

ORIGINAL

2025 OK 91



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

REV. DR. MITCH RANDALL; BRAD ARCHER,)
on behalf of himself and on behalf of his minor)
child, M.A.; MATTHEW DIXON, RACHEL HILL, on)
behalf of herself and on behalf of her minor)
children, E.G., F.H., and N.H.; AMBER HOOD, on)
behalf of herself and on behalf of her minor)
children, W.H. 1, W.H. 2, W.H. 3, and W.H. 4; KARA)
JOY McCKEE and GENE PERRY, on behalf of)
themselves and on behalf of their minor child,)
T.P.; MICHELE MEDLEY, on behalf of herself, and)
on behalf of her minor children, R.M. and S.M.;)
BRANDIE PARKER, on behalf of herself and on)
behalf of her minor children, C.S., J.S., and M.S.;)
JAY WHITNEY, on behalf of himself and on behalf)
of his minor child, N.W.; YULIA WHITNEY, on)
behalf of herself and on behalf of her minor)
children, D.S., and N.W.; REV. DR. LORI WALKE;)
and REV. DR. LISA WOLFE, on behalf of herself)
and on behalf of her minor children, A.M. and P.M.)

Petitioners,

v.

LINDEL FIELDS, in his official capacity as State)
Superintendent of Public Instruction; OKLAHOMA)
STATE DEPARTMENT OF EDUCATION;)
OKLAHOMA STATE BOARD OF EDUCATION;)
BRIAN BOBEK, JOHN NOFIRE, MIKE TINNEY,)
RYAN DEATHERAGE, CHRIS Van DENHENDE,)
and BECKY CARSON, in their official capacity)
as members of the Oklahoma State Board of)
Education.)

Respondents.

FILED
SUPREME COURT
STATE OF OKLAHOMA

DEC 16 2025

SELDEN JONES
CLERK

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No. 123,237

FOR OFFICIAL PUBLICATION

APPLICATION TO ASSUME ORIGINAL JURISDICTION AND PETITION FOR
EXTRAORDINARY DECLARATORY, INJUNCTIVE, AND MANDAMUS RELIEF

¶ 0 Petitioners filed an application for the Court to assume original jurisdiction and a petition for declaratory, injunctive, and mandamus relief. Petitioners challenged the 2025 Oklahoma Academic Standards for Social

Studies. The Court assumed original jurisdiction pursuant to a previous order that stayed enforcement of the 2025 Standards. The Court holds: (1) Original jurisdiction assumed due to the nature of the controversy; (2) Declaratory relief is granted because the 2025 Oklahoma Academic Standards for Social Studies were created using a procedure that violated 25 O.S.2021, §311(A)(9) of the Oklahoma Open Meeting Act; (3) The 2025 Oklahoma Academic Standards for Social Studies shall not be enforced; (4) The 2019 Oklahoma Academic Standards for Social Studies remain in effect as Academic Standards until the Oklahoma State Board of Education properly adopts new academic standards for social studies with subsequent legislative review; (5) The previous order of the Court granting a temporary stay until further order of the Court is dissolved, and the requested petition for a writ of mandamus is withheld; and (6) The Clerk of this Court shall substitute in the style herein "Lindel Fields, in his official capacity as State Superintendent of Public Instruction" for "Ryan Walters, in his official capacity as State Superintendent of Public Instruction," as well as "Brian Bobek" and "John Nofire," in their "official capacity as members of the Oklahoma State Board of Education" in place of "Zachary Archer" and "Sarah Lepak" in their "official capacity as members of the Oklahoma State Board of Education.

**ORIGINAL JURISDICTION ASSUMED; DECLARATORY
RELIEF GRANTED; STAY DISSOLVED; WRIT OF MANDAMUS WITHHELD
WITHOUT PREJUDICE**

Colleen McCarty and Brent L. Rowland, Tulsa, Oklahoma, Oklahoma Appleseed Center for Law & Justice, for petitioners.

Luke Anderson, pro hac vice and Alex J. Luchenitser, pro hac vice, Washington, D.C., Americans United for Separation of Church and State, for petitioners.

Joel L. Wohlgemuth, and Chad Kutmas, Norman Wohlgemuth, LLP, Tulsa, Oklahoma, for Oklahoma State Board of Education, Brian Bobek, John Nofire, Mike Tinney, Ryan Deatherage, Chris Van DenHende, and Becky Carson, respondents.

Ryan Leonard, Elaine DeGiusti, and Heidi Long, Leonard Long & Cassi, PLLC, Oklahoma City, Oklahoma, for Oklahoma State Board of Education, respondent.

Jacquelyne K. Phelps, Oklahoma City, Oklahoma, for Oklahoma State Department of Education and Lindel Fields substituted for Ryan Walters, respondents.

EDMONDSON, J.

I. The Controversy

¶1 The petitioners brought an original jurisdiction proceeding in this Court against the Oklahoma State Department of Education, Oklahoma State Board of Education, Ryan Walters in his official capacity as State Superintendent of Public Instruction, and members of the Oklahoma State Board of Education (or Board) in their official capacities as members of the Board, Zachary Archer, Sarah Lepak, Mike Tinney, Ryan Deatherage, Chris Van-Denhende, and Becky Carson (respondents). Petitioners seek a ruling that the 2025 Oklahoma Academic Standards for Social Studies (2025 Standards) are invalid, unlawful, and unenforceable. Petitioners request an injunction to prevent respondents from taking any action to implement or enforce the 2025 Standards. We grant declaratory relief and conclude the Board approved 2025 Standards by using a procedure that violated 25 O.S.2021, §311(A)(9) of the Oklahoma Open Meeting Act, the 2025 Standards are not enforceable, and the applicable 2019 Standards remain in force. We vacate the temporary stay, and we withhold the requested relief based upon officials' good faith when applying the Court's opinion.

¶2 Three of the respondents no longer exercise an official capacity authority. District Court procedure allows a public official appearing in an official capacity to be "automatically substituted" by the official's successor in office.¹ In an appeal from a District

¹ 12 O.S.2011 2025(D)(1): "1. When a public officer is a party to an action in the official capacity of the public officer and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and the successor of the public officer is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the

Court we have substituted a Superintendent of Public Instruction when the person in office changed.² The controversy is not an appeal from a District Court.³ The declaratory and mandamus relief sought in this controversy is essentially equitable in nature.⁴ While the usual bill in equity “under old English practice” required the names of parties in the bill, modern equity practice has stated “there are certainly cases in which it has been thought not to be absolutely indispensable,”⁵ and we conclude substituting a named official based upon the party’s official capacity is equitable in this controversy. We direct the Clerk of this Court to substitute “Lindel Fields, in his official capacity as State Superintendent of Public Instruction” for “Ryan Walters, in his official capacity as State Superintendent of Public Instruction,” as well as “Brian Bobek” and “John Nofire” “in their official capacity as

parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.”

