



OKLAHOMA STATE  
DEPARTMENT of EDUCATION

March 5<sup>th</sup>, 2025

SECOND REQUEST FOR A FORMAL ATTORNEY GENERAL OPINION

Gentner Drummond  
Attorney General of the State of Oklahoma  
Attn: Opinion Coordinator  
313 NE 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
Via email to [gentner.drummond@oag.ok.gov](mailto:gentner.drummond@oag.ok.gov) and [opinion.coordinator@oag.ok.gov](mailto:opinion.coordinator@oag.ok.gov)

General Drummond,

I have received your response, dated March 3<sup>rd</sup>, 2025, to my request for a formal Attorney General opinion. My original request was transmitted to you on February 24<sup>th</sup>, 2025. Two (2) questions were posed to you regarding President Trump's Executive Order 14218, 90 Fed. Reg. 10581 (Feb. 19<sup>th</sup>, 2025) ("EO 14218").

Okla. Const. art. XIII, § 1 requires the Legislature to establish and maintain the Oklahoma free public school system. Okla. Const. art. XIII, § 1a requires, without limitation, the funding of the Oklahoma free public school system. Okla. Const. art. XIII, § 5 vests supervision of the public schools in the Oklahoma State Board of Education ("SBE") and further provides that the "Superintendent of Public Instruction shall be President of the Board." Title 70 O.S. § 3-104(A)(3) requires the SBE to submit a budget to the Legislature and the budget is to be prepared by the Superintendent of Public Instruction. Pursuant to Title 70 O.S. § 1-105, the Oklahoma State Department of Education ("OSDE") has the duty, without limitation, of "directing the administration and supervision of the public school system of the state." Under Title 70 O.S. § 3-107.1 the State Superintendent of Public Instruction controls and directs the OSDE.

Both of our elected offices are created under Okla. Const. art. VI, § 1. As a state officer, I submitted a request for formal opinion to you, pursuant to Title 74 O.S. § 18b(A)(5), which provides:

- "A. The duties of the Attorney General as the chief law officer of the state ***shall*** be:
- To give an opinion in writing upon ***all*** questions of law submitted to the Attorney General by the Legislature or either branch thereof, ***or by any state officer***, board, commission or department, provided, that the Attorney General shall not furnish opinions to any but district attorneys, the Legislature or either branch thereof, or any other state official, board, commission or department, and to them ***only upon matters in which they are officially interested;***" (emphasis added).



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The word “shall” is generally interpreted as a mandate. Indep. Sch. Dist. # 52 of Oklahoma Cnty. v. Hofmeister, 2020 OK 56, ¶ 35, 473 P.3d 475, 491 as corrected (July 1, 2020). The word “all” is synonymous with the word “every,” and is considered a term of inclusion and suggests a broad expansive meaning. Coffee v. Henry, 2010 OK 4, § 3, 240 P.3d 1056, 1057. Oklahoma courts have “relied on dictionary definitions to provide the plain, ordinary meaning of terms.” Brassfield v. State, 2024 OK 9, ¶ 8, 544 P.3d 938, 941. The plain, ordinary meaning of the word “all” is totality. <https://www.merriam-webster.com/dictionary/all>.

You have declined to render the formal opinion I have requested. See e.g., <https://www.msn.com/en-us/politics/government/drummond-declines-ryan-walters-request-for-legal-opinion-calling-it-manufactured-political-drama/ar-AA1AaXHU?ocid=BingNewsSerp>.

In support of your refusal, you state that my “request asks this office to interpret a *federal law* in conjunction with *federal executive action* ... [and your] ... office does not have the appropriate jurisdiction.” See, Attorney General Response, dated March 3<sup>rd</sup>, 2025, pg. 3, first full paragraph (emphasis retained from the original).

I note that 70 O.S. § 18b(A)(5) does not differentiate between questions of federal law and questions of state law. Rather, as noted above, the statute simply uses the all-encompassing word “all.”

