

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Special Master Program Monitoring

March 19, 2024

LV, et al.,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION, et al.,

Defendants.

Prepared for

Loretta A. Preska

Senior United States District Judge

In 2007, the parties settled a class action lawsuit, resulting in a settlement which developed a governing document, the Stipulation, to measure compliance moving forward. The parties agreed to the Stipulation and an Independent Auditor has been in the role of measuring compliance.

When a special education hearing is held, an Impartial Hearing Officer overseeing the case can issue the decision that a service be provided or payment be made on behalf of the student. The NYC DOE then has 35 days to implement the order (unless otherwise specified), whether by making a payment and/or arranging the necessary service(s) for the student.

The DOE created an office, termed the Implementation Unit (IU), to manage the process by which these payments are authorized and services are arranged.

Obligation #39

Every 120 days from the date of this Order [7/19/2023], the Special Master will file a report with the Court on the DOE's progress in implementing the obligations that have come due in the prior 120 days pursuant to this Order (the "Obligations").

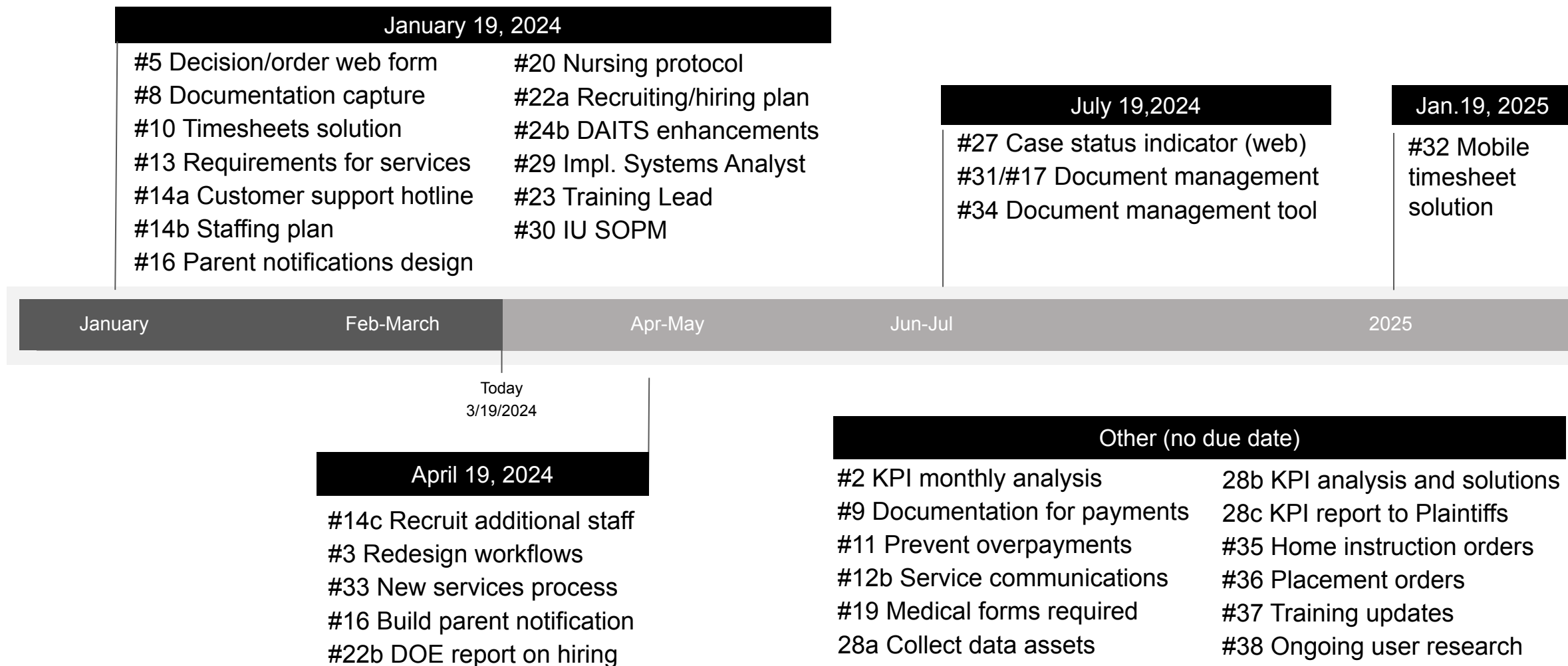
Each such report shall set forth (i) the Special Master's analysis as to whether each Obligation has been fulfilled; (ii) for any Obligation that the Special Master has concluded has been fulfilled, a detailed explanation of the basis for such conclusion; (iii) for any Obligation that has not been fulfilled, the impediments to fulfilling such Obligation, the measures necessary to overcome such impediments, and the timeframe for fulfilling the Obligation; (iv) for any Obligation that has not been fulfilled, a summary of the DOE's efforts to consult with Plaintiffs, the Special Master, or other relevant entities in order to fulfill the Obligation, or an explanation of good cause why no such consultation was held; (v) the next steps to be taken to fulfill the Obligations; and (vi) any additional recommendations of steps the DOE must take to meet the Stipulation's benchmarks, including but not limited to those identified as future recommendations in the Special Master's March 29, 2023 report. The DOE should provide all reasonable assistance to the Special Master in preparing this report, and Plaintiffs will be permitted to provide feedback.

