



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/22/2021

Time: 03:15 PM

Location: CR 229 & Videoconference

Committee: Senate Education

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Resolution: SCR 0151 ENCOURAGING THE DEPARTMENT OF EDUCATION, COMPLEX AREAS, AND CHARTER SCHOOLS TO IMPLEMENT SCHOOL-WIDE RESTORATIVE JUSTICE PRACTICES IN THE STATE'S PUBLIC AND CHARTER SCHOOLS.

Department's Position:

The Hawaii State Department of Education (Department) supports SCR 151 to encourage the implementation of school-wide restorative justice initiative practices in Hawaii's public schools.

The Department acknowledges the importance of creating a positive school climate, in which students are provided a safe and engaging learning environment. Restorative practices can help to achieve this positive school climate by:

1. Taking proactive measures to develop a nurturing and empathetic school community,
2. Providing clear and actionable expectations and procedures that encourage appropriate behaviors and discourage problematic ones, and
3. Instituting fair and effective practices that provide both accountability and support to those who have engaged in transgressive behaviors.

Restorative practices support the overarching goal of strengthening school climate. Schools can accomplish this by building community through nurturing healthy relationships among both students and educators, developing a restorative mindset in adults and students, and responding to harm whenever it occurs and between whomever it occurs. The repair of harm and restoring of relationships are most closely linked to the purposes and intentions of restorative justice, but should be provided in the larger context of a positive school climate and should be viewed as an integral part of restorative practice in the school.

Schools are encouraged to implement school-wide restorative justice practices within the Hawaii Multi-Tiered System of Support, a framework that is required in all Department schools. This framework outlines the appropriate support and resources that address the needs of the

whole child in the areas of academics, behavioral, social-emotional, and physical well-being.

The Hawaii Multi-Tiered System of Support takes a tiered approach that is focused on the entire school environment and provides a continuum of support for those who need it most. It provides a behavioral framework that can support all students by establishing a positive school-wide climate and culture. Schools will establish school-wide behavior expectations, implement reinforcement programs to encourage expected behaviors, and create procedures to discourage problematic behaviors. Commonly used evidence-based practices include Positive Behavior Interventions and Supports, Social Emotional Learning, and Character Education.

In addition, trauma-informed practices are also beginning to be incorporated into restorative justice efforts to ensure students are learning in supportive and compassionate school settings that prioritize resilience and mental health, as well as physical, psychological, and emotional safety to foster connection and success. Schools that are trauma-informed promote physical and emotional safety in relationships and in the environment, reducing trauma-related triggers in the school environment and eliminating potentially retraumatizing practices.

The Department recognizes the potential of implementing restorative justice practices to create positive learning environments in its schools. Thus, the Department of Education supports resolution SCR 151.

Thank you for the opportunity to submit testimony on SCR 151.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

I strongly support SCR 151 Senate concurrent resolution

Restorative Justice Fact Sheet

Case example: Denver Public Schools¹

"The Denver Public Schools Restorative Justice Project was implemented to positively and effectively address the growing number of out-of-school suspensions in the district. In the 2004-2005 school year, this number approached 15,000 across the district, a number that has not been seen since."

The report from 2008-2009 (the fourth year of the program) show these results, comparing the first quarter and the last quarter of the 2008-2009 school year:

A near **60% reduction**
in tardies per student.

An almost **90%**
decrease in office

A near **50% reduction**
in absences per student

An almost **90% decrease**
in suspensions.

Students self-reported:
52% increase in their
stress-management skills.
43% increase in
interpersonal skills.
47% increase in
adaptability.
49% increase in overall
emotional quotient.

"In 2008-2009, **220 cases**
referred for restorative justice
interventions were known to be
in lieu of out-of-school
suspension;
An additional **11 cases** had
reduced length of suspension
due to participation in the RJ
process."

1. All data from "DPS Restorative Justice Project: Year Three" Year End Report, 2008-2009, prepared and submitted to Denver Public Schools by Myriam L. Baker, Ph.D., Outcomes, Inc.. Found online at <http://www.restorativejusticecolorado.org/restorative-justice-in-schools.html>.

KEY POINTS

Restorative justice builds community.

Restorative justice puts punishment aside and looks at what have been the obligations resulting from the harm and what needs to be done to make it right.

Restorative justice builds the community rather than the opposite.

Restorative justice does not go easy on harm but rather looks at the actual obligations resulting from the incident and finds collaborative appropriate complete solutions to most fully restore the harm done.

Restorative justice holds wrongdoers accountable to a higher level than punishment and rewards can

Research and statistics prove that it reduces discipline problems significantly over 50%, and in Denver with a 90% decrease in suspension and 50% reduction in absences

Research and statistics prove that it increases graduation rates and decreases dropouts

Research and statistics prove that restorative justice increases success, showing increased GPA numbers

Restorative justice teaches students to solve conflicts in their lives and will bring greater peace to our world as a result

Restorative justice is focused on relationships and the building of community so that when something happens there is something to restore.