² *Oliver v. Hofmeister*, 2016 OK 15, n.1, 368 P.3d 1270, 1271.

³ A proceeding requesting this Court to assume original jurisdiction and issue extraordinary relief is a proceeding independent from a court exercising original jurisdiction over the controversy and parties. *Powers v. District Court of Tulsa County*, 2009 OK 91, ¶10, 227 P.3d 1060, 1069. An appeal is a continuation of the same case, proceeding, or controversy presented in the inferior tribunal. *State ex rel. Okla. State Bd. of Med. Licensure & Supervision v. Rivero*, 2021 OK 31, ¶31, 489 P.3d 36, 48. Appellate jurisdiction and original jurisdiction may occur simultaneously in various circumstances, such as when original jurisdiction is exercised as ancillary relief in an appeal. *Chandler U.S.A., Inc. v. Tyree*, 2004 OK 16, ¶11, 87 P.3d 598, 601 (Court states it may assume jurisdiction and grant prohibition ancillary to dismissing an appeal); Okla. Sup. Ct. R. 1.37(c) (remedial writ within an appeal).

⁴ See, e.g., *Pike Off OTA, Inc. et al., v. Oklahoma Turnpike Auth.*, 2023 OK 57, ¶22, 531 P.3d 107, 113 (describing mandamus as equitable); *Ethics Comm’n v. Cullison*, 1993 OK 37, n.2, 850 P.2d 1069, 1072 (noting preventative writs including those seeking declaratory relief with their origin in courts of equity); *Macy v. Oklahoma City Schl. Dist. No. 89*, 1998 OK 58, ¶11, 961 P.2d 804, 807 (A suit for a statutory declaratory judgment pursuant to 12 O.S. § 1651 is neither strictly legal nor equitable, but assumes the nature of the controversy at issue.).

⁵ *Giglio v. Barrett*, 207 Ala. 278, 92 So. 668, 669-70 (1922).

members of the Oklahoma Board of Education” for “Zachary Archer” and “Sarah Lepak”
“in their official capacity as members of the Oklahoma State Board of Education.”

¶3 Petitioners identify themselves as participants in various communities of religious faiths, as well as some possessing atheist, agnostic, and non-religious views and principles. All but two petitioners are parents of children in public schools. Two petitioners are teachers in public schools and responsible for teaching social studies academic standards, and two petitioners are members of the clergy.

¶4 Petitioners are Oklahoma taxpayers who object to their tax dollars being used to promote religion in a public school. They allege the 2025 Standards interfere with their ability to direct and control the upbringing of their children including moral religious training and education they teach their children. They allege the 2025 Standards favor Christianity over all other religions in violation of the religious freedoms guaranteed by statutes and the Oklahoma Constitution. Petitioners allege that promotion and favoritism of Christianity will cause their children to feel ostracized and harm their education. Petitioners raising their children in the Christian faith allege the 2025 Standards promote theological doctrines and ideas contrary to the parents’ Christian beliefs and their children will also be similarly harmed.

¶5 Petitioners object to the 2025 Standards requiring teachers to teach and students to learn that events depicted in a Bible⁶ are historical facts. Petitioners allege

⁶ We recognize religious populations have various terms for sacred, authoritative, influential, and/or aspirational writings that include some of the religious referenced material in the 2025 Standards, including for example, The Bible, The Holy Bible, A Bible, and Tanakh, etc. Our use of one or more of these terms is intended as an inclusive and collective designation and not as an adoption of views held by a particular religious population.

historicity of these events is disputed. Petitioners object to 2025 Standards requiring teachers to teach and students to learn that the validity of results in the 2020 Presidential Election should be questioned, and that the COVID 19 virus was caused by a leak in a laboratory in China. Petitioners point to Superintendent Ryan Walters' public statements asserting that the 2025 Standards were created and adopted to promote Judeo-Christian values and to teach a Bible as a "foundational text, helping students understand its undeniable influence on our nation's history and values." Petitioners allege the 2025 Standards require teaching stories and events depicted in a Bible to first and second grade students, and the material is not appropriate for students who are usually 6-8 years of age.

¶6 The 2025 Oklahoma Academic Standards for Social Studies were adopted to replace the 2019 Oklahoma Academic Standards for Social Studies. Petitioners' issues with the 2025 Standards include their concern that the impact of Christianity is presented as not limited in geographic scope while the world's other religions are viewed as so limited.

¶7 Petitioners point to 2025 Standards requiring first-grade students to identify how David and Goliath, as well as Moses and the Ten Commandments, influenced colonists in colonial America, the Founders of the United States, and American culture. A first-grade student will analyze the student's role in the community and "explain patriotic traditions that unite citizens" including an explanation of "the purpose and meaning of the Pledge of Allegiance and the significance of the phrase 'under God.'" A first-grade student will "identify and explain the meaning of the United States' official motto, 'In God We Trust,' including the importance of religion to American people."

¶8 A second-grade student is required to “identify stories from Christianity that influenced the America Founders and culture, including teachings of Jesus of Nazareth.” A third-grade student will analyze the purpose of government and traits of responsible citizens, and “explain how the Preamble to the Oklahoma Constitution reflects the power of people and their reliance on spiritual guidance.” A fifth-grade student must be able to “explain how the Framers based the Constitution on ‘the Laws of Nature and of Nature’s God,’ as expressed in the Declaration of Independence and influence by Biblical principles, reflected in the writings of the Founders.”

¶9 A seventh-grade student must evaluate the development and impact of culture on major geographical regions and peoples of the Eastern Hemisphere, and examine major religions, including their influence on contemporary societies, “by explain[ing] the origins and central figures of Christianity, by identifying its sacred texts and teachings,” and “explaining its basic beliefs (e.g., monotheism, eternal life, Jesus of Nazareth as the messiah),” and “its relationship to Judaism, and its impact on modern societies and contemporary culture.”