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Executive Summary

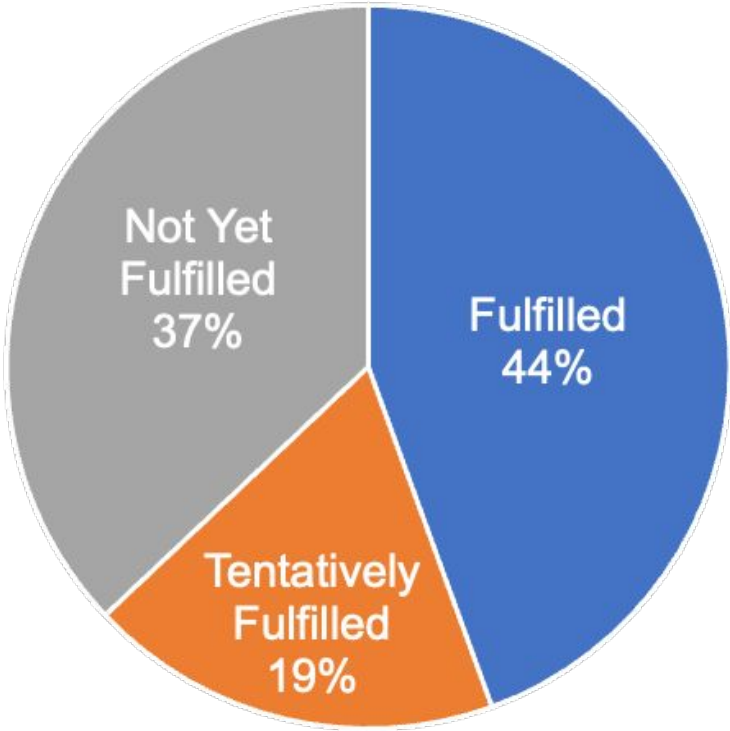
Timeline of Obligations through 2024



Progress Snapshot by Due Date

The below represents the count of obligations that were due at various points since the issuance of the Order, along with the status of their fulfillment.

Obligation Due Date:	Sept. 19, 2023	Oct. 19, 2023	Nov. 19, 2023	Jan. 19, 2024	Total
Fulfilled	4	7	-	1	12
Not Yet Fulfilled	-	-	-	10	10
Tentatively Fulfilled	-	2	1	2	5



Key Takeaways

- Of the twenty-seven obligations due to date, DOE has fulfilled twelve, or 44%, (as of March 18, 2024).
- As I mentioned in my previous report to the Court, the most significant challenge to DOE's fulfillment of many of the obligations is allocating the funding needed to implement necessary changes. On January 16, 2024, OMB released Mayor Adam's *Financial Plan Detail for Fiscal Years 2024 – 2028*, budgeting \$25M for the LV Order in FY 2024. Additionally, approximately \$130M has been allocated for FY 2025 through FY 2028. I applaud the Mayor and DOE's leadership in making this decision.
- DOE is currently taking action, including posting almost 40 new positions, on the budget line items approved by OMB. There are now just over 3 months remaining for DOE to allocate the funding by FY end.

Key Takeaways (continued)

- Of the obligations that have not been fulfilled, a combination of high-level factors contributes, however a lack of funding is no longer one of them. Another contributing factor related to IU staff being overburdened remains an issue -- DOE is putting a stronger focus on recruiting and hiring to build the necessary capacity for the IU. (Obligations #14, #22, #40)
- To support and facilitate the design of the Impartial Hearing Officer's web form (obligation #5), I have been collaborating with the New York State Education Department (NYSED) and NYC Office of Administrative Trials and Hearings (OATH) and, as a group, have discussed and determined a tentative near-term approach. Discussions are still ongoing and I hope to arrive at a solution that meets the needs of all Parties in the near future.

Key Takeaways (continued)

- Due to the critical nature of the impartial hearing management system (IHMS) in development, and per Your Honor's approval, experts in applications development practices were consulted and assessed two of DOE's data systems: DAITS (DOE's existing system for Implementation) and IHMS. The assessment of IHMS found no issues with its technical design, but rather cited the lack of roles and certain practices around the development project itself. Further details are provided in Appendix I.