If you really think about it - punishment and rewards don't really work very well and do not teach what we

want to teach our children about responsibility and problem solving and more

Restorative Justice can be done by the individual on an interpersonal level all the way up to a community conference, depending on the nature and degree of harm.

Restorative justice is dependent on the offender taking responsibility and therefore is not used unless that is present; if the offender does not admit guilt then in that case the usual system of justice is used. Restorative justice is not a substitute but rather an add-on to the current justice/discipline system. It does not replace the current system, therefore is safe and effective

Statistics and research show that suspension and expulsion ultimately lead to a much higher chance of that person being incarcerated later in their life; restorative justice decreases this need by 90%. This is the so-called school to prison pipeline.

Restorative justice costs less than traditional justice system and decreases the chances of students later becoming incarcerated and decreases recidivism which decreases the cost for our society and decreases time spent in student behavior management ultimately.

The whole field of restorative practices and of restorative justice empowers teachers and students and people to a more peaceful way to relate to each other.

Restorative justice is desperately needed in our world right now because there is so much violence and conflict without end.

Genesis Young MD & Director Teran James Young
Foundation Inc 501c3

**Restorative justice conferencing
Adult Criminal Justice**

Benefit-cost estimates updated December 2018. Literature review updated February 2017.

Current estimates replace old estimates. Numbers will change over time as a result of model inputs and monetization methods.

The WSIPP benefit-cost analysis examines, on an apples-to-apples basis, the monetary value of programs or policies to determine whether the benefits from the program exceed its costs. WSIPP's research approach to identifying evidence-based programs and policies has three main steps. First, we determine "what works" (and what does not work) to improve outcomes using a statistical technique called meta-analysis. Second, we calculate whether the benefits of a program exceed its costs. Third, we estimate the risk of investing in a program by testing the sensitivity of our results. For more detail on our methods, see our [Technical Documentation](#).

Program Description: Restorative justice conferences are face-to-face meetings, typically between the victim and the convicted individual, facilitated by a professionally trained mediator. The purpose of conferences is to discuss the harm done and to come to an agreement between all parties about reparations. Conferences may also include other supporting persons or community members to resolve the harm done by the convicted individual. Conferences can take place during incarceration, before sentencing following a guilty plea, as a diversion program, or during re-entry. This intervention is brief, typically one or two conferences that last an hour or two.

Benefit-Cost Summary Statistics Per Participant

Benefits to:			
Taxpayers	\$868	Benefit to cost ratio	\$2.01
Participants	\$0	Benefits minus costs	\$1,145
Others	\$1,535	Chance the program will produce	
Indirect	(\$128)	benefits greater than the costs	57 %
Total benefits	\$2,274		
Net program cost	(\$1,129)		
Benefits minus cost	\$1,145		

The estimates shown are present value, life cycle benefits and costs. All dollars are expressed in the base year chosen for this analysis (2017). The chance the benefits exceed the costs are derived from a Monte Carlo risk analysis. The details on this, as well as the economic discount rates and other relevant parameters are described in our [Technical Documentation](#).

Detailed Monetary Benefit Estimates Per Participant					
Benefits from changes to: ¹	Benefits to:				
	Participants	Taxpayers	Others ²	Indirect ³	Total
Crime	\$0	\$868	\$1,535	\$432	\$2,835
Adjustment for deadweight cost of program	\$0	\$0	\$0	(\$560)	(\$560)
Totals	\$0	\$868	\$1,535	(\$128)	\$2,274

¹In addition to the outcomes measured in the meta-analysis table, WSIPP measures benefits and costs estimated from other outcomes associated with those reported in the evaluation literature. For example, empirical research demonstrates that high school graduation leads to reduced crime. These associated measures provide a more complete picture of the detailed costs and benefits of the program.

