

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

MAR 11 2026

RICK WARREN
COURT CLERK

41

GENTNER DRUMMOND, in his official)
capacity as ATTORNEY GENERAL OF)
THE STATE OF OKLAHOMA,)

Petitioner,)

Case No. _____

v.)

CV- 2026 - 649

OKLAHOMA STATEWIDE CHARTER)
SCHOOL BOARD; BRIAN T. SHELLEM,)
in his official capacity as Chairman of the)
Oklahoma Statewide Charter School Board;)
BRITNI TOMCHO; AMBER HIDY;)
DAMON GARDENHIRE; WILLIAM)
PEARSON; JARED BUSWELL; DAVID)
RUTKAUSKAS; LINDEL FIELDS; and)
DR. KITTY CAMPBELL, in their official)
capacities as members of the Oklahoma)
Statewide Charter School Board,)

Respondents.)

PETITION FOR WRIT OF MANDAMUS

Petitioner Gentner Drummond, Attorney General of the State of Oklahoma, petitions this Court for a writ of mandamus directing Respondents—the Oklahoma Statewide Charter School Board (“Board”) and its members—to perform a clear legal duty that they failed to discharge: identifying and incorporating into the record all valid, independent, non-constitutional grounds for rejection of the Ben Gamla Jewish Charter School Foundation, Inc.’s (“Applicant” or “Ben Gamla”) revised application for initial authorization. The Attorney General takes **no position** in this proceeding on the constitutional or statutory questions resolved by the Oklahoma Supreme Court in *Drummond v. Oklahoma Statewide Virtual Charter School Board*, 2024 OK 53, 558 P.3d 1, and affirmed by the Supreme Court of the United States in *Oklahoma Statewide Charter School Board v. Drummond*, Nos. 24-394 & 24-396, 605 U.S. 165 (2025). This Petition concerns only the Board’s refusal to discharge its independent statutory obligation to decline weak or inadequate charter

applications, 70 O.S. § 3-134(1)(4), and its deliberate election to suppress from the record non-constitutional grounds for rejection that were fully developed, uncontested, and plainly supported by the evidence before the Board at its March 9, 2026 meeting.

By deliberately limiting its rejection to the nonsectarian requirement, the Board has improperly engineered a record that omits independent bases for rejection. To be clear, the Board's refusal to list all of the reasons for rejecting the revised application is not coincidental. It is a deliberate decision designed to avoid issues of state law when Ben Gamla files a lawsuit seeking to overturn the Oklahoma Supreme Court's decision in *Drummond v. Oklahoma Statewide Virtual Charter School Board*. The Board's intentional selective omission thus frustrates the integrity of the administrative record, undermines the statutory framework governing charter school applications, and threatens the State's ability to enforce its independent regulatory interests. Oklahoma law does not permit the Board to strategically withhold valid grounds for rejection, and this Court should compel it to fulfill its duty.

PARTIES

1. Petitioner Gentner Drummond is the duly elected Attorney General of the State of Oklahoma. The Attorney General is the chief law officer of the State and is charged with enforcing Oklahoma's laws and protecting the public interest. The Attorney General has standing to seek mandamus to compel state agencies to comply with their statutory obligations. *See* 74 O.S. § 18b.

2. Respondent Oklahoma Statewide Charter School Board is a state agency created by and subject to the Oklahoma Charter Schools Act, 70 O.S. §§ 3-130–3-169. The Board is responsible for sponsoring, reviewing, and acting on charter school applications in accordance with that Act and applicable administrative rules.

3. Respondent Brian T. Shellem is the Chairman of the Board and is sued in his official capacity.

4. Respondents Britni Tomcho, Amber Hidy, Damon Gardenhire, William Pearson, Jared Buswell, David Rutkauskas, Lindel Fields, and Dr. Kitty Campbell are members of the Board and are sued in their official capacities.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this original proceeding pursuant to OKLA. CONST. art. VII, § 7(a) and 12 O.S. §§ 1451–1462, which authorize district courts to issue writs of mandamus to compel the performance of any act that the law specially enjoins as a duty resulting from an office, trust, or station.