Obligations Fulfilled

During This Reporting Period (11/20/23 - 3/19/24)

Obligations Fulfilled

Obl.#	Obligation	Due Date	Rationale
12	(a) Within two months of the date of this Order, the Implementation Unit will assign resources to flag incoming orders deemed high priority, as the DOE and Plaintiffs agree upon the term “high-priority.” The Implementation Unit will triage and route orders accordingly. The DOE should consult and obtain feedback from Plaintiffs on what orders should be deemed “high priority.” Should the DOE and Plaintiffs fail to agree on what orders should be deemed “high priority,” the Special Master will advise the Parties and/or raise the issue with the Court for determination	9/19/23	After extensive discussions with NYSED, OATH, DOE, and Plaintiffs regarding high priority category #7 on evaluations, a consensus on the specific criteria for evaluations and IHO flagging guidance was not reached. To avoid delaying the flagging process for the other agreed on five categories, I have removed category #7 from the high priority list. OATH is currently revising their guidance for IHOs, which will be shared with NYSED to ensure uniformity in flagging high-priority cases. Plaintiffs have requested the reinstatement of category #7, which I will consider after reviewing progress of flagging and prioritizing high priority orders.

Obligations Fulfilled

Obl.#	Obligation	Due Date	Rationale
26	Within three months of the date of this Order, the Special Master and the DOE will identify the types of action items that require the greatest levels of effort to process as well as those most likely to contribute to the backlog of hearing order implementation. Based on the analysis, the DOE will develop solutions to remove the causes for the backlog attributable to the DOE;	10/19/23	The DOE was able to identify 60+ pain points in obligation #3, and drafted corresponding potential solutions. The themes included staff, process, and communications. As obligation #26 calls for DOE to develop solutions to the issues, I asked DOE to envision a series of projects to solve the three problems (staff, process, and communications). I provided a template of a high-level project plan for DOE to outline the objectives, activities, timeframe, etc. of each project (3). DOE responded with a document outlining a plan for each project in a format I found acceptable. I consider these three new projects as additional items to monitor – future reports to the Court will include status updates.

Obligations Fulfilled

Obl.#	Obligation	Due Date	Rationale
7	Within three months of the date of this Order, the DOE will identify a file-sharing process and tool to improve transparency of all documentation presented as evidence at the hearing so that all pertinent documents can be continually accessed by the Implementation Unit;	10/19/23	The DOE identified its upcoming Impartial Hearing Management System (IHMS) as the solution for document management in due process. A business requirements document (BRD) was developed by the IHMS team around document management functions. I determined it fulfills the obligation to identify a solution.

Obligations Fulfilled

Obl.#	Obligation	Due Date	Rationale
14b	(b) within six months of the date of this Order, design a plan for additional staffing within the Implementation Unit,	1/19/24	The DOE has shown recent progress in recruiting multiple personnel for the IU. Initially, the development of a staffing plan and the creation of job descriptions were delayed due to budget restraints. Following the Mayor/OMB budget approval, the DOE has since shared job descriptions and staffing plan with Special Master, leading to the fulfillment of the obligation.

Obligations Tentatively Fulfilled

During this Reporting Period
(11/20/23 - 3/19/24)

Obligations Tentatively Fulfilled

Obl.#	Obligation	Due Date	Rationale
40	Within four months, the DOE will identify a part-time resource (50%) focused on recruiting and hiring staff for the Implementation Unit.	11/19/24	The DOE has identified a resource to fill this role, and has shared an email from DOE leadership confirming this resource appointment. I have marked this obligation as tentatively fulfilled, and as a next step plan to interview this resource before marking the obligation as fulfilled.

Obligations Tentatively Fulfilled

Obl.#	Obligation	Due Date	Rationale
23	The DOE will designate a dedicated resource to plan, develop, and deliver training materials for Implementation Unit and OGC staff and within six months of the date of this Order, create a training plan, develop materials, and deliver training pertinent to the implementation of orders. The DOE will update training materials to reflect changing policies and processes;	1/19/24	The DOE had been waiting on funding to identify a dedicated training resource, but has recently moved forward on this obligation. DOE has identified a person for the role and has provided me with the name in addition to training materials they developed for Implementation Liaisons. They conveyed that they have conducted a training session. For this obligation to be marked as “fulfilled” the DOE needs to continue to deliver training to designated audiences (per plan, obligation #6) in addition to sharing training materials with me, (presentations, survey results, etc.).

