of this court," the majority wrote.

The petitioners argued in their filings and before the referee that the State Board of Education violated the Open Meeting Act when it considered the standards at its February meeting.

"Questions regarding whether a public body has violated the Open Meeting Act involve a fact-intensive inquiry that requires fact finding - a responsibility vested with the trial court," wrote Rowe. He added, "Without the ability to fully litigate the alleged violations in trial or hearing, the Open Meeting Act is gutted."

Rowe continued, "The same principles apply here. Rather than seeking immediate review by the Supreme Court, the more appropriate course is for the parties to first develop a complete factual record and litigate the alleged Open Meeting Act violation in the lower court."

In his dissent, Kane wrote, "I would remand to the trial court for a first instance adjudication."

Rowe also wrote he would not grant the application to assume original jurisdiction. He wrote, "The 2025-2026 school year is well underway with the 2025 Standards in effect in school districts across the state. To issue an injunction at this point - months after the alleged Open

Meeting Act violation and after the 2025-2026 academic (year) has commenced - would be contrary to our legal precedent and disruptive to school curriculum statewide."