¶10 An eighth-grade student will “evaluate the role of Judeo-Christian ideals in supporting colonial demands for independence, as exemplified by The Bible being frequently cited authority by America’s founders.” A high school student must trace the Biblical account of Hebrew immigrations from Mesopotamia to Canaan, later in Egypt and explain the roles of Abraham and Moses in the book of Exodus. A high school student is required to describe a Bible’s account of the unification of tribes of Israel under Kings Saul, David, and Solomon including the founding of Jerusalem by David, and building of a temple by Solomon.

¶11 A high school student must analyze the impact of patterns of ancient political, economic, and cultural development, and analyze the influence of religious, political, and philosophical ideals on society, and examine the influence of Judeo-Christian ethics and Mosaic law on the early American political and legal systems, as well as modern legal systems. A high school student must "analyze contemporary turning points of 21st century American society," and the student will "identify discrepancies in the 2020 election results by looking at graphs and other information, including the sudden halting of ballot counting in select cities in key battleground states, the security risks of mail-in balloting, sudden batch dumps, and the unprecedented contradiction of bellwether county trends." Students must "analyze contemporary turning points of 21st century American society" and must "identify the source of COVID-19 pandemic from a Chinese lab and the economic and social effects of state and local lockdowns."

¶12 Petitioners argue the content of these standards violates several state statutes for standards for education. They argue factually incorrect information in the standards violates 70 O.S. §11-103.6(A)(5) and (N)(3). They argue teaching stories from a Bible to students in first and second grade is not appropriate content and violates 70 O.S. §11-103.6(A)(5) and (N)(3). They argue standards that promote and favor Christianity over all other religions violate 70 O.S. §§11-101, 11-103.b(A).

¶13 Petitioners argue the content of the standards violates three provisions of the Oklahoma Constitution, Art. I, §2, and 5, and Art. II § 5. Okla. Const. Art. I, § 2 states as follows.

Perfect toleration of religious sentiment shall be secured, and no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship; and no religious test shall

be required for the exercise of civil or political rights. Polygamous or plural marriages are forever prohibited.

Okla. Const. Art. I, §5 states as follows.

Provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the state and free from sectarian control; and said schools shall always be conducted in English: Provided, that nothing herein shall preclude the teaching of other languages in said public schools.

Okla. Const. Art. II §5 states as follows.

No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.

¶ 14 In addition to challenging the content of the 2025 Standards, petitioners challenge the procedure that was used to adopt the Standards. They argue respondents violated the Open Meeting Act, 25 O.S. §§301 – 314, inclusive, specifically 25 O.S. §§303 and 311, alleging the agenda for the February 27, 2025, meeting of the Board did not adequately notify the public that the Board would consider a version of the Social Studies Standards that differed from the publicly posted version. A similar argument concerning notice is petitioners' allegation that less than all members of the Board knew the content of the 2025 Standards they were asked to vote on, and such circumstance violates 70 O.S. §11-103.6a(E) requiring the Board to maintain sole control and authority over academic standards.

II. Original Jurisdiction

¶15 We previously assumed original jurisdiction for the purpose of the stay issued by the Court. We first address why the Court assumes original jurisdiction over this controversy. The Court has assumed original jurisdiction when legal uncertainty

existed concerning the validity of public school contracts and there existed a need for judicial resolution to provide for the operation of the school, and the legal controversy was part of a larger *publici juris* issue. *State ex rel. Freeling v. Ross*, 1919 OK 257, 183 P. 918. In *Draper v. State*, 1980 OK 117, 621 P.2d 1142, we stated our original jurisdiction may be assumed when “the issue was of broad public concern and affected all public bodies and governing boards within the purview of the Open Meeting Laws.” *Id.* ¶6, 621 P.2d at 1145 (explaining *Oklahoma Association of Municipal Attorneys v. State*, 1978 OK 59, 577 P.2d 1310). A legally cognizable controversy possessing statewide implications or broad public concern is one type of a “*publici juris*” controversy that often requires statewide judicial relief.⁷

¶16 Respondents point to federal court opinions and argue federal courts do not exercise general oversight of a federal agency of the federal executive branch of government. This is correct, but its application to the present controversy is misplaced. The Oklahoma Constitution, Article VII, § 4, states in part: “The original jurisdiction of the Supreme Court shall extend to a general superintending control over all inferior courts and all Agencies, Commissions and Boards created by law.” This Article VII, §4, superintending control is exercised in the form of “judicial power” created and vested by Okla. Const. Art. VII, § 1, for the purpose of a judicial determination of a legally cognizable justiciable controversy. *Dutton v. City of Midwest City*, 2015 OK 51, ¶32, 353 P.3d 532,

⁷ See, e.g., *Dutton v. City of Midwest City*, 2015 OK 51, n.65, 353 P.3d 532 (“This novel controversy has statewide implications and accordingly is a matter of *publici juris*.” (quoting *Naylor v. Petuskey*, 1992 OK 88, 834 P.2d 439, 440)).

547-49. As we explain herein, a justiciable controversy is presented by petitioners' challenge to the 2025 Standards.

¶17 A person may bring a civil proceeding in District Court and seek declaratory or injunctive relief, or both, when seeking relief from a violation of the Open Meetings Act, 25 O.S. § 314.⁸ We do not assume jurisdiction because a claim based upon the Open Meeting Act is presented. We assume original jurisdiction to determine if a violation of the Open Meeting Act occurred, and if so, whether this violation could cause invalidation of the statewide 2025 Standards. We recognize that an exercise of original jurisdiction pursuant to Okla. Const Art. VII § 4 may involve an adjudication of a cognizable legal issue that is also capable of being adjudicated in a District Court proceeding.⁹ The scope of our *original jurisdiction* declaratory *remedy* and *relief* is not defined by remedies of declaratory relief obtainable in a District Court.¹⁰ The Supreme Court possesses

⁸ 25 O.S.2021, § 314:

A. Any person or persons willfully violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding one (1) year or by both such fine and imprisonment.

B. Following a violation of this act, any person:

1. May bring a civil suit for declarative or injunctive relief, or both; and
2. If successful, shall be entitled to reasonable attorney fees.

C. If the public body successfully defends a civil suit and the court finds that the suit was clearly frivolous, the public body shall be entitled to reasonable attorney fees.

⁹ *Indep. Sch. Dist. No. 12 of Okla. Cnty. v. State ex rel. State Bd. of Educ.*, 2024 OK 39, ¶ 22, 565 P.3d 23, 32 (Court may assume jurisdiction to determine if a state board is complying with state statutes or the Oklahoma Constitution, but our opinions show our assumption of original jurisdiction is not designed to usurp concurrent jurisdiction of District Courts or the usual and ordinary legal remedies).