Obligations Tentatively Fulfilled

Obl.#	Obligation	Due Date	Rationale
29	Within six months of the date of this Order, the DOE will add the role of Implementation Systems Analyst to the Due Process Systems and Analytics Office to maintain documentation of workflows and continue the process of streamlining implementation processes;	1/19/24	Previously, the DOE indicated that funding constraints prevented filling this role. However, following the allocation of funding for this position, the DOE has publicly posted this role. I will consider this obligation fulfilled once the position is filled.

Obligations Not Yet Fulfilled (due 1/19/2024)

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
20	Within six months of the date of this Order, the DOE and the Office of School Health will modify any applicable procedures with nursing agencies to specify that postings and assignments for a nurse will remain open until an individual nurse has been formally assigned to a student rather than when the nursing agency has claimed the posting;	1/19/2024	- DOE reports that other litigation is slowing down the process and that communications are more sensitive. Plaintiffs pointed out that current ongoing litigation was known when DOE agreed to the timeline of this obligation.	- DOE shared an exchange between OGC and OSH around communications, an RFP for health agencies, and public-facing website that are currently in process. DOE recently submitted an updated Updated Implementation Liaison Directory and Escalation Protocol.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- DOE/IHO/OSH to provide copy of communications to health agencies - DOE to provide URL for public-facing website - SM to review the recently submitted Directory			See Steps	March, 2024

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
14a	The DOE will (a) within six months of the date of this Order, deploy a customer support hotline and formal network structure for the Implementation Manager role to serve as the point-of-contact for the case and coordinate service action items across DOE offices, schools, attorneys and parents,	1/19/2024	- DOE has identified a vendor for the customer support hotline and is in contract discussions. Funding was allocated in the Mayor's financial plan in January.	DOE has provided status updates on this effort.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- DOE and Nagarro (customer support vendor) to finish scoping and requirements-gathering - Contract to be finalized and Nagarro to kick off the work - DOE to invite SM to Demo of Wireframes to gather SM feedback			- None	April, 2024

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
24b	Within six months of the date of this order, the DOE will develop, test, and release the DAITS enhancements	1/19/2024	DOE has reported they have not historically had the resources for this work. Per the Mayor's financial plan, DOE has now obtained funding and DIIT has drafted a Statement of Work.	My team conducted an independent technical review with DOE's participation, uncovering no single technical cause for the degradation of DAITS, other than neglect.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- Onboard the technical resource(s), and provide them orientation to DAITS and list of DAITS fixes required (obligation #24a) - Finalize and approve the Negotiated Services Agreement			With the onboarding of a role, institute applications management processes, (e.g., incident management, release management)	March, 2024 (onboard resource) April 2024 (begin implementing changes)

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
22a	Within six months, the DOE will develop a recruitment and hiring strategy for new staff to meet the volume of backlogged orders that have not been implemented and orders as they are issued currently and in the future.	1/19/2024	- A recruiting/hiring/HR resource is needed to develop the recruiting strategy, (obligation #40). DOE reports they have identified a resource to fill this role, but there have not been other details shared, (e.g., job description), besides the resource's name.	- DOE shared table of job postings to support satisfying this obligation, however I have requested a recruitment and hiring strategy
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- HR resource to develop Recruiting and Hiring strategy			- See Steps	As soon as possible (overdue)

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
5	With endorsement from Plaintiffs, DOE, OATH and NYSED leadership, within six months of the date of this Order, the DOE will research and design a web-based interface for Impartial Hearing Officers to issue decisions and build the user-friendly web form for capturing orders ... allowing both common and uncommon relief to be ordered. The web-based interface must include the ability to capture the decision and order, both via structured input fields (e.g., a dropdown menu) and/or in writing (e.g., a free-form text field), with the full independence and discretion of the Hearing Officer;	1/19/2024	OATH and NYSED's input into the DOE IHMS design has historically been minimal. I am currently facilitating discussions with OATH and NYSED on the design of the web form to capture their needs, concerns, expectations, etc.	When appropriate, outputs will be shared with Plaintiffs. I plan to continue to update DOE OGC leadership on the progress being made on this obligation.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- DOE/IBM to review (demo) the IHMS module pertaining to the decision/order with OATH/NYSED, and capture feedback - Plaintiffs to review system design outputs			Include NYSED/OATH in the design of the web form going forward as well as get Plaintiff feedback	May, 2024

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
13	Within six months of the date of this Order, the DOE will define data and system requirements for monitoring incoming and tracking the ongoing implementation of orders comprised of service action items. Structured input by the hearing officer issuing the order should include deadline or due date types of input fields;	1/19/2024	DOE has recently (3/11/2024) referred me to specific documentation on data and system requirements. At the time of this writing, I am still evaluating these materials.	- DOE shared an email pointing me to the various sections of BRDs that contain this functionality
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- Special Master to continue review of data and system business requirements documentation (BRDs) - Special Master to share feedback and questions following this review			- See Steps	As soon as possible (overdue)