I also note, that in recent history you have rendered arguments and opinion regarding federal laws and federal executive action. See e.g., State of Oklahoma v. Miguel Cardona and the United States Department of Education, Western Federal District Court, case number CIV-24-461-HE, Complaint, pg. 3, ¶ 4 (“Despite the plain and clear scope of Title IX, President Biden’s Department of Education has finalized a new Title IX rule that fundamentally alters the meaning of Title IX’s bar on sex discrimination. The rule, which takes effect on August 1<sup>st</sup>, 2024, declares that ‘sex’ is an expansive concept whose bounds it need not define. Instead, under the Department’s view, unlawful ‘sex discrimination’ covers ‘any discrimination that depends’ even ‘in part on consideration of a person’s sex [...]’”). See also, St. Isidore of Seville Catholic Virtual School v. Gentner Drummond, United States Supreme Court Case No.: 24-396, Brief in Opposition (wherein you argue, or rely upon a prior Oklahoma Supreme Court (“OSC”) court finding of, a violation of the United States Constitution’s Establishment Clause approximately four (4) times at pgs. 13, 24, 30 and 33.)

Additionally, Title 74 O.S. § 20j(A) authorizes and directs you to “negotiate the terms of a Memorandum of Understanding [“MOU”] between the State of Oklahoma and the United States Department of Justice or the United States Department of Homeland Security, as provided by Section 1357(g) of Title 8 of the United States Code, concerning the enforcement of federal immigration and customs laws, detention and removals, and investigations in the State of Oklahoma.” Title 74 O.S. § 20j(B) also requires that the MOU “shall be signed on behalf of this state by the Attorney General and the Governor or as otherwise required by the appropriate federal agency.” These statutory sections necessarily require you to interpret and opine on issues of federal law and federal executive action.



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Your oath of office under Okla. Const. art. XV, § 1 provides, without limitation, that you “will support, obey, and defend *the Constitution of the United States*, and the *Constitution of the State of Oklahoma* [...] will *faithfully discharge [your] duties as Attorney General of the State of Oklahoma* to the best of [your] ability.” Your oath necessarily requires you to interpret the U.S. Constitution upon which federal law is based.

The questions posed for your formal opinion necessarily involve related state matters. As an example, assuming arguendo that EO 14218 applies, and Oklahoma school programs are affected thereby. The result may be that budget adjustments must be made to account for possible financial shortfalls to maintain, provide and administer public school services to Oklahoma students. The SBE, OSDE, and I have an obvious interest in budget concerns. Moreover, Oklahoma students, parents, and schools have a clear interest in these matters and deserve appropriate answers from your office.

Consider another example, the prior SBE approved an agency rule commonly referenced as the “immigration rule.” Your office has previously and publicly stated the rule is lawful. See, [https://www.tahlequahdailynews.com/news/oklahoma-voice-rule-requiring-citizenship-checks-in-oklahoma-schools-passes-state-board-vote/article\\_f04cd63a-e00d-11ef-8186-bb3852c25b13.html](https://www.tahlequahdailynews.com/news/oklahoma-voice-rule-requiring-citizenship-checks-in-oklahoma-schools-passes-state-board-vote/article_f04cd63a-e00d-11ef-8186-bb3852c25b13.html). See also, <https://www.oklahoman.com/story/news/education/2024/12/18/ryan-walters-oklahoma-rules-undocumented-students-osde/77054984007/>. The comment from your office, albeit informal, constitutes an opinion regarding a state agency’s rule and its interplay with federal law. This rule may be significant and useful in complying with EO 14218 if it applies and affects Oklahoma school programs.

We need to make preparations, plans, and adjustments that may be required to best serve Oklahoma’s schools. These issues are of paramount importance to the Oklahoma students, parents, and schools. We all await your response, which I hope will be useful and constructive, rather than the chastisement, hyperbole, and baseless accusations of manufactured political drama which comprised your initial correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Ryan Walters".

Ryan Walters  
Superintendent of Public Instruction