¹⁰ The Okla. Art. VII § 4 remedies, cognizable actions, and proceedings are not necessarily defined by statutory authority defining a similar District Court action. See, e.g., *Chronic Pain Associates, Inc. v. Bubenik*, 1994 OK 127, ¶26, 885 P.2d 1358, 1363-64 ("The statutory procedures for a writ do not necessarily govern the exercise of power by

discretion to assume original jurisdiction “over a controversy when the matter concerns the public interest and there is some urgency or pressing need for an early decision.” *Sierra Club v. State ex rel. Oklahoma Tax Commission*, 2017 OK 83, ¶4, 405 P.3d 691, 694. We consider the adequacy of a District Court alternative remedy. *Dutton v. City of Midwest City*, 2015 OK 51, n.71, 353 P.3d 532, 548. We also consider whether the controversy’s *publici juris* issue has a potential for repeated occurrence and if judicial economy is served by immediate adjudication. *Sanders v. Followell*, 1977 OK 143, 567 P.2d 84, 86.

¶18 Respondents argue the 2025 Standards have not yet been implemented. They argue petitioners’ claims are not yet a concrete or ripe controversy. *In Democratic Party of Oklahoma v. Estep*, 1982 OK 106, 652 P.2d 271, we explained a controversy was not ripe when statutes did not articulate legislative policy embodying standards and guidelines for administrative implementation and creation of administrative rules “not yet fashioned.” *Id.* ¶15, 652 P.2d 271. However, respondents cite 70 O.S. §11-103.6a for authority supporting the Board’s role when creating the 2025 Standards, and we note this statute includes language stating: “The subject matter standards shall be implemented statewide by every public school district in this state.” 70 O.S. §11-103.6a(A).

this Court in issuing a similarly named writ pursuant to Okla. Const. Art. VII § 4.” (*citing Ingram v. Oneok, Inc.*, 1989 OK 82, 775 P.2d 810, 812 (Court exercised “certiorari cognizance conferred by Art. 7, § 4” to review an opinion by the Court of Civil Appeals when the time had expired for petitioner to pay a cost deposit for statutorily authorized certiorari review.)); *Ethics Comm’n of State of Okla. v. Cullison*, 1993 OK 37, ¶6, 850 P.2d 1069, 1072-73 (Court’s superintending control includes power to fashion proper remedy for a particular justiciable controversy); *Phillips v. Okla. Tax Comm’n*, 1978 OK 34, ¶50, 577 P.2d 1278, 1286 (original jurisdiction assumed and on a petition for writ of prohibition the Court issued a writ of injunction to prevent enforcement of a statute by the Tax Commission).

¶19 In *Ethics Commission of State of Oklahoma v. Cullison*, 1993 OK 37, 850 P.2d 1069, we noted the well-known and ancient preventative writs and remedies in equity that were used to anticipate and prevent injuries to legal and equitable interests. *Id.* ¶6 n.2, 850 P.2d at 1072 n.2. Additionally, in 1982 we explained that seeking declaratory relief is especially useful in a case where a justiciable controversy between the parties exists and a party would be required to do or refrain from doing some action at the party's legal peril. *Conoco, Inc. v. State Department of Health*, 1982 OK 94, ¶18, 651 P.2d 125, 131.¹¹ We note respondents argue the 2025 Standards have been deemed approved by the Legislature. Petitioners' challenge to the 2025 Standards based upon the Open Meeting Act is ripe for the purpose of judicial review.

¶20 The Court assumed original jurisdiction on September 15, 2025, for the purpose of issuing a temporary stay that prevented respondents from implementing or enforcing the 2025 Standards until a further order from the Court. We dissolve the temporary stay and explain why we assume original jurisdiction and grant declaratory relief. The requested equitable relief of an injunction or mandamus is denied without prejudice. A presumption exists that public officials perform their public duties in good faith, and we typically withhold equitable mandatory relief in anticipation of this performance based upon the Court's adjudication. *In re Initiative Petition No. 397, State Question No. 767*, 2014 OK 23, ¶18 n.20, 326 P.3d 496, 504 n.20.

¹¹ See, e.g., *State v. Lawton*, 1974 OK 69, ¶10, 523 P.2d 1064, 1066 (person adversely affected by a law need not violate the questioned law to obtain a declaration of its validity (citing *Colorado State Bd. of Optometric Examr's v. Dixon*, 165 Colo. 488, 440 P.2d 287, 290 (1968))).

¶21 We assume original jurisdiction pursuant to Okla. Const. Art. VII, § 4, to address petitioners' claim that respondents violated the Open Meeting Act and the effect upon the 2025 Oklahoma Academic Standards for Social Studies. We conclude these standards were adopted in violation of the Open Meeting Act, and the 2019 Standards are the current valid Standards until replaced by the Board of Education.

III. Analysis and Open Meeting Act

¶22 Petitioners make an argument based upon provisions of the Oklahoma Constitution. The Court may decline to adjudicate a constitutional issue presented by the parties if a decision on the issue is not necessary to resolve the controversy. *Independent School District No. 12 of Oklahoma County v. State ex rel. Board of Education*, 2024 OK 39, ¶42, 565 P.3d 23, 37. We decline to assume original jurisdiction to analyze petitioners' constitutional claims. We decline to assume jurisdiction and address petitioners' claims based upon whether the content of the 2025 Standards violates state statutes. We also decline to assume jurisdiction and address whether the 2025 Standards violate the Oklahoma Administrative Procedures Act.

¶23 Petitioners' challenge to the 2025 Standards based upon the Oklahoma Open Meeting Act involves a judicial interpretation of a statute and presents a question of law subject to *de novo* review.¹² The Oklahoma Open Meeting Act (25 O.S.2021, §§ 301-314, inclusive) (Open Meeting Act), states its application to a "public body."

¹² *Hirschfeld v. Oklahoma Turnpike Authority*, 2023 OK 59, ¶6, 541 P.3d 811, 817 (citing *Head v. McCracken*, 2004 OK 84, ¶4, 102 P.3d 670, 674; *Fulsom v. Fulsom*, 2003 OK 96, ¶2, 81 P.3d 652, 654).