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
30	Within six months of the date of this Order, the DOE will expand the LV Payment and Service Guidelines for Implementation Unit staff into an Operating Procedures Manual, and design and implement a professional development series on order implementation for DOE staff;	1/19/2024	Capacity to develop and write the Operating Procedures has been a challenge. It is currently in process – deliverable has been drafted, but a copy has not yet been shared with me.	DOE has conveyed they are working on a draft of the SOPM.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- DOE to finalize first draft of the Operating Procedures Manual and share with stakeholders for review			- See Steps	As soon as possible (overdue)

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
10	The DOE will assess and implement a solution to support the submission and immediate approval of timesheets within six months of the date of this Order.	1/19/2024	The DOE has begun an effort to create a custom invoicing / timesheet system, termed 'Polaris.' The system is dependent on DIIT resources and prioritization of development for LV/Implementation.	The DOE and the vendor for Polaris have consulted my team to assess technical viability of Polaris as a solution.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- DOE/DIIT Polaris team to gather requirements from IU - DOE/DIIT Polaris team to begin development of solution			DOE/DIIT should estimate the time and resources to develop Polaris for Implementation, in concert with IHMS.	As soon as possible (overdue)

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
8	Within six months of the date of this Order, the DOE will design a process by which the DOE can collect relevant implementation documentation from parents and guardians, parent representatives, and providers before the hearing; the DOE will conduct user research with parents to design a web-based and offline data collection process to facilitate this. The DOE will modify any necessary policies or technologies to allow parents to submit payment documentation as multiple files or different formats;	1/19/2024	DOE has, in comments to this report, pointed me to some specific BRDs that relate to this process. However, I have not received any communications outside of these comments shared on 3/15	None
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- DOE submit an email to me detailing specific documentation to review for this obligation			- See Steps	As soon as possible (overdue)

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
16	Within six months of the date of this Order, the DOE will design an automated service to generate emails to parents, attorneys and advocates, and providers at key milestones in the administrative workflow of the implementation of an order, such as when an Implementation Manager unpacks the hearing order, when a service provider has been identified, when a payment action item has been authorized, and when the payment has been sent to the parent or provider.	1/19/2024	DOE has, in comments to this report, pointed me to some specific BRDs that relate to this process. However, I have not received any communications outside of these comments shared on 3/15	None
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- DOE submit an email to me detailing specific documentation to review for this obligation			See Steps	As soon as possible (overdue)

Risks and Issues

Definitions for this report

A risk is a problem that might occur if action is not taken.

An issue is a problem that is impacting stakeholders right now.

Issues being monitored as of 3/10/2024

Current Issues

ID	Issue	Status	Owner	Update	Due Date
i-1	The Impartial Hearing Management System (IHMS) deployment faces delays in roll out.	Active	Intekhab Shakil, DOE CIO	The technical review by the Special Master found the overall technical architecture approaches for IHMS are viable, but significant gaps exist in communications, project transparency and software development processes that will result in significant delays and missing Court obligation due dates.. Recommendations to remediate were provided to OGC and DIIT.	TBD

Issues being monitored as of 3/10/2024

Current Issues

ID	Issue	Status	Owner	Update	Due Date
i-2	DOE OGC staff are overburdened with other competing priorities.	Active	Liz Vladeck, DOE General Counsel	DOE has recently posted approximately new 40 roles to support the work of the implementation unit.	TBD
i-3	DAITS, the Implementation Unit's system of record, is increasingly deteriorating in its performance, (regular outages)	Active	Intekhab Shakil, DOE CIO	The technical review by the Special Master included a high-level review of issues plaguing DAITS: there is no single root cause; the DOE has not, historically, dedicated the resources necessary to maintain DAITS. The fixes mandated by obligation #24 that was due 1/19, citing funding constraints, are still not filled. DOE is now exploring onboard of a vendor to perform the fixes.	TBD

Risks being monitored as of 3/10/2024

Current Risks

ID	Risk	Status	Owner	Update	Due Date
r-2	IHMS systems integrations plans are unclear to stakeholders.	Active	Intekhab Shakil, DOE CIO	Detailed integration design and data mapping is in the beginning stages and DIIT's API Gateway should provide access to necessary data. However, until those integrations are built and tested, the team will not know whether the data from the integration will need to be processed or transformed to meet IHMS needs, adding a degree of uncertainty to the design and timelines.	TBD
r-3	User Research firm has rolled off the IHMS project. Several obligations are dependent on user research.	Active	Intekhab Shakil, DOE CIO	There is no plan for a resource to perform user research. I request DOE describe how they intend to fulfill obligations #5, #8, #28 and #32.	2/19/24