6. Venue is proper in Oklahoma County because the Board maintains its principal offices at 2501 North Lincoln Boulevard, Suite 201, Oklahoma City, Oklahoma 73105, and the acts and omissions complained of occurred there.

FACTUAL BACKGROUND

A. The Initial Application and February 13, 2026 Rejection.

7. On November 3, 2025, Ben Gamla submitted a letter of intent to the Board, indicating that it would apply to the Board to establish a public charter school to serve forty (40) students in grades 9–12.

8. On December 30, 2025, Ben Gamla submitted a formal application for initial authorization to the Board (“Initial Application”). The Initial Application materially expanded the proposed school: it indicated the school would serve grades K–12—adding nine additional grades—and projected a target enrollment of three hundred and thirty-five (335) students on one page and then four hundred (400) students on the next page. As though the inconsistency were not enough to sound the Board’s alarms as the Board has in the past, the changes amounted to a

ten-fold enrollment increase in less than sixty days. For grades 9–12 alone, the projected enrollment was one hundred sixty (160) students, four times the amount stated in the letter of intent.

9. On February 9, 2026, the Board met and voted 8-0 to reject the Initial Application. By letter dated February 13, 2026 (“Initial Rejection Letter”), Ex. 1, the Board notified Ben Gamla of its rejection and enumerated *all* of the reasons for rejection, as required by 70 O.S. § 3-134(E)(3). Those reasons included, among others:

- a. The Initial Application referenced virtual board meetings in non-compliance with the Open Meeting Act, 25 O.S. §§ 301–314, as required under 70 O.S. § 3-136(A)(15);
- b. Two governing board members resided outside of Oklahoma, in violation of 70 O.S. § 3-136(A)(7);
- c. Ben Gamla’s governing board comprised only three members, none of whom demonstrated that a child or grandchild would attend the school, in violation of OAC § 777:10-1-3(c)(3);
- d. The relationship between the proposed school and its associated foundation reflected concerning overlap indicative of an Educational Management Organization operating and managing the school without clear separation, as required under OAC § 777:10-1-4(1);
- e. No formal disciplinary policy was adopted or included in the application, as required by 70 O.S. § 3-134(B)(18);
- f. Ben Gamla’s board members’ statements of assurance were modified to qualify compliance obligations and afford legal latitude, in violation of OAC § 777:10-3-3(b)(8)(L);

- g. The special education component of the application conditioned compliance with federal law on religious tenets, in violation of 70 O.S. § 3-136(A)(6); and
- h. Material discrepancies existed between the letter of intent and the application with respect to grades served and projected enrollment, specifically the ten-fold increase in projected enrollment and the nine-grade expansion of the school's scope.

B. The Revised Application and March 9, 2026 Board Meeting.

10. On February 17, 2026, Ben Gamla submitted a revised application for initial authorization (the "Revised Application"). Pursuant to 70 O.S. § 3-134(E)(3)—which governs virtual charter school applications and requires the Board to notify the applicant in writing of the reasons for rejection—the Board was required to accept or reject the Revised Application within thirty days of receipt.

11. On March 9, 2026, the Board convened its regular meeting to consider, among other matters, Ben Gamla's Revised Application. The Board's Director of School Performance presented a staff report indicating that Ben Gamla had remedied all grounds for rejection in the Initial Rejection Letter except for the requirement under 70 O.S. § 3-136(A)(2) that charter schools be nonsectarian.