“Public body” means the governing bodies of all municipalities located within this state, boards of county commissioners of the counties in this state, boards of public and higher education in this state and all boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts or any entity created by a public trust including any committee or subcommittee composed of any of the members of a public trust or other legal entity receiving funds from the Rural Economic Action Plan Fund as authorized by Section 2007 of Title 62 of the Oklahoma Statutes, task forces or study groups in this state supported in whole or in part by public funds or entrusted with the expending of public funds, or administering public property, and shall include all committees or subcommittees of any public body.

25 O.S.2021, §304(1). This statute also states exemptions from the definition for a public body and the Board is not one of the exemptions.

Public body shall not include:

- a. the state judiciary,
- b. the Council on Judicial Complaints when conducting, discussing, or deliberating any matter relating to a complaint received or filed with the Council,
- c. the Legislature,
- d. administrative staffs of public bodies including, but not limited to, faculty meetings and athletic staff meetings of institutions of higher education when those staffs are not meeting with the public body, or entry-year assistance committees,
- e. multidisciplinary teams provided for in Section 1-9-102 of Title 10A of the Oklahoma Statutes, in Section 10-115 of Title 43A of the Oklahoma Statutes, and in subsection C of Section 1-502.2 of Title 63 of the Oklahoma Statutes or any school board meeting for the sole purpose of considering recommendations of a multidisciplinary team and deciding the placement of any child who is the subject of the recommendations,
- f. meetings conducted by stewards designated by the Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title 3A of the Oklahoma Statutes when the stewards are officiating at races or otherwise enforcing rules of the Commission,
- g. the board of directors of a Federally Qualified Health Center or the postadjudication review boards provided for in Sections 1116.2 and 1116.3 of Title 10 of the Oklahoma Statutes, or

h. boards of county commissioners for the purposes set forth in subsections C, D, and E of Section 326 of Title 19 of the Oklahoma Statutes;

25 O.S.2021, §304(1). The Oklahoma Open Meeting Act applies to the State Board of Education.

¶25 The Legislature has stated a public policy for the Open Meeting Act (OMA):
“It is the public policy of the State of Oklahoma to encourage and facilitate an informed citizenry’s understanding of the governmental processes and governmental problems.”

25 O.S.2021, §302. In furtherance of this policy, at least 24 hours prior to a regular meeting or a special meeting, a public body is required to display public notice of a meeting, setting the date, time, place, and agenda for the meeting. 25 O.S.2021, §311(A)(9). Section 311(A)(9) states as follows.

A. Notwithstanding any other provisions of law, all regularly scheduled, continued or reconvened, special or emergency meetings of public bodies shall be preceded by public notice as follows: . . .

9. a. In addition to the advance public notice in writing required to be filed for regularly scheduled meetings, described in paragraph 1 of this subsection, all public bodies shall, at least twenty-four (24) hours prior to such regularly scheduled meetings, display public notice of the meeting by at least one of the following methods:

(1) by posting information that includes date, time, place and agenda for the meeting in prominent public view at the principal office of the public body or at the location of the meeting if no office exists, or

(2) by posting on the public body's Internet website the date, time, place and agenda for the meeting in accordance with Section 3106.2 of Title 74 of the Oklahoma Statutes. Additionally, the public body shall offer and consistently maintain an email distribution system for distribution of such notice of a public meeting required by this subsection, and any person may request to be included without charge, and their request shall be accepted. The emailed notice of a public meeting required by this subsection shall include in the body of the email or as an attachment to the email the date, time, place and agenda for the meeting and it shall be sent no less than twenty-four (24) hours prior to the meeting. Additionally, the public body

shall make the notice of a public meeting required by this subsection available to the public in the principal office of the public body or at the location of the meeting during normal business hours at least twenty-four (24) hours prior to the meeting.

b. In addition to the notice requirements of this section, all state public bodies, as defined in paragraph 2 of this subsection, shall, at least twenty-four (24) hours prior to regularly scheduled meetings, display public notice of the meeting by:

(1) posting information that includes date, time, place and agenda for the meeting in prominent public view at the principal office of the public body or at the location of the meeting if no office exists, and

(2) posting on the public body's Internet website the date, time, place and agenda for the meeting in accordance with Section 3106.2 of Title 74 of the Oklahoma Statutes;

Petitioners' have presented a record showing Board members received a notice of proposed Standards seventeen (17) hours prior to the meeting where Standards were adopted. A notice of seventeen hours violates 25 O.S.2021, §311(A)(9). One portion of this argument is notice of the agenda was insufficient, because the 2025 Standards adopted by the Board on February 27, 2025, were not the same standards available to the public and the Board twenty-four hours prior to the meeting.

¶26 Petitioners state an earlier version of the proposed Standards was available to the public for comment in December 2024. However, text involving religious and political themes was injected into the version for the Board's approval in the February meeting. For example: (1) Requiring first-grade students to identify and explain David and Goliath, as well as Moses and the Ten Commandments; (2) Requiring high school students to analyze as a contemporary turning point of the 21st century and to identify the source of the COVID-19 pandemic from a Chinese lab and the economic and social effects of state and local lockdowns; (3) Requiring high school students to analyze as a

contemporary turning point of the 21st century and identify discrepancies in the 2020 election results, including ballot counting in select cities in “key battleground states,” security risks with mail-in balloting, unexpected record number of voters, and “unprecedented contradiction of bellwether county trends.” The version of the Standards approved by the Board on February 27, 2025, was not publicly posted until after the Board voted on the 2025 Standards. Three Board members stated in a subsequent meeting of the Board that they did not know that the version they were voting on was different from the version publicly posted in December 2024. Respondents do not contest these allegations.

¶27 Respondents argue the agenda included the subject of Standards to be approved by the Board, and that the Board is allowed to amend the Standards without publicly disclosing the amendments prior to the Board’s meeting. Respondents rely upon *Andrews v. Independent School District No. 29 of Cleveland County*, 1987 OK 40, 737 P.2d 929, and argue a public body’s agenda concerning academic requirements may be amended during a meeting of the public body without publicly positing those amendments prior to the meeting. In *Andrews*, the agenda stated the “Superintendent would make his report and recommendations concerning an increase in academic requirements,” and the meeting included “a recommendation that the minimum number of credits required for graduation be increased and that the eligibility requirements for extracurricular activity participation be raised.” *Id.* 1987 OK 40, ¶2, 737 P.2d at 930. Subsequent to the meeting a committee was charged with the responsibility of preparing academic guidelines for participation in extracurricular activities. At a subsequent meeting of the public body, a publicly published agenda included the committee’s proposed guidelines. This agenda

included an item for the public expressing opinions on these guidelines publicly published prior to the meeting. *Id.* 1987 OK 40, ¶4, 737 P.2d at 930.

