

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Special Master Program Monitoring

November 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. NYCPS 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.

NYCPS 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 NYCPS's progress in implementing the obligations that have come due in the prior 120 days pursuant to this Order (the "Obligations").

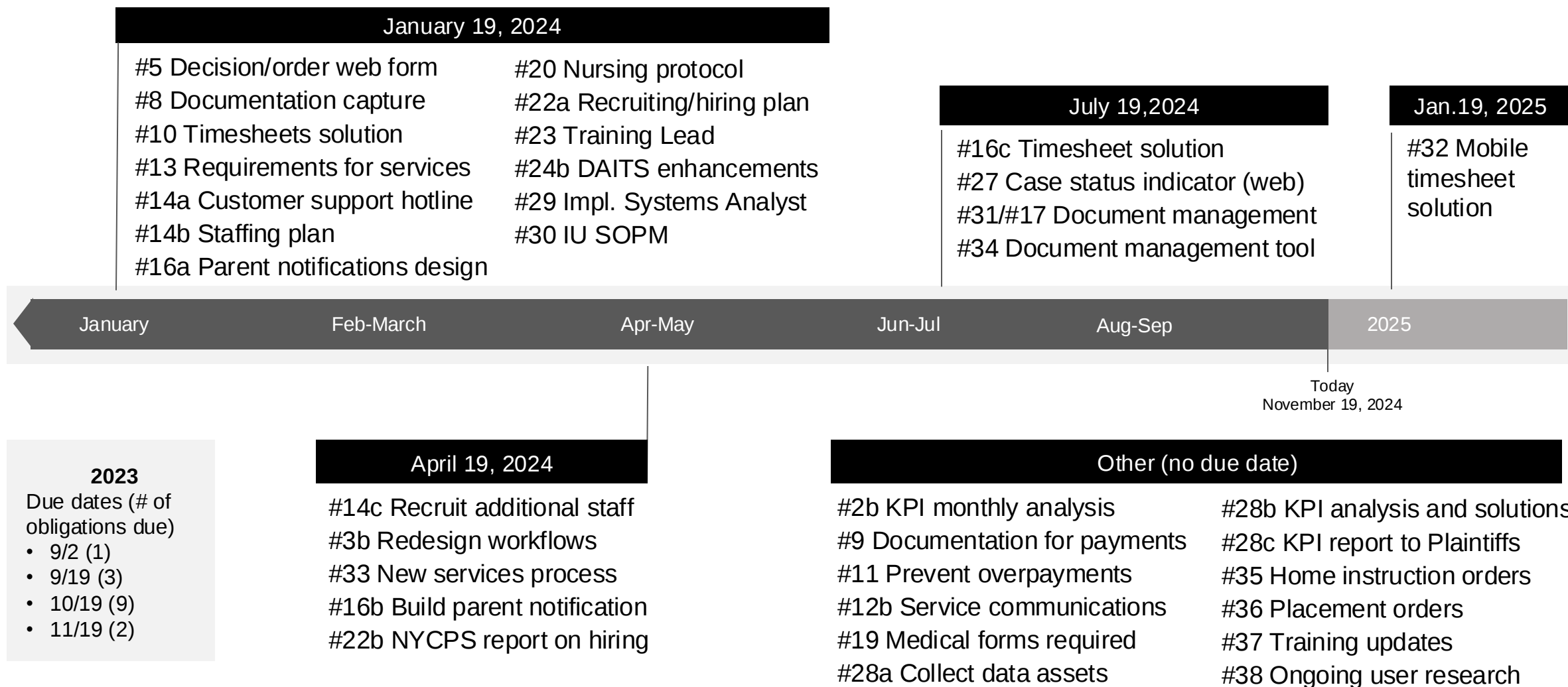
Each such report shall set forth (i) the Special Master's analysis as to whether each Obligation has been fulfilled; (ii) for any Obligation that the Special Master has concluded has been fulfilled, a detailed explanation of the basis for such conclusion; (iii) for any Obligation that has not been fulfilled, 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 NYCPS'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 NYCPS 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. NYCPS should provide all reasonable assistance to the Special Master in preparing this report, and Plaintiffs will be permitted to provide feedback.

Contents

- 1. Executive Summary**
- 2. Obligations Fulfilled**
- 3. Obligations Tentatively Fulfilled**
- 4. Obligations Not Yet Fulfilled**
- 5. Risks and Issues**
 - Appendix I: Independent Technology Assessment**
 - Appendix II: Obligations Fulfilled in Previous Reporting Periods**
 - Appendix III: Obligations Tentatively Fulfilled in Previous Reporting Periods**