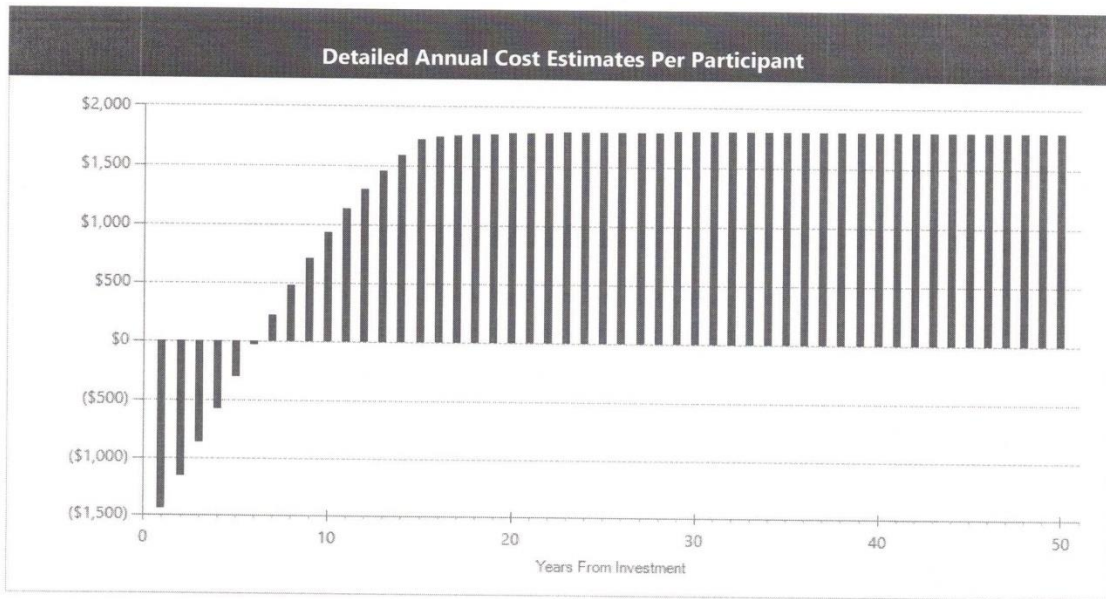
²"Others" includes benefits to people other than taxpayers and participants. Depending on the program, it could include reductions in crime victimization, the economic benefits from a more educated workforce, and the benefits from employer-paid health insurance.

³"Indirect benefits" includes estimates of the net changes in the value of a statistical life and net changes in the deadweight costs of taxation.

Detailed Annual Cost Estimates Per Participant				
	Annual cost	Year dollars	Summary	
Program costs	\$1,078	2013	Present value of net program costs (in 2017 dollars)	(\$1,129)
Comparison costs	\$0	2013	Cost range (+ or -)	10 %

Per-participant cost from the Dispute Resolution Center of Thurston County, 2013 Annual Report, Olympia, WA.

The figures shown are estimates of the costs to implement programs in Washington. The comparison group costs reflect either no treatment or treatment as usual, depending on how effect sizes were calculated in the meta-analysis. The cost range reported above reflects potential variation or uncertainty in the cost estimate; more detail can be found in our Technical Documentation.



The graph above illustrates the estimated cumulative net benefits per-participant for the first fifty years beyond the initial investment in the program. We present these cash flows in non-discounted dollars to simplify the "break-even" point from a budgeting perspective. If the dollars are negative (bars below \$0 line), the cumulative benefits do not outweigh the cost of the program up to that point in time. The program breaks even when the dollars reach \$0. At this point, the total benefits to participants, taxpayers, and others, are equal to the cost of the program. If the dollars are above \$0, the benefits of the program exceed the initial investment.

Meta-Analysis of Program Effects											
Outcomes measured	Treatment age	No. of effect sizes	Treatment N	Adjusted effect sizes and standard errors used in the benefit-cost analysis						Unadjusted effect size (random effects model)	
				First time ES is estimated			Second time ES is estimated			ES	p-value
				ES	SE	Age	ES	SE	Age		
Crime	30	6	266	-0.072	0.154	32	-0.072	0.154	42	-0.072	0.641

Meta-analysis is a statistical method to combine the results from separate studies on a program, policy, or topic in order to estimate its effect on an outcome. WSIPP systematically evaluates all credible evaluations we can locate on each topic. The **outcomes** measured are the types of program impacts that were measured in the research literature (for example, crime or educational attainment). **Treatment N** represents the total number of individuals or units in the treatment group across the included studies.

An **effect size (ES)** is a standard metric that summarizes the degree to which a program or policy affects a measured outcome. If the effect size is positive, the outcome increases. If the effect size is negative, the outcome decreases.

Adjusted effect sizes are used to calculate the benefits from our benefit cost model. WSIPP may adjust effect sizes based on methodological characteristics of the study. For example, we may adjust effect sizes when a study has a weak research design or when the program developer is involved in the research. The magnitude of these adjustments varies depending on the topic area.

WSIPP may also adjust the second ES measurement. Research shows the magnitude of some effect sizes decrease over time. For those effect sizes, we estimate outcome-based adjustments which we apply between the **first time ES is estimated** and the **second time ES is estimated**. We also report the **unadjusted effect size** to show the effect sizes before any adjustments have been made. More details about these adjustments can be found in our Technical Documentation.