¶28 In *Andrews*, the topic of increasing academic requirements for sports participation was not on the agenda as a specific item, but this specific item was raised within the context of an agenda item for discussing academic guidelines. We concluded the agenda did not require that a report of proposed complete academic guidelines be published prior to presenting the report to the Board. We then noted: “Furthermore, agenda of the four subsequent meetings clearly gave notice in plain language sufficient to be comprehended by a person of ordinary education and intelligence that the eligibility requirements for extracurricular activities would be presented and discussed at the board meetings.” *Id.* 1987 OK 40, ¶8, 737 P.2d at 931. In other words, the Court examined whether the public body treated a general topic agenda item in a manner “to encourage and facilitate an informed citizenry’s understanding of the governmental processes and governmental problems” by providing (1) subsequent public disclosure of a specific item within the general topic agenda, and (2) an opportunity for expression of public opinion on this specific agenda item prior to the public body’s final action on the specific agenda item. This language relates to one of the claims challenging the 2025 Standards: Petitioners assert that if the State Board wanted to include a discussion and adoption of substantive amendments to the 2025 Standards at the meeting, then the agenda should have included an agenda item for such amendments.

¶29 Respondents’ view of *Andrews* appears to be that an agenda item may be expanded with substantive content in a public body’s meeting with final action upon it, provided the new substantive content is presented as an amendment to an item in the

agenda. In other words, respondents' view is that substantive content adopted by a public body as an amendment to an item in an agenda does not necessarily need public exposure provided the substantive content is classified as an "amendment" by the public body. We disagree because this view elevates procedure over substance where a procedure of amending an agenda item is used to submit new and fundamentally different agenda items not previously made public.

¶30 An OMA agenda must be worded in plain language, directly stating the purpose of the meeting, and the language should be comprehensible to a person of ordinary education and intelligence. *Andrews*, 1987 OK 40, ¶7, 737 P.2d at 931. We recently noted that one purpose of the OMA, a public policy favoring citizen participation, is defeated if the required notice for agenda items is deceptively worded or materially obscures the stated purpose of the meeting. *Fraternal Order of Police, Bratcher/Miner Memorial Lodge, Lodge No. 122 v. City of Norman*, 2021 OK 20, ¶9, 489 P.3d 20, 24. The phrases "deceptively worded" and "materially obscures the stated purpose" are phrases referencing substantive content in the published notice of agenda items when compared to substantive content in the public meeting associated with the meeting's notice of agenda.

¶31 The agenda item stated: "The State Department of Education is presenting and requesting approval of the proposed Oklahoma Academic Standards for Science (OAS-S) and Social Studies (OAS-SS)." When this agenda item was publicly posted the one publicly posted version of the Standards was the December 2024 version. The members of the State Board of Education received the 2025 Standards approximately seventeen (17) hours before they were to vote on them. The record before the Court also

shows that in past meetings when a vote was going to be taken on proposed standards, then agendas provided notice the proposed standards could be modified. The agenda for the meeting on February 27, 2025, did not provide this type of notice.

¶32 A similar issue arose in *Fraternal Order of Police*, *supra*, where the posted agenda did not include the possibility of amendments to a budget in a meeting. We noted “transparency to the public requires advance notice that potential amendments may be considered at the public meeting.” *Fraternal Order of Police*, 2021 OK 20, ¶15, 489 P.3d at 25. We also noted in *Fraternal Order of Police*: “Because it was enacted for the public's benefit, the Open Meeting Act ‘is to be construed liberally in favor of the public.’”¹³ We also note the legislature's public policy for the Board to consider comments from the public when adopting standards.¹⁴

¶33 We conclude the notice of the agenda for the 2025 Standards violated 25 O.S.2021, §311(A)(9) of the Open Meeting Act when the public body used the agenda items in the notice for the purpose of adopting fundamentally different substantive

¹³ *Fraternal Order of Police*, 2021 OK 20, ¶9, 489 P.3d at 24 (quoting *Lafalier v. Lead-Impacted Cmty's. Relocation Assistance Tr.*, 2010 OK 48, ¶37, 237 P.3d 181, 195 (quoting *Int'l Ass'n of Firefighters, Local 2479 v. Thorpe*, 1981 OK 95, ¶17, 632 P.2d 408, 411)).

¹⁴ See, e.g., 70 O.S.2021 §11-103.6a(B)(2); “2. Upon the effective date of this act, the State Board of Education shall begin the process of adopting the English Language Arts and Mathematics standards and shall provide reasonable opportunity, consistent with best practices, for public comment on the revision of the standards, including but not limited to comments from students, parents, educators, organizations representing students with disabilities and English language learners, higher education representatives, career technology education representatives, subject matter experts, community-based organizations, Native American tribal representatives and business community representatives.”

Standards not placed on the notice of the agenda. The Board's notice of the agenda was not sufficient to apprise the public of the substantive standards being considered for adoption.

IV. Legislative Adoption by Acquiescence

¶34 Respondents argue academic standards approved by the Board in violation of the OMA may be legally enforceable if the Legislature has adopted them. They suggest methods of legislature adoption may be by (1) a joint resolution, (2) legislative silent acquiescence, (3) not acting to prevent the standards from being implemented, or (4) approving the Board's standards by incorporating one or more of them in a subsequent statute. They argue: (1) The state's policy-making power is vested exclusively in the Legislature, and such power specifically includes public education; and (2) The policy to be pursued in matters of enactment of legislation to discharge its constitutional responsibility to the people in matters of education is a question that rests solely within the Legislature's discretion. They rely upon *Oklahoma Education Association v. State ex rel. Oklahoma Legislature*, 2007 OK 30, ¶¶18-22, 158 P.3d 1058, 1065-66.

¶35 Following approval by the Board, standards are submitted to the Legislature prior to the last thirty days of the legislative session. 70 O.S.2021, §11-103.6a-1(B). The Legislature has thirty legislative days to adopt a joint resolution to either approve of, disapprove in whole or in part, or amend in whole or in part with instructions to the Board.¹⁵

¹⁵ 70 O.S.2021, §11-103.6a-1(C): "C. By adoption of a joint resolution, the Legislature shall approve the standards, disapprove the standards in whole or in part, amend the standards in whole or in part or disapprove the standards in whole or in part,...If the Legislature fails to adopt a joint resolution within thirty (30) legislative days following submission of the standards, the standards shall be deemed approved." (Material omitted).