Executive Summary

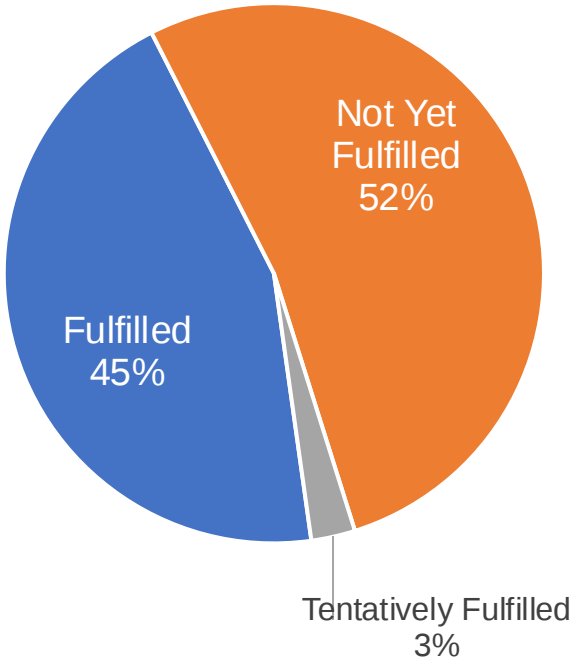
Timeline of Obligations 2024-2025



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	Apr. 19, 2024	Jul. 19, 2024	Total
Fulfilled	3	9	1	2	2	-	17
Not Yet Fulfilled	1	-	-	11	3	5	20
Tentatively Fulfilled	-	-	-	1	-	-	1



Note: The next obligation is due on January 19, 2025. The remaining obligations outlined in the Order do not have specific due dates; however, status updates are provided later in this report.

Key Takeaways

- Of the thirty-eight obligations due to date, NYCPS has fulfilled seventeen (45%) as of the filing of this report. NYCPS has not yet fulfilled any additional obligations since my last report filed on July 19, 2024.
- Obligation #12 (high-priority orders) was previously fulfilled but due to evidence that the process is not being followed, I am changing the status of this obligation as not yet fulfilled. I have asked NYCPS to provide evidence of how they have operationalized the high priority triage process.
- As you know, in recent months the Parties have submitted several letters to Your Honor on the topics of OMB/funding for LV/IU, process changes NYCPS has made, and the IU website and its content and organization. We discussed these topics with Your Honor on 11/7/2024 and look forward to meeting with the Parties in Court on 12/5/2024.

Key Takeaways

- Phase 1 of NYCPS's new Impartial Hearing Management System (IHMS) was originally scheduled for full development, testing, and deployment by this past July but has been delayed until the completion of user acceptance testing (UAT) for its Phase 1 functionality. While IBM associates continue to support UAT activities, the team size has been significantly reduced pending approval and funding for the Phase 2 change request (CR), which includes Implementation functionality. Additional details can be found in Appendix I.
- I continue to collaborate with OATH and NYSED to develop the web form fields for the hearing officer's decision form (obligation #5). After sharing the latest draft of the form fields, I received feedback from both organizations. We are currently in the process of distributing the draft to Parties for further input to finalize the form fields.

Key Takeaways

- After reviewing the documentation, having several in-depth discussions, and seeing a demo of Polaris, the new invoicing tool (obligation #10), we find the approaches to building it viable. However, the application's custom-built architecture encompasses multiple integrated frameworks and tools. This complexity necessitates detailed documentation to ensure ongoing understanding, maintenance, and support.
- The technical approach to providing customer support (obligation #14)—i.e., Nagarro, ServiceNow customization—seems feasible. Early feedback suggests that the pilot is going well, although it is anecdotal at this stage.
- DAITS resources are beginning stabilization work (obligation #24). While it has taken longer than expected to onboard resources to review the application, we have confirmed that two (2) resources were approved. One began work in August, and the second started in late October. To date, resources have been utilized to review some of the most pressing performance issues and are making necessary updates in the development environment.

Obligations Not Yet Fulfilled (due before 11/19/2024)

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, NYCPS, OATH and NYSED leadership, within six months of the date of this Order, NYCPS 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	Impediments are being mitigated, and progress is now being made. The next impediment may be the build of this functionality as it relates to the IHMS release schedule.	We have gathered feedback from both OATH and NYSED on the draft form fields and are in process of collaborating with Plaintiffs and NYCPS to finalize the output.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- Once Parties have provided all feedback, NYCPS to finalize the file of web form fields - NYCPS to plan for release of functionality			See steps to be taken	December 2024

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
8a	Within six months of the date of this Order, NYCPS will design a process by which NYCPS can collect relevant implementation documentation from parents and guardians, parent representatives, and providers before the hearing; NYCPS will conduct user research with parents to design a web-based and offline data collection process to facilitate this.	1/19/2024	NYCPS has not scoped this type of functionality for IHMS. This will need to be designed and planned for release.	NYCPS shared BRD documents with me on 3/15 in addition to a Nagarro Customer Service Hotline Project Plan on 5/23. These documents shared do not reflect the intent of this obligation. I have provided NYCPS additional guidance on this obligation.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- NYCPS to conduct “user research with parents” and draft “a process” by which to collect relevant documentation “before the hearing,” (with input from Plaintiffs).			See Steps	TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
8b	NYCPS will modify any necessary policies or technologies to allow parents to submit payment documentation as multiple files or different formats;	1/19/2024	(Same as 8A on the previous page)	As IHMS and Nagarro are being designed to accept multiple files/formats from parents and attorneys. I would suggest NYCPS change the website guidance now and ensure IU staff are aware.
Steps to be Taken		Special Master Recommendations		Timeframe to resolve
- NYCPS to update Implementation Unit webpage and remove the requirement for people to submit one PDF.		Remove reference to one PDF being the requirement on the IU website and ensure staff know this change to procedure/policy.		TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
10	NYCPS 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	NYCPS is in the process of creating a custom invoicing / timesheet system, termed 'Polaris' for service providers.	NYCPS and the vendor for Polaris have shared documentation and met with my team to assess the Polaris system and have found it viable.