Citations Used in the Meta-Analysis

- Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., . . . Sorsby, A. (2008.). *Does restorative justice affect reconviction: The fourth report from the evaluation of three schemes* (Ministry of Justice Research Series). Sheffield, United Kingdom: University of Sheffield, Centre for Criminological Research.
- Sherman, L.W., Strang, H., & Woods, D.J. (2000). *Recidivism patterns in the Canberra Reintegrative Shaming Experiments (RISE)*. Canberra, Australia: Centre for Restorative Justice, Research School of Social Sciences, Australian National University.

For further information, contact:
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Washington State Institute for Public Policy

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SCR-151

Submitted on: 3/20/2021 12:51:19 PM

Testimony for EDU on 3/22/2021 3:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurence Roussel	Individual	Support	No

Comments:

I HEARTILY SUPPORT THIS MEASURE (SCR151)

THIS SAVES MUCH NEEDED RESOURCES AND PROVIDES MORE SATISFACTORY OUTCOMES FOR VICTIMI AND REDUCES RECIDIVISM OF OFFENDERS

THANK YOU,

LAURENCE G ROUSSEL

HANA, HI

SCR-151

Submitted on: 3/20/2021 2:58:51 PM

Testimony for EDU on 3/22/2021 3:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sulara James	Individual	Support	No

Comments:

I support this wholeheartedly. Thank you for voting yes for this important resolution!

Aloha, Sulara

SCR-151

Submitted on: 3/20/2021 4:57:20 PM

Testimony for EDU on 3/22/2021 3:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Kneisler	Individual	Support	No

Comments:

Thank you for bringing restorative justice into the schools to support the children, teachers, administration and parents to be more loving and kind to each other during conflict

aloha

John

SCR-151

Submitted on: 3/20/2021 5:06:16 PM

Testimony for EDU on 3/22/2021 3:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Doug Nelson	Individual	Support	No

Comments:

I strongly support this measure. Restorative justice provides significantly better outcomes than traditional school systems, and leads to greater healing within the school community after incidents. Please encourage Hawaii schools to implement restorative justice programs.

SCR-151

Submitted on: 3/20/2021 5:24:39 PM

Testimony for EDU on 3/22/2021 3:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jason schwartz	Individual	Support	No

Comments:

In all these years, I have felt strongly about many things. At their core has been a desire for restoration and cultivation. I strongly support restorative justice practices and support SCR151. Aloha

SCR-151

Submitted on: 3/20/2021 5:30:22 PM

Testimony for EDU on 3/22/2021 3:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Heisel	Individual	Support	No

Comments:

Please support this bill. It would be a wonderful addition to the tools of our education system. It would help our kids tremendously.

SCR-151

Submitted on: 3/21/2021 5:57:51 PM

Testimony for EDU on 3/22/2021 3:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members,

Please support SCR151.

Thank you,

Andrea Quinn

LATE

SCR-151

Submitted on: 3/22/2021 9:14:47 AM

Testimony for EDU on 3/22/2021 3:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jori Manske	Individual	Support	No

Comments:

I am so pleased that this bill on restorative justice is being heard. Thank you for your attention to providing skills in our schools that restore the quality of connection needed for a healthy learning environment. These skills not only support learning and wellbeing in schools, but also can contribute to the current and future safety and wellbeing of our communities. These children are our future influencers and leaders.

Jori Manske

SCR-151

Submitted on: 3/22/2021 9:45:50 AM

Testimony for EDU on 3/22/2021 3:15:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Jim Manske	Individual	Support	No

Comments:

Greetings,

There is a long tradition in Hawai'i of communities discovering restorative solutions to conflict. School communities need these restorative solutions now!

What sense does it make to punish children by depriving them of time in school through suspensions or expulsions? I can think of no other strategy more self-defeating!

If the purpose of schools is to provide safe communities of learning in order to support children in becoming productive members of society, how does it make sense to deprive any child of that education as punishment for misbehavior?

We need to implement proven systems of restoration rather than punishment!

<https://www.wested.org/wp-content/uploads/2019/04/resource-restorative-justice-in-u-s-schools-an-updated-research-review.pdf>

School communities should be provided with all necessary resources to train staff, teachers, and children in practices and processes that constructively address behavioral problems. Ample research exists to demonstrate that punishment rarely if ever, works. Rather than decrease the likelihood of future problems, punishment actually increases the likelihood of escalating behavioral issues, sadly culminating in a school to prison pipeline that is costly to society.

How about we focus instead on healing and reconciliation strategies that address underlying behavioral problems within individuals, families, and social systems?

These strategies have been time tested, including Ho'oponopono, mediation, restorative dialog, restorative circles, and other connecting strategies that teach what we most want children to learn: to take responsibility for harms they inflict, make repairs, rebuild relationships, and increase peace in schools and in communities.

Please consider sending a clear message to the Department of Education to implement restorative solutions for the sake of our children, and our community. In the long run, it will save not only money, but save lives!

Jim Manske

Ha'iku, Hawai'i