If the Legislature's joint resolution is not adopted "within thirty (30) legislative days following submission of the standards, the standards shall be deemed approved." *Id.* §11-103.6a-1(C). The Legislature did not adopt a joint resolution approving the 2025 Standards. The 2025 Standards were "deemed approved" by the Legislature without creating a joint resolution addressing adoption of these standards. However, the Legislature amended a different statute, 70 O.S.Supp.2024, §11-103.6, effective July 1, 2025, with stated general standards. However, the several standards stated in amended §11-103.6 do not include the specific academic standards based upon religious themes, concepts, and persons identified in a Bible that are challenged by petitioners.¹⁶

¶36 The standards are not implemented by the Board until the legislative review process is completed. 70 O.S.2021, §11-103.6a-1(A). The standards adopted by the Board are not initially promulgated by the Board as administrative rules subject to Article I of the Administrative Procedures Act.¹⁷ 75 O.S.Supp.2023 §250.4 (A)(1), (11).¹⁸

¹⁶ In 2010 the legislature statutorily authorized a school district providing for students in grades "9 or above" "an elective course on the Hebrew Scriptures (Old Testament) and...an elective course on the New Testament" taught by a teacher "certified to teach social studies or literature." 70 O.S.2011 §11-103.11(A)(1) & (E) (eff. Nov. 1, 2010), (material deleted). This statute is not part of the controversy before the Court.

¹⁷ Article I of the Administrative Procedures Act relates to "agency filing and publication requirements for rules." 75 O.S.2021 (and O.S.Supp.2025) §250.1.

¹⁸ 75 O.S.Supp.2023 §250.4 (A)(1), (11): "A. 1. Except as is otherwise specifically provided in this subsection, each agency is required to comply with Article I of the Administrative Procedures Act.... 11. The State Board of Education shall be exempt from Article I of the Administrative Procedures Act with respect to prescribing subject matter standards as provided for in Section 11-103.6a of Title 70 of the Oklahoma Statutes."

70 O.S.2021, §11-103.6a(A): "The adoption of subject matter standards or revisions to the standards by the State Board of Education pursuant to this section shall not be promulgated as rules and shall not be subject to Article I of the Administrative Procedures Act."

However, after a legislative review process culminates with approval of the rules, express or deemed, “the standards shall be considered final agency rules.” 70 O.S.2021, §11-103.6a-1(E).

¶37 Respondents argue the Board’s procedural failure to follow the Open Meeting Act may be cured by legislative silence on the proposed standards because this silence creates a “deemed approval” of the standards. Although not expressed by respondents, they appear to be making an argument that the 2025 Standards, as administratively created standards, are “legislative facts”¹⁹ required to be presented to the Legislature as a condition precedent to legislative express adoption or deemed adoption by acquiescence. Further, that Open Meeting Act errors associated with creating these Board-approved condition-precedent legislative facts do not prevent the legislative facts from becoming the basis for administrative rules after the Legislature’s review process.

¶38 When the Legislature creates a procedure for introducing, hearing, and passing legislation based upon the existence of facts as one type of condition precedent, and the facts must be certified by an agency of the executive department, then the codified procedure amounts to a self-imposed limitation on how legislation is presented

¹⁹ Legislative facts are facts used by a legislature as a basis for creating legislation. *City of Oklahoma City v. Oklahoma Corp. Comm’n*, 2024 OK 77, ¶32, 558 P.3d 1231, 1244; Kenneth Culp Davis, *An Approach to Problems of Evidence in the Administrative Process*, 55 Harv. L. Rev 364, 402 (1942) (“When an agency wrestles with a question of law or policy, it is acting legislatively, just as judges have created the common law through judicial legislation, and the facts which inform its legislative judgment may conveniently be denominated legislative facts.”).

and created for the legislative process. *Stevens v. Fox*, 2016 OK 106, ¶22, 383 P.3d 269, 277. When the Legislature is supplied with required condition precedent facts and these facts are ultimately incorrect, the legislation does not violate “any provision of the Oklahoma Constitution.” *Id.* However, while a statute (or legislative action) based upon or incorporating inaccurate facts will generally survive a judicial challenge based upon their inaccuracy,²⁰ when the Legislature uses or incorporates a fact to create an arbitrary and irrational statute, then such statute *may* be subject to judicial invalidation.²¹

¶39 Arbitrariness has more than one definition. One definition for an “arbitrary act” states an arbitrary and capricious act is “acting in a manner that is willful and unreasonable without consideration or in disregard of facts or without determining principle or unreasoning.” *Scott v. Oklahoma Secondary School Activities Association*, 2013 OK 84, ¶34, 313 P.3d 891, 902-03. The Board’s insufficient notice of its agenda resulted in the public not having notice and an opportunity to present facts for the Board’s consideration. More than one Board member stated their access to the 2025 Standards was less than twenty-four (24) hours prior to the meeting. They state the timing of their access and length of the 2025 Standards did not allow time to review the 2025 Standards prior to being requested to vote on their approval. Issues raised by respondents’ argument are whether the Board’s failed execution of a required statutory process

²⁰ This Court’s judicial review of a statute does not concern itself with the statute’s propriety, desirability, wisdom, or its practicality as a working proposition. *Lee v. Bueno*, 2016 OK 97, ¶8, 381 P.3d 736, 740.

²¹ See, e.g., *State v. Lynch*, 1990 OK 82, 796 P.2d 1150 (a statute providing an arbitrary and unreasonable rate of statutory compensation may result in an unconstitutional taking of private property depending on the facts of each case).

resulting in Board members voting without knowledge of facts was an arbitrary exercise of power, and if the Legislature's subsequent "deemed approval" cured the process failure.

¶40 The Legislature's silence in response to a judicial or executive department interpretation of law may, in some circumstances, create one of the types of legislative acquiescence to a judicial or executive interpretation.²² This legislative acquiescence, whether express by a statutorily "deemed approved," or implied by a previous judicial or executive construction, requires a court to adjudicate whether the specific content of that legislative acquiescence relates to the issue in controversy.²³ This issue defining the content of what was "deemed approved" by the Legislature arises from respondents' use of a television station's news article posted on the station's website.²⁴ Respondents argue

²² See, e.g., *Cole v. State ex rel. Dep't of Pub. Safety*, 2020 OK 67, ¶12, 473 P.3d 467, 471 (Legislature's silence on executive agency's adoption of a rule is evidence of the Legislature's acquiescence); *Murray Cnty. v. Homesales, Inc.*, 2014 OK 52, ¶11, 330 P.3d 519, 525 ("construction placed on a statute by officers in the discharge of their duties ... which has been long acquiesced in, is a just medium for its judicial interpretation." (quoting *Oklahoma Tax Comm'n v. Liberty Nat'l Bank & Trust Co.*, 1955 OK 208, 289 P.2d 388 (Court Syllabus))); *In re Initiative Petition No. 397, State Question No. 767*, 2014 OK 23, ¶14, 326 P.3d 496, 502-03 (Legislature's silence regarded as acquiescence to Executive Department's construction).