12. During the public meeting, a representative of the Attorney General's office raised and articulated that the enrollment discrepancies between the November 3, 2025 letter of intent and the December 30, 2025 application constituted a material and unresolved deficiency warranting rejection under the Board's duty to decline weak or inadequate charter applications. Specifically, the Attorney General's representative emphasized that:

- a. The letter of intent indicated the school would initially serve grades 9–12 with anticipated enrollment of 40 students;

- b. The Revised Application indicated the school would serve grades K–12 with a target enrollment of 400 students—a ten-fold increase over the letter of intent;
- c. Even for grades 9–12 alone, the projected enrollment was 160—four times the letter of intent figure; and
- d. The Revised Application failed to adequately address or explain these discrepancies, particularly in light of Ben Gamla’s founder’s own acknowledgment during the January 2026 Board presentation that he had spoken with only approximately 15–20 people in Oklahoma’s Jewish community, with both the Oklahoma City and Tulsa Jewish communities on record opposing the school.

13. Additionally, Board Member Buswell raised unresolved concerns regarding the relationship between the proposed school and its associated foundation, expressing that he was not fully satisfied that the Revised Application adequately addressed the Educational Management Organization overlap issues identified in the Initial Rejection Letter.

14. Chairman Shellem dismissed the enrollment discrepancy ground. He characterized the discrepancy as neither material nor a genuine basis for denial, contending that enrollment numbers were not a proper ground for rejecting a charter application and that new information on “demand” could account for the change between the letter of intent and the application. Chairman Shellem further indicated that the Board had a sufficient existing basis for rejection before it—namely, the sectarian ground.

15. Board Member Pearson initially moved to reject the Revised Application on the grounds provided by both Board staff and the Attorney General’s office. Board Member Gardenhire seconded the motion. Chairman Shellem then declined to support the motion as framed because it included the enrollment discrepancy ground identified by the Attorney General’s representative. Gardenhire thereupon withdrew his second, and Pearson amended his motion to

limit the grounds for rejection solely to the nonsectarian requirement under 70 O.S. § 3-136(A)(2), citing the Oklahoma Supreme Court’s decision in *Drummond v. Oklahoma Statewide Virtual Charter School Board*, 2024 OK 53, 558 P.3d 1, and the United States Supreme Court’s opinion affirming that judgment in *Oklahoma Statewide Charter School Board v. Drummond*, Nos. 24-394 & 24-396, 605 U.S. 165 (2025).

16. The amended motion passed on a unanimous vote of the quorum present. The Board’s formal rejection letter, dated March 10, 2026, Ex. 2, recited only the nonsectarian ground—omitting all other bases for rejection that remained supported by the record.

17. Further, as a separate and independent basis for rejection, Brett Anthony Farley—the Executive Director of the Catholic Conference of Oklahoma—is listed as the “parent member” of the Ben Gamla governing board, purportedly to satisfy the requirement of OAC § 777:10-1-3(c)(3) that at least one governing board member be a “parent, grandparent, or guardian of currently or previously enrolled student(s).” Mr. Farley is the head of a Roman Catholic advocacy organization and, to the Attorney General’s knowledge, has no child, grandchild, or ward who intends to enroll at Ben Gamla Jewish Charter School. The Revised Application therefore failed to remedy the governing board composition deficiency originally identified in the February 13, 2026 rejection letter. The Board had an independent, non-constitutional, non-sectarian basis on this ground alone to reject the Revised Application—a basis it failed to include in its March 10, 2026 rejection letter.

ARGUMENTS

A. Legal Standard for Writ of Mandamus.

18. A writ of mandamus will issue to compel an inferior tribunal, board, corporation, or person to perform any act that the law specially enjoins as a duty resulting from an office, trust, or station. 12 O.S. § 1451. To obtain mandamus, a petitioner must establish that “(1) The party

seeking the writ has no plain and adequate remedy in the ordinary course of the law, (2) The party seeking the writ possesses a clear legal right to the relief sought, (3) The respondent (defendant) has a plain legal duty regarding the relief sought, (4) The respondent has refused to perform that duty, and (5) The respondent's duty does not involve the exercise of discretion." *Chandler (U.S.A.), Inc. v. Tyree*, 2004 OK 16, ¶ 24, 87 P.3d 598, 604.