Risks being monitored as of 3/10/2024

Current Risks

ID	Risk	Status	Owner	Update	Due Date
r-4	Hosting IHMS on the DOE network infrastructure (as opposed to cloud) will result in the same performance issues affecting existing DOE applications, like DAITS.	New	Intekhab Shakil, DOE CIO	The IHMS application is hosted in the DOE data center and all server environments associated with the application are installed and operated by DIIT. IBM's technical specification document specifically called out risks and design constraints from the use of DOE's infrastructure as opposed to hosting the application in the Microsoft Azure Cloud. There have been delays in getting servers provisioned for IBM use.	TBD

Appendix I: Independent Technology Assessment

Background and Approach

- Of the 40 LV Order Obligations being monitored by the Special Master, 19 obligations have a specific dependency on technology solutions utilized by the DOE.
- As noted in earlier progress reports, many of the improvements and optimizations of new processes will rest on the success of the technology solutions in place and being developed. To assess the viability of the technology applications, Beacon Consulting Partners (BCP) conducted an independent assessment on three (3) applications that are key to the fulfillment of the LV Order Obligations, specifically Impartial Hearing Management System (IHMS), Decision Action Item Tracking System (DAITS) and Polaris Timesheet application.
- BCP used an evidenced-based approach consisting of reviewing available project documentation and artifacts, conducting interviews and observing standing meetings to create their assessment.

General Technology Findings

- The Implementation Unit currently uses outdated applications that have not been supported and maintained as enterprise assets by DIIT, which has led to significant performance degradation, frequent outages and end-user frustrations from not being able to complete daily tasks.
- IHMS is being developed to replace the outdated applications, but has been delayed from initial timelines. While the technology approach is viable, the lack of formalized business and technical roles and responsibilities and the level of uncertainty of software development processes will result in significant delays and missing LV Order mandates.
- Staff shortages within the Office of the General Counsel and Impartial Hearing offices as well as within DIIT continue to exacerbate DOE's inability to support and maintain existing technology and will lead to further delays in the development of new technology (specifically IHMS).

Key Takeaways - DAITS

- The Decision Action Item Tracking System (DAITS) and its connection to the Impartial Hearings Financial System (IHF) has been plagued by performance and reliability issues that span multiple technical areas including database performance, integration with the DOE's financial management system (FAMIS) and bugs in the outdated code base. There have not been dedicated technical resources supporting or maintaining the application which leads to issues with the Implementation Unit completing their work in a timely manner.
- In order to resolve the performance issues with DAITS and IHF, DIIT is currently seeking resources to investigate the root cause of performance issues and to create a plan and timeline to manage the application going forward.

Key Takeaways - IHMS

- The overall technical architecture approaches for IHMS are viable. However, significant gaps exist in project coordination due to staff shortages and software development processes that will result in significant delays to the estimated timelines and therefore will not meet the mandates of the LV Order.
- In order to improve the accuracy of project timelines going forward, it is recommended that: DOE, assign project roles to solidify the decision-making hierarchy within the business and cooperation with DIIT and IBM, enforce an adherence to project management controls to have more transparency and coordination of project tasks, timelines and risks, and ensure development processes for data integration and testing are well articulated and validated.

Executive Summary: IHMS Project Scoring

IHMS' low Beacon Score indicates that the project has significant information gaps:

Factors affecting Clarity Score

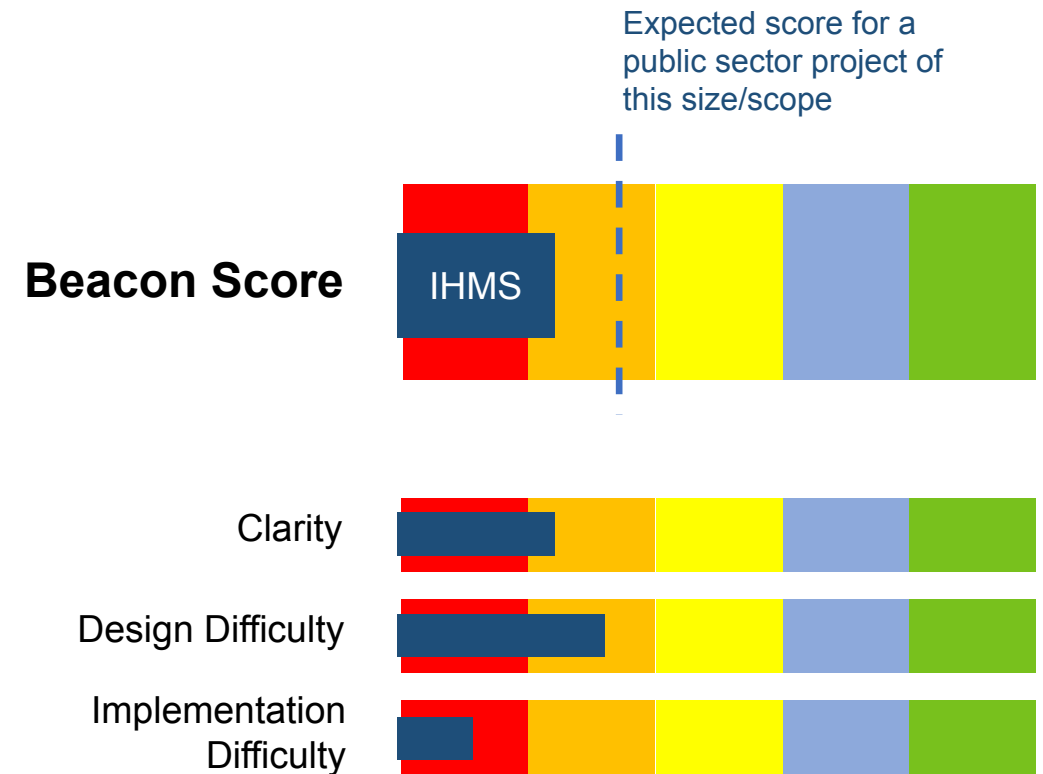
- Lack of clarity in key project roles and decision-making
- Lack of up-to-date project documentation detailing project activities, risks and plans

Factors affecting Design Difficulty Score

- High reliance on integration and lack of information on detailed test plans

Factors affecting Implementation Difficulty Score

- Implementation of the application on DOE (on-premise) servers that adds installation and maintenance effort
- Uncertainty around how the application will be supported post-go-live



Lower than expected scores indicate there is a high degree of uncertainty whether the project will be able to meet expectations on time and on budget.

Appendix II: Obligations Fulfilled in Prior Reporting Periods

Obligations Fulfilled

Obl.#	Obligation	Due Date	Rationale
24(a)	(a) Within 45 days of the date of this Order, the Special Master and DOE will inventory all functional issues of DAITS that impede the hearing order implementation workflow, including but not limited to system crashes, system outages, and system timeouts, and prioritize enhancements.	9/4/2023	In August, Implementation Unit (IU) staff developed an initial list of enhancements needed to DAITS (.xls), which was then prioritized by the IU as critical or nice to have. DOE and SM discussed the contents and finalized the list; (IBM responded with how IHMS will address the needs). Once signed off, DOE DIIT has since used the list to begin estimating the level of effort to deliver the fixes and is gathering more detailed requirements.
	(b) Within six months of the date of this Order, the DOE will develop, test, and release the DAITS enhancements;		
3	Within two months of the date of this Order, the Special Master will identify by type of Action Item the key pain points around the implementation of payment orders and service orders.	9/19/2023	Using the list of all possible action item types (e.g., tuition reimbursement, PT), the DOE documented the key issues in the process of implementation (.xls), respectively. The DOE also supplied a general sense of the volume and level of effort to implement each action item type. I held discussions with IU to understand the pain points and added my assessment of the root causes. Plaintiffs provided their feedback on the analysis,(several points of feedback will be addressed by obligation #26).

Obligations Fulfilled (continued)

Obl.#	Obligation	Due Date	Rationale
21	Within two months of the date of this Order, the DOE will formalize, designate, and confirm a liaison role in OPT, with an escalation path, to coordinate the implementation of transportation orders between the Implementation Unit, OPT, and OSH as applicable. The DOE will improve communications and track implementation of impartial hearing orders requiring transportation and provide monthly status updates to parents on the implementation of such orders, except where DOE is not in compliance with a transportation	9/19/2023	The DOE produced a “chart” (.doc) of Implementation Liaisons for OPT and OSH with escalation points, coordination protocols between offices, and procedures for implementing transportation orders. I reviewed the document and provided feedback, as did Plaintiffs, and DOE incorporated the comments into a new version which was finalized, (but will be updated in the future, as applicable).
1	Within three months of the date of this Order, the DOE will develop a customer support plan, including people and tools, for the Implementation Unit to address questions from parents and providers, routing Tier II questions to Implementation Unit Implementation Managers;	10/19/2023	I provided a template (.doc) of a customer support plan to DOE incorporating standard elements of such a plan (cross-industry) in outline form. DOE then developed a draft Customer Support Plan (.doc) from the template, detailing intended audience groups, outline of a support hotline and its objectives, training for hotline staff, and metrics to evaluate the effectiveness of the program going forward. I provided feedback which DOE incorporated into a final version. (The subsequent obligation is #14.) Plaintiffs currently have this document, however are awaiting the appendices items (which are other obligations that have not yet been fulfilled) to provide feedback.