Steps to be Taken	Special Master Recommendations	Timeframe to resolve
- NYCPS/DIIT Polaris team to develop the solution - Please refer to slides 62-69 for additional details	I suggest NYCPS/DIIT estimate the time and resources to test and roll out Polaris for Implementation, in concert with IHMS.	TBD

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, NYCPS will define data and system requirements for monitoring incoming and tracking the ongoing implementation of orders comprised of service action items.	1/19/2024	This obligation is dependent on functionality contained within NYCPS' special education data management system (SEDMS). I will need additional visibility into the release schedule for SEDMS, (launch date unknown).	NYCPS shared an email pointing me to the various sections of IHMS BRDs that contain some of this functionality. I am requesting documentation that NYCPS to share SEDMS project documentation.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- SEDMS and IHMS teams have started, and should continue, discussions regarding IHMS-SEDMS integration - NYCPS to share SEDMS project documentation once it is available.			Establish a working group to meet regularly to discuss the integration needed between SEDMS and IHMS	TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
14a	NYCPS 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 NYCPS offices, schools, attorneys and parents,	1/19/2024	NYCPS has contracted with a customer support vendor, who is now in process of conducting pilot 2 of the solution.	NYCPS and vendor has provided a few of demos for the SM team. Pilot 1 completed on 10/25 and I have requested a summary of those results.
Steps to be Taken		Special Master Recommendations		Timeframe to resolve
- NYCPS to continue including SM team on executive planning calls with vendor and share pilot updates and results throughout the process. - NYCPS planned steps: Technology release (mid-December 2024), customer support platform (January 2025), followed by phone hotline shortly thereafter		See steps		December 2024

Note: Plaintiffs' counsel has expressed concerns about the DOE's intentional exclusion of Class counsel in DOE's discussions with parents regarding implementation of the Court's July 19, 2023 Order. Plaintiffs' Counsel have the concern that parents are members of the Class and therefore represented by Class Counsel, so cannot be contacted by Defendants in connection with their legal obligations in this litigation without counsel present.

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
16a	Within six months of the date of this Order, NYCPS 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	NYCPS has, in comments to my previous report, pointed me to specific BRDs that relate to this process.	NYCPS shared the NYCSA BRD with me on 7/17, however I responded providing feedback and have not received any updates on this obligation since.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- DIIT is reviewing the mechanism by which the automated notifications are generated (i.e. from IHMS directly, through NYSCA). - NYCPS to draft the requirements/content of “an automated service to generate emails to parents...”			See Steps	TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
16b	Within nine months of the date of this order, NYCPS will build the notification function and begin testing	4/19/2024	NYCPS has not designed the notification function as per obligation #16a, which is a dependency for this obligation (to build the notification function).	None
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
Same as #16a - DIIT is reviewing the mechanism by which the automated notifications are generated (i.e. from IHMS directly, through NYSCA). - NYCPS to draft the requirements/content of “an automated service to generate emails to parents...”			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
16c	Within twelve months NYCPS will deploy the function publicly; (see 16a and 16b)	7/19/2024	This obligation depends on the design of the build of the notification function and testing (#16b). The origin of this obligation stemmed from a capability DAITS already has. This is a missed opportunity for a near-term solution.	None
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- See #16a			See #16a	TBD

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, NYCPS 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	On 5/13, DOE provided a URL for general nursing forms. I am awaiting additional information from NYCPS/OSH, including response to an email string around the communication to the nursing agencies.	NYCPS provided me with an update on 5/13/2024 sharing their efforts to date. I have requested follow-up documentation.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- NYCPS/IHO/OSH to provide copy of communications to health agencies			See Steps	TBD

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, NYCPS 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	NYCPS has taken steps to improve recruiting and hiring and has had success in hiring. But NYCPS has not provided me with a documented strategy.	NYCPS shared a table of job postings to support satisfying this obligation, however “a recruitment and hiring strategy” is what is required. NYCPS has also shared some recent steps taken to attend select local law school career fairs.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- Document and share a recruiting strategy that include innovative measure to attract candidates.			Continue recruiting efforts, such as visiting career fairs, LinkedIn, or other innovative recruiting practices.	As soon as possible

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, NYCPS will develop, test, and release the DAITS enhancements	1/19/2024	DAITS resources are beginning stabilization work While it has taken longer than expected to onboard resources to review the application, two (2) resources were approved, one began work in August and the second started in late October.	My team has been briefed on NYCPS's progress on this obligation. See Appendix I DAITS (