19. Where the duty to act is clear and the respondent has refused to perform that duty, mandamus is appropriate even where the respondent has exercised some discretion in the manner of its refusal. The writ does not control discretion, but it does compel the exercise of discretion in a lawful manner—meaning the respondent cannot simply decline to consider or record valid grounds for action. *See id.* ¶ 24, 87 P.3d at 604–05 (“a writ of mandamus may be used to correct an official’s arbitrary abuse of discretion”).

B. The Board Had a Clear Statutory Duty to Identify and State All Valid Grounds for Rejection.

20. Title 70, section 3-134(E)(3) of the Oklahoma Statutes mandates that when the Board rejects an application for a virtual charter school, it shall notify the applicant in writing of the reasons for the rejection. This provision does not authorize the Board to provide only those reasons it deems strategically convenient. The plain statutory text requires a complete and accurate statement of the basis for rejection.

21. Further, 70 O.S. § 3-134(I)(4) expressly imposes on the Board the duty to “[d]ecline to approve weak or inadequate charter applications.” This is not a permissive standard but an affirmative obligation codified in the powers and duties of the Board under the Oklahoma Charter Schools Act. Where an application fails to satisfy multiple independent statutory or regulatory requirements, the Board’s duty to decline extends to each such deficiency. Section 3-134(I)(4), read in conjunction with the Board’s own administrative rules at OAC § 777:10-3-3,

does not permit the Board to identify one ground while silently warehousing others for the applicant's benefit—or for the Board's own litigation strategy.

22. The Board's deliberate decision to narrow its grounds for rejection to a single reason—over the documented objection of the Attorney General's representative, who raised an additional valid ground at the public meeting—constitutes a failure to perform the duty imposed by § 3-134(E)(3). A rejection letter that is incomplete by design is not a lawful exercise of the Board's rejection authority; it is an abuse of administrative power that undermines the statutory framework.

C. The Enrollment Discrepancies Constituted a Material Deficiency Independent of the Sectarian Ground.

23. The discrepancies between Ben Gamla's November 3, 2025 letter of intent and its December 30, 2025 application with regard to enrollment and grades served are not trivial. A projected enrollment that increased from 40 to 400 students, and a proposed scope that expanded from four grades to thirteen, represent changes of such magnitude that the letter of intent and the application cannot reasonably be reconciled as referring to the same proposed school. These discrepancies were not incidental; they went to the heart of the school's demonstrated capacity, community demand, and fiscal viability.

24. Oklahoma's charter school statutes require applicants to demonstrate, among other things, the educational need for the proposed school and the school's financial viability. *See* 70 O.S. § 3-134(B). Where enrollment projections are unsupported and internally inconsistent—and where the founder acknowledged direct community contact with fewer than twenty individuals, with both major Oklahoma Jewish community organizations opposing the school—the application cannot demonstrate the requisite demand or viability. The Board's own Initial Rejection Letter acknowledged these discrepancies as a basis for rejection under reason number nine. And nothing in the Revised Application cured or adequately explained those discrepancies.

25. Chairman Shellem’s conclusory dismissal of the enrollment discrepancy ground—his statement that enrollment numbers are simply “not really a reason to deny an application”—is legally incorrect and contrary to the Board’s own prior actions. The Board’s February 13, 2026 rejection letter expressly identified the enrollment discrepancies as one of ten stated grounds for rejection. The Board cannot take the position in March 2026 that the same discrepancies are legally irrelevant when they were deemed sufficient to constitute a ground for rejection in February 2026. An administrative body may not inconsistently apply its own criteria to achieve a predetermined outcome.

D. The Revised Application Failed to Cure the Governing Board Composition Deficiency, Providing an Additional Independent Ground for Rejection.