Obligations Fulfilled (continued)

Obl.#	Obligation	Due Date	Rationale
2	Within three months of the date of this Order, the Special Master and DOE will identify the Key Performance Indicators (“KPIs”) for monitoring the internal administrative workflows of the Implementation Unit. KPIs will be presented to the Plaintiffs for feedback.	10/19/2023	DOE developed a list in table form (.xls) of metrics that could inform the day-to-day performance and decision-making of the Implementation Unit, (i.e., KPIs). I reviewed the file and suggested a number of additional attributes to characterize the KPI, which was incorporated. The list has also been reviewed by Plaintiffs who made suggestions of additional metrics. The DOE should now be developing more detailed requirements (e.g., calculation formulas, suggested by Plaintiffs) to gather the data and report on the respective metrics. (The subsequent obligation is #28.)
18	Within three months of the date of this Order, the DOE Implementation Unit will develop and communicate a clear procedure to inform schools and CSEs that an IEP meeting has been ordered and to ensure that the IEP was updated pursuant to that order;	10/19/2023	DOE submitted a draft of a procedures document, “Protocols for Communicating Orders for IEP Meetings,” for which I provided suggestions to improve the contents of the document, to be more clear, expand in areas, etc. DOE addressed the feedback and provided an updated version of the protocol document, which I accepted.

Obligations Fulfilled (continued)

Obl.#	Obligation	Due Date	Rationale
6	Within three months of the date of this Order, the DOE will formalize an approach to sustaining knowledge of implementation processes, to enable experienced staff to onboard, train and mentor more junior staff;	10/19/2023	My team shared a template of a professional learning plan deliverable in advance of the work. The DOE developed a <i>Professional Learning Plan</i> and submitted it in late October, which I reviewed and provided feedback, and eventually I accepted. The plan includes, among other things,
15	Within three months of the date of this Order, the DOE will formally designate Implementation Liaisons in all Districts and relevant Central offices (e.g., OPT, OSH, OSE) to act as points-of-contact in their respective areas for Implementation Managers to facilitate the arrangement of the ordered service(s). The DOE will also establish an escalation process when an Implementation Liaison is unavailable or unable to resolve a particular issue, with the escalation role being in an executive role within the respective DOE office;	10/19/2023	DOE developed an <i>Implementation Liaison Directory and Escalation Protocol</i> document (.pdf), which designates Implementation Liaisons for all relevant DOE offices and districts, and defines a protocol when that office does not address the order in a timely manner (i.e. escalation protocol). I provided feedback, as did Plaintiffs, which DOE addressed. An updated version of the protocol document was submitted back to me, reviewed, and I accepted.

Appendix III: Obligations Tentatively Fulfilled in Prior Reporting Periods

Obligations Tentatively Fulfilled

Obl.#	Obligation	Due Date	Rationale
4	Within three months of the date of this Order, the DOE will build and maintain a toolkit of existing assistive technology, schools, programs, and services that the DOE can Timely Implement (as defined in the Stipulation) any Action Items for provision of assistive technology;	10/19/2023	The DOE compiled a spreadsheet of assistive technology (AT) products from those that are readily available for DOE to quickly identify or procure for the student ("Timely Implement"). I reviewed the various categories and asked that DOE document how it will maintain the toolkit going forward, which DOE did. There is an open question as to the component of the obligation addressing "schools, programs, and services."
25	Within three months of the date of this Order, the DOE will assign an additional team of Implementation Unit Staff to expedite the implementation of any hearing order that is more than 35 days past the date of the hearing order. This team will continue its work until such time as orders are consistently being implemented within the implementation deadlines;	10/19/2023	The DOE documented a "Backlog Triage Plan" (.doc) to describe the procedures the additional team will perform in expediting orders 35+ days old. The plan includes documentation of a workflow, staffing plan, operational plan, data reporting and dependencies. Dependencies include resources/funding for the additional team, and as per other notes in this report, the budget is pending request to OMB at the time of this writing. That is why I have tentatively accepted this obligation, with the agreement that we continue to monitor the identification of the team members and launch of the process.

Future Schedule of These Reports

Report #	Draft Submitted to Parties	Parties' Feedback Due (If Any)	Report Submitted to the Court
3	6/28/2024	7/12/2024	7/19/2024
4	11/8/2024	11/15/2024	11/19/2024
5	2/7/2025	2/15/2025	2/19/2025

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