

Bond Case Briefs

Municipal Finance Law Since 1971

SCHOOLS - OKLAHOMA

Ritter v. State

Supreme Court of Oklahoma - September 20, 2022 - P.3d - 2022 WL 4359959 - 2022 OK 73

Parents of public school students brought a declaratory judgment action challenging the constitutional validity of statutes prohibiting a public school district from requiring a vaccination or proof of a vaccination against COVID-19 for a student to attend in-person school and from mandating masks for unvaccinated students unless the Governor declared a state of emergency in the jurisdiction in which the school board was located.

The District Court granted a temporary injunction. State appealed and parents filed a counter-appeal.

The Supreme Court held that:

- Statutes were an unconstitutional delegation of legislative authority to the extent they required Governor to declare an emergency, and
- Unconstitutional provision could be severed from the remainder of statutes.

Principles of sovereign immunity did not preclude plaintiffs from pursuing a declaratory judgment action against the State challenging the validity of statutes relating to vaccination restrictions and COVID-19 mask mandates in public schools as violative of various constitutional provisions including provision on delegation of legislative authority; a declaratory judgment could be sought to determine the validity of any statute, and a suit for declaratory judgment was neither strictly legal nor equitable, but assumed the nature of the controversy at issue.

Statutes prohibiting school boards for public school districts from requiring a vaccination or proof of a vaccination against COVID-19 for a student to attend in-person school and from mandating masks for unvaccinated students unless the Governor declared a state of emergency in the jurisdiction in which the school board was located were an unconstitutional delegation of legislative authority, to the extent the statutes required the Governor to declare an emergency before school boards could make decisions regarding local health matters; statutes removed the school boards' authority to act independently and exercise the authority granted to school boards and statutes granted that authority to Governor, who had neither constitutional nor statutory authority over operation of schools.

Unconstitutional provision in statutes relating to vaccination restrictions and COVID-19 mask mandates in public schools, which impermissibly delegated legislative authority to the Governor to declare an emergency before local school districts could make decisions regarding local health matters, could be severed from the valid provisions, which remained enforceable; valid provisions were separable, or were capable of being executed in accordance with the legislative intent of the statutes as enacted.