26. The February 13, 2026 rejection letter identified as reason three that the governing board lacked the required parent or grandparent member under OAC § 777:10-1-3(c)(3). Ben Gamla’s Revised Application purported to cure this deficiency by naming Brett Anthony Farley as the “parent member” of its governing board. Mr. Farley is the Executive Director of the Catholic Conference of Oklahoma, the public policy advocacy arm of the Roman Catholic Church in this State. There is no indication in the Revised Application that Mr. Farley is a parent, grandparent, or guardian of any student who intends to enroll at Ben Gamla Jewish Charter School. The plain text of OAC § 777:10-1-3(c)(3) requires the qualifying board member to be a “parent, grandparent, or guardian of currently or previously enrolled student(s).” The Revised Application therefore did not cure this deficiency and the ground remained valid at the time of the March 9, 2026 Board meeting.

27. The Farley appointment also warrants attention independent of the OAC § 777:10-1-3(c)(3) deficiency. The Board’s February 13, 2026 rejection letter separately cited that governing board members’ statements of assurance had been modified to qualify full compliance with applicable law, in violation of OAC § 777:10-3-3(b)(8)(L). OAC § 777:10-3-3(b)(8)(L) requires a

signed and notarized statement of assurance from each governing board member guaranteeing full compliance with all statutes and requirements of the United States, the State of Oklahoma, and the Board. Naming an official of an organization whose institutional mission may be in tension with the stated purposes of a Jewish charter school as a governing board member, without any explanation in the Revised Application, raises unresolved questions about whether the statements of assurance provided by Ben Gamla's revised governing board are accurate and free of the sort of qualified compliance language that originally warranted rejection. The Board's failure to examine or address this issue at the March 9, 2026 meeting is an additional component of its incomplete discharge of the duty to decline a weak or inadequate application under 70 O.S. § 3-134(I)(4).

E. The Board's Selective Omission Was Not a Lawful Exercise of Discretion.

28. The Board's decision to exclude valid grounds for rejection was not the product of a good-faith determination that those grounds lacked merit. The sequence of events at the March 9, 2026 meeting demonstrates the opposite. When Board Member Pearson initially moved to reject on all grounds, including those identified by the Attorney General, Chairman Shellem declined to support the motion specifically because it included the enrollment discrepancy ground. The motion was then narrowed, and the second was withdrawn, solely to exclude the Attorney General's ground. This was not the exercise of neutral administrative judgment. Rather, it was the deliberate suppression of valid bases for rejection to set up a constitutional challenge.

29. The Attorney General does not speculate as to the Board's ultimate motivations beyond what the public record reflects. What is clear is that the effect of the Board's action—limiting its stated rejection grounds to the constitutional/statutory sectarian question—is to create a record that appears to leave open the question whether the application was otherwise approvable. The Attorney General has a clear legal interest in ensuring that the administrative

record accurately reflects all valid, independent grounds for rejection, so that the public interest in the integrity of Oklahoma’s charter school authorization process is not compromised by a strategically incomplete administrative record.

F. The Attorney General Has Standing to Seek This Writ.

30. The Attorney General of Oklahoma has both statutory and common-law authority to bring this action. Under 74 O.S. § 18b, the Attorney General is charged with representing the interests of the State in all legal proceedings and with enforcing compliance with Oklahoma statutes. The integrity of the charter school application process and the completeness of the administrative record in this matter are squarely within that statutory mandate.

31. Furthermore, the Attorney General—as Petitioner in the original mandamus action that produced *Drummond v. Oklahoma Statewide Virtual Charter School Board*, 2024 OK 53, 558 P.3d 1—has a direct and cognizable interest in ensuring that the Board complies with all facets of its statutory obligations in administering the charter school authorization framework, including obligations entirely independent of the constitutional questions resolved in that prior action.

G. No Adequate Remedy at Law Exists.

32. There is no plain, speedy, or adequate remedy at law available to cure the harm caused by the Board’s incomplete discharge of its statutory duty. The Board has taken final action on the Revised Application. The March 10, 2026 rejection letter is the official administrative record of that action. Only a writ of mandamus directing the Board to supplement or amend its stated grounds for rejection—or to issue a new rejection letter that includes all valid grounds—can correct the deficiency in the administrative record.

33. The absence of adequate administrative remedies is underscored by the fact that the Board’s Chairman publicly rejected the enrollment discrepancy ground at the Board’s own

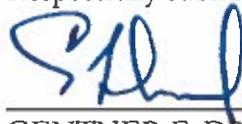
meeting, over the objection of the Attorney General's representative. Further administrative proceedings before the Board would be futile.

RELIEF REQUESTED

WHEREFORE, Petitioner Gentner Drummond, Attorney General of the State of Oklahoma, respectfully requests that this Court:

1. Issue an alternative writ of mandamus directing Respondents to show cause why a peremptory writ should not issue;
2. Upon consideration, issue a peremptory writ of mandamus directing the Board to amend its March 10, 2026 rejection letter—or to issue a new and complete rejection letter—that incorporates all valid, independent, non-constitutional grounds for rejection of the Ben Gamla Jewish Charter School's Revised Application for initial authorization that were before the Board at its March 9, 2026 meeting, including without limitation the material enrollment discrepancies identified in reason nine of the February 13, 2026 rejection letter;
3. Direct the Board to conduct additional proceedings or supplement the administrative record of the March 9, 2026 meeting to accurately reflect all grounds for rejection that were raised and supported by the evidence before the Board;
4. Award Petitioner such other and further relief as this Court deems just and proper.

Respectfully submitted,



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STATE OF OKLAHOMA

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February 13, 2026

Mr. Brett Anthony Farley
Ben Gamla Jewish Charter School
20183 Highlander Ridge Dr.
Edmond, OK 73012

Dear Mr. Farley,

In accordance with 70 O.S. § 3-134(E)(3) and OAC 777:10-3-3, this letter serves as written notice of the Statewide Charter School Board's rejection of your application. The Board met on Monday February 9, 2026, at 1:00 p.m. for its regularly scheduled meeting at the Oklahoma History Center, 800 Nazih Zuhdi Drive in Oklahoma City, Oklahoma, to consider, among other agenda items, the Ben Gamla Jewish Charter School's application for initial authorization. In a 8-0 vote, the Board voted to reject the application.

Strengths of the application were acknowledged at the public board meeting, however Board action was taken to reject the application with a unanimous vote by the quorum of board members present at the February 2026 regular public board meeting.

As required by title 70, section § 3-134(E)(3) of the Oklahoma Statutes, the Board provides you with the following reasons for rejection:

1. The application refers to the governing board holding virtual meetings which does not comply with the Open Meeting Act, 25 O.S. §§ 301–314, as required in under title 70, section § 3-136(A)(15).
2. The school's governing board structure does not comply with title 70, section 3-136(A)(7) of the Oklahoma Statutes because two board members reside outside of Oklahoma. Section 3-136(A)(7) requires all board members to be Oklahoma residents.
3. The governing board of the school is currently comprised of three (3) board members, and there is no indication that these board members will have a child or grandchild attend the school. School governing boards are required to include five (5) members, with 1 being a parent, grandparent, or guardian of a student attending or who previously attended the charter school under OKLA. ADMIN. CODE § 777:10-1-3(c)(3).
4. The description of the relationship between the foundation and the school indicates concerning overlap similar to that of an Educational Management Organization that operates and manages a school without a clear separation between the organizations such as contractor and vendor as required under OKLA. ADMIN. CODE § 777:10-1-4(1).



