



# Kingsway files petition with Supreme Court to compel State to follow funding formula; render “hold harmless” unconstitutional

FOR IMMEDIATE RELEASE

Contact: Dr. James J. Lavender, Superintendent  
Kingsway Regional School District  
(O): 856-467-4600 ext. 4205  
(F): 856-467-5382

---

**Woolwich Twp.** – It’s been two weeks since Kingsway officials announced that it was taking the [school funding fight to the judiciary](#); and, today, that promise has been fulfilled. [Filing a motion with the Supreme Court of New Jersey](#) to reopen and enforce the Court’s decision in the *Abbott v. Burke*, 199 N.J. 140 (2009) (“Abbott XX”) and *Abbott v. Burke*, 206 N.J. 332 (2011) (“Abbott XXI”), Kingsway seeks assistance from the Court to compel the State to correctly distribute school funding pursuant to the School Funding Formula Act (SFRA).

“Failure by the State to correctly calculate and distribute school funding has deprived the students of Kingsway Regional of millions of dollars in school aid, and we’ve had enough,” said Dr. James J. Lavender, Superintendent of Schools.

The District argues that by repeatedly and deliberately bypassing the SFRA funding formula with its arbitrary budgetary scheme, commonly known as the “hold harmless” provision, the State of New Jersey has entered into an improper and unconstitutional budgetary scheme which values the education of some students more than the education of other students. This disparate treatment is not limited to the Abbott school districts (now called “SDA Districts”), but affects all public school districts in our State.

Accordingly, Kingsway now seeks to reopen Abbott XX and Abbott XXI and requests the Court’s enforcement of its prior decisions in order to make it explicit and clear that the State has the constitutional obligation to provide funding to both SDA (former Abbott) and non-SDA districts in accordance with the formula set forth in the SFRA. Kingsway further requests that the Court find, in light of previous decisions, that the SFRA fulfills that constitutional obligation, and that

the “budgetary hold harmless” provision which the State has consistently used to bypass the SFRA is therefore unconstitutional.

Lavender stated in a press conference after the [Senate Select Committee on School Funding Fairness](#) conducted a public hearing at Kingsway Regional High School on January 27<sup>th</sup> that “our State Constitution commits New Jersey to provide each school child with a quality public education. The SFRA was meant to make New Jersey’s distribution of state aid to our public schools fair, transparent, equitable and certain. Our Supreme Court has ruled that the SFRA – and the funding formula set forth in the Act – satisfies the State’s constitutional requirement that it provide our students with a thorough and efficient education.”

In the intervening years since SFRA was passed, the annual State Budget has consistently shortchanged close to 70% of school districts of the state aid which they should have received. First, the Budget consistently fails to fund the SFRA formula. Second, through the Budget, the State has passed a “hold harmless” provision which essentially “amends” SFRA by maintaining the same level of funding to every school district that it received from the State during the 2007-08 school year – even if the result is that a school district receives more funding than it is entitled to under the SFRA formula.

Kingsway students receive just 46% of their full uncapped school aid under SFRA while other districts receive considerably more than 100% of their funding, some as high as 335%.

“We are seeking relief from the Supreme Court to stop the State’s deliberate and arbitrary practices that have resulted in school funding which is inconsistent and at odds with the funding levels required by SFRA. By way of example, the Kingsway Regional School District has been shortchanged \$11.6 million in school funding this year alone,” continued Lavender.

“I am proud our that the volunteer members of our Board of Education have put the needs of our students first, and have demonstrated the courage and tenacity to take this fight to Trenton. They are every bit the leaders we want from our elected officials,” stated Lavender.

“On behalf of our students, faculty and taxpayers, District officials encourage other school districts to join Kingsway, in common cause to seek a judicial order from the Supreme Court to compel the State of New Jersey to provide all public school districts in our State with school funding which is consistent with the funding formula enacted in the School Funding Reform Act of 2008,” concluded Lavender.

The purpose of this lawsuit is not so that one district – or a few districts – will get more than their fair share of school funding. We contend that all districts should be fully funded under the SFRA. The purpose of this lawsuit is to ensure that the State complies with its own laws to distribute state aid to each of the public school districts in New Jersey in accordance with the SFRA’s formula.

###

For a copy of the Notice of Motion to Reopen and Enforce the Courts Decisions in Abbott XX and Abbott XXI, click [here](#).

To learn more about Kingsway’s Fair Funding Campaign, click [here](#).

#### **About the Kingsway Regional School District**

Kingsway is a limited purpose regional school district that offers its students a rigorous academic program and a myriad of enrichment programs and services for students in grades 7 to 12.

Kingsway Regional Middle School (grades 7 to 8) and Kingsway Regional High School (grades 9 to

12) cater to the individual needs of our students and promote opportunities for students to pursue their own areas of interest. Our population of approximately 2,700 students is multicultural and reflects the diversity of the communities it serves. Its mission is to ensure that all students receive rigorous and engaging instructional experiences that promote high levels of student achievement, including those with diverse learning needs. To learn more visit the District's website at [www.krsd.org](http://www.krsd.org).