



FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JUN 13 2025

DIANE FORD, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 THE OKLAHOMA STATE)
 DEPARTMENT OF EDUCATION, et al.,)
)
 Defendants.)

RICK WARREN
COURT CLERK

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Case No. CV-2025-1133

ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS

This matter comes before the Court pursuant to Motions to Dismiss filed May 15, 2025 by the State Superintendent of Public Instruction and State Department of Education ("Department") and May 21, 2025, by the Oklahoma State Board of Education ("Board"). On May 28, 2025, the Court held a hearing on these Motion. At the hearing, Chad Kutnas appeared for the Board; Michael Beason and Jacquelyne Phelps appeared for the Department, and Michael Hunter and Lindsay Kistler appeared for the Plaintiffs. After consideration of the arguments made by the parties at the hearing and a review of the Motions and responses thereto, the Court finds that the Defendants' Motions to Dismiss are GRANTED, based upon the following:

1. Plaintiffs commenced this action on May 7, 2025. Plaintiffs are seeking a declaratory judgment that the Oklahoma Standards for Social Studies ("Social Studies Standards") approved by the Board on February 27, 2025, be deemed invalid pursuant to Okla. Stat. tit. 75, § 306.

2. The Social Studies Standards were promulgated pursuant to Okla. Stat. tit. 70, § 11-103.6(a). This statute expressly provides that "[t]he 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."

Id. Similarly, the Administrative Procedures Act provides that “[t]he 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 11-103.6(a) of Title 70 of the Oklahoma Statutes.” Okla. Stat. tit. 75, § 250.4(A)(11).

3. Article I of the Administrative Procedures Act includes Section 306, the sole provision relied upon by Plaintiffs in commencing this action. *See* Okla. Stat. tit. 75, § 250.1.

4. Since the Social Studies Standards were promulgated by the Board outside Article I of the Administrative Procedures Act, Plaintiffs’ claim for declaratory judgment pursuant to Section 306 fails as a matter of law.

5. Even if the Court assumed that Section 306 provided a basis for relief, Plaintiffs’ claim for declaratory judgment under Section 306 still fails as a matter of law for multiple, independent reasons.

6. Section 306 only allows for challenge of an administrative rule “if it is alleged the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff.” Okla. Stat. tit. 75, § 306(A).

7. In the Petition, Plaintiffs allege that students will be harmed because the Social Studies Standards “do not align with best practices,” “current understanding set by national organizations,” and “represent a distorted view of social studies.” *See* Petition at ¶ 61. With respect to teachers, Plaintiffs allege in the Petition that the Social Studies Standards cause harm because they “are not aligned with their current understanding of the subject matter areas upon which they instruct.” *See id.* at ¶ 62.

8. “Standing focuses on the party seeking to get his complaint before the court and not on the issues tendered for determination ..., the inquiry posed is whether the party invoking the court’s jurisdiction has a legally cognizable interest in the outcome of the tendered controversy.

One who is not ‘aggrieved’ by a decision - however erroneous - may not bring a challenge to its validity.” See West v. Oklahoma Water Res. Bd., 1991 OK CIV APP 90, ¶ 7, 820 P.2d 454, 456.

9. Plaintiffs have not cited any statute or law that supports a finding that these concerns rise to the level of legally protected rights or privileges for students or teachers. Thus, Plaintiffs lack statutory standing to bring an action for declaratory judgment under the plain language of Section 306.

10. Furthermore, Plaintiffs failed to cite any relevant law (i.e., law that governs the actual revision of subject matter standards) or rules that were violated in promulgation of the Social Studies Standards. Oklahoma law provides the Board with unfettered discretion to adopt and revise subject matter standards like the Social Studies Standards at issue in this action. See Okla. Stat. tit. 70, § 11-103.6(a).

11. Lastly, subject matter standards revised and adopted by the Board are subject to ultimate review and approval by the Oklahoma Legislature. See *id.*

12. The Social Studies Standards at issue in this action have been approved by the Oklahoma Legislature.

13. The control, oversight, and legislative approval of the Social Studies Standards by the Oklahoma Legislature renders this action a non-justiciable political question. See *Okla. Educ. Ass’n v. State of Oklahoma ex rel. Oklahoma Legislature*, 2007 OK 30, ¶¶ 18-25, 158 P.3d 1058, 1066. As noted by the Oklahoma Supreme Court, “[t]he determination of 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 with the Legislature.” *Id.* at ¶ 21.

For these reasons, it is

ORDERED that the Motion to Dismiss filed May 15, 2025, by the Oklahoma State Superintendent of Public Instruction and the Oklahoma Department of Education is GRANTED; further

ORDERED that the Motion to Dismiss filed May 21, 2025, by the Oklahoma State Board of Education is GRANTED; further

ORDERED that the Petition filed May 7, 2025, by Plaintiffs, and all claims for relief contained therein, is dismissed with prejudice.

ORDERED that the respective requests of the parties for an award of attorney fees, costs, and expenses incurred in the litigation of the preliminary injunction issues are denied. Each party shall pay, bear, and be responsible for their own respective attorney fees, costs, and expenses.

* * * * *

Dated this 13th day of June, 2025:

BY THE COURT:


C. BRENT DISHMAN, DISTRICT COURT JUDGE