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5. The application states that the Board has not adopted a formal disciplinary policy and, as a result, did not include a discipline policy in its application as required by title 70, section 3-134(B)(18) of the Oklahoma Statutes.
6. Without an approved disciplinary policy included in the application, the Board cannot verify that the school will follow student suspension requirements set forth in title 70, sections 24-101.3 and 3-136(A)(11) of the Oklahoma Statutes.
7. The statement of assurances required of governing board members by OKLA. ADMIN. CODE § 777:10-3-3(b)(8)(L) (requiring governing board members to assure full compliance with federal and Oklahoma law) were modified to caveat compliance and afford legal latitude.
8. The special education component of the application caveats compliance by disclaiming “so long as compliance does not compromise Ben Gamla’s religious tenets and instructional model.” This does not comply with title 70, section 3-136(A)(6) of the Oklahoma Statutes.
9. Between the letter of intent and application, material discrepancies in grades served and projected enrollment exist. Specifically, these are:
 - a. In the letter of intent submitted on November 3, 2025, you indicated that the school would serve grades 9–12 and anticipated a 40-student enrollment initially.
 - b. In the application submitted on December 30, 2025, you stated that the school would serve grades K–12 (adding a total of nine other grades) and anticipated a target enrollment of 400—10 times the amount set forth in the letter of intent. For grades 9–12, the target enrollment was 160—four times the amount set forth in the letter of intent.
10. Title 70, section 3-136(A)(2) of the Oklahoma Statutes states, “A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or religious institution.” The Oklahoma Supreme Court issued an opinion in 2024, *Drummond v. Oklahoma Statewide Virtual Charter Sch. Bd.* 2024 OK 53, 558 P.3d 1, holding, “Under Oklahoma law, a charter school is a public school and, as such, must be nonsectarian.” Finally, the U.S. Supreme Court in consolidated cases 24-394 and 24-396 ordered that the judgment of the Supreme Court of Oklahoma is affirmed.

Title 70, section 3-134(E)(3) of the Oklahoma Statutes permits a governing board for the proposed school to address the rejection of the application through revision, resubmission, and reconsideration of the application provision. For reconsideration, a revised application must be received by the SCSB within thirty (30) days from receipt of notification of the rejection of the application. The certified mail signature date will be considered the date of notification. After receipt of the revised application, the SCSB would have an additional thirty (30) days from the



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receipt to reconsider the revised application. Should questions arise, please contact the SCSB office.

Sincerely,

Skyler H. Lusnia

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OKLAHOMA
Statewide Charter
School Board

March 10, 2026

Mr. Brett Anthony Farley
Ben Gamla Jewish Charter School
20183 Highlander Ridge Dr.
Edmond, OK 73012

Dear Mr. Farley,

In compliance with 70 O.S. § 3-134 and OAC 777:10-3-3, the Statewide Charter School Board (SCSB) met on Monday, March 9, 2026, at 1:00 p.m. in a regular open meeting held at the Oklahoma History Center located at 800 Nazih Zuhdi Drive in Oklahoma City, Oklahoma to consider the Ben Gamla Jewish Charter School Revised Application for Initial Authorization submitted to the SCSB on February 17, 2026.

Board action was taken to reject the application with a unanimous vote by the quorum of board members present at the February 2026 regular public board meeting.

The following reason for rejection was cited: Chapter 70-3-136 of the Oklahoma Charter Schools Act states, "A. Beginning July 1, 2024, a written contract entered into between the Statewide Charter School Board and the governing board of a charter school or statewide virtual charter school or a written contract entered into between a sponsor and the governing board of a charter school shall ensure compliance with the following: 2. A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or religious institution." Further, the Supreme Court of Oklahoma in case number 121694 concluded, "Under Oklahoma law, a charter school is a public school and, as such, must be nonsectarian." Finally, the Supreme Court of the United States in cases numbered 24-394 and 24-396 ordered and adjudged that the judgement of the Supreme Court of Oklahoma is affirmed.

Should questions arise, please contact the SCSB office.

Sincerely,

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