²³ See, e.g., *Bishop v. Takata Corporation*, 2000 OK 71, n.14, 12 P.3d 459, 463 (legislative acquiescence to this Court's construction did not include an issue absent from the Court's previous construction).

²⁴ Response to Application to Assume Original Jurisdiction and Petition for Writ of Declaratory and Injunctive Relief and or Writ of Mandamus, July 18, 2025, Okla. Sup. Ct. No. 123,237, at p.8 & n.4 (citing "Dacoda Wahpekeche, *Oklahoma State Department of Education's Controversial Social Studies Standards Approved*, KOCO News 5 (April 29, 2025) (<https://www.koco.com/article/oklahoma-social-studies-standards-moving-forward-ryan-walters/64623287>)."

the legislature has oversight of the Academic Standards and the article shows the legislature knew the content of allegations made by petitioners herein, *i.e.*, the Open Meeting Act violation, but the Legislature still allowed the 2025 Standards to be deemed approved. The article also purportedly quotes “the office” of Oklahoma Senate’s President Pro Tempore and states: “The standards are not a legislative obligation, and the curriculum is developed by the State Department of Education.” Respondents’ use of the news article would also support petitioners’ position that when the Legislature discussed the 2025 Standards: (1) The Legislature recognized the courts are a proper party to address Open Meeting Act alleged violations; and (2) The Legislature viewed its role in deeming the standards approved as a less expansive scope of approval than the one championed by respondents’ argument. The record before us does not show an express legislative approval of the 2025 Standards or an express legislative statement that the Legislature intended to validate a previous specific Open Meeting Act violation.²⁵

¶41 Statutes often state that certain acts “shall be deemed,” or “shall be held to be,” or “shall be conclusively presumed to be” something else.²⁶ This issue may arise when a legislature creates a substantive rule of law by “deeming” one thing to be another, and a legislative “deeming” may also try to “make certain facts conclusive proof of another

²⁵ Due to the narrow resolution of this controversy, we need not address whether petitioners possessed substantive rights based upon their OMA claims with other law, and if their legal claims could not be destroyed by subsequent legislative acquiescence acting retroactively. *Cf. Hammons v. Muskogee Med. Cntr. Auth.*, 1985 OK 22, ¶7, 697 P.2d 539, 542 (generally, accrued substantive rights may not be destroyed by retroactive legislation).

²⁶ *Mistletoe Express Service v. United Parcel Service, Inc.*, 1983 OK 27, ¶16, 674 P.2d 1, 8 (quoting *City of New Port Richey v. Fid. & Deposit Co.*, 105 F.2d 348, 351 (5th Cir.1939)).

ultimate fact where there is no logical connection or probability in experience to connect them."²⁷ Creating a substantive law must be distinguished from a legislative act that is in a form of, or by a procedure using, legislative discretion for the purpose of determining whether Executive Department officials' conduct constitutes facts showing a violation of a state statute. Generally, while legislative discretion may be exercised when making decisions concerning public policy in creating, defining, and abolishing causes of action in substantive law to be applied to future conduct,²⁸ judicial discretion is exercised when a court examines whether a cause of action arose or a statute was violated by particular facts and specific circumstances.²⁹

¶42 In the context of an Open Meeting Act violation from a lack of proper notice and agenda, we have explained a subsequent act by the government entity "will not cure the violation or 'breathe life' into the prior illegal action." *Hirschfeld v. Oklahoma Turnpike Authority*, 2023 OK 59, ¶11, 541 P.3d 811, 818. This Court exercises a judicial power and

²⁷ *Id.*

²⁸ *Southon v. Okla. Tire Recyclers, LLC*, 2019 OK 37, ¶18, 443 P.3d 566, 573.

²⁹ Judicial power is used via a judge's legally cognizable judicial discretion to examine legal rights, interests, and duties of people named as parties within a legally authorized procedure, and that examination includes an application of law to the parties and their circumstances. *In re Bucher*, 1933 OK 159, 20 P.2d 150, 153 ("A judicial act is an act done by a member of the judicial department of government in construing the law or applying it to a particular state of facts presented for the determination of the rights of the parties thereunder." (quoting 4 *Words and Phrases*, First Series, p. 3848)); *In re Assessment of Kansas City Southern Ry. Co.*, 1934 OK 281, ¶21, 33 P.2d 772, 775 ("Judicial power is the power which adjudicates upon and protects the rights and interests of individual citizens, and, to that end, construes and applies the laws." (quoting *Landowners v. People ex rel. Stookey*, 113 Ill. 296, 309 (1885))).

a judicial discretion when we examine the facts relating to the State Board's notice and agenda and conclude the Open Meeting Act was violated.

¶43 We conclude the Legislature's silent acquiescence and deemed approval of the 2025 Oklahoma Academic Standards for Social Studies did not cure the State Board's violation of the Open Meeting Act.

V. Conclusion

¶44 The Oklahoma State Board of Education violated the Open Meeting Act when it approved the 2025 Oklahoma Academic Standards for Social Studies. The subsequent silent acquiescence and deemed approval of these Standards by the legislature did not cure the State Board's violation of the Open Meeting Act.

¶45 The 2025 Oklahoma Academic Standards for Social Studies shall not be enforced. The 2019 Oklahoma Academic Standards for Social Studies remain in effect until the State Board properly creates new Oklahoma Academic Standards for Social Studies with subsequent legislative approval. The stay previously issued and staying enforcement of the 2025 Standards is dissolved and replaced by the Court's opinion preventing their enforcement.

¶46 CONCUR: WINCHESTER, EDMONDSON, COMBS, GURICH, and DARBY, JJ.

¶47 DISSENT: ROWE, C.J. (by separate writing); KANE, J. (joins ROWE, C.J.); PRINCE, S.J. (by separate writing); DOWNING, S.J. (by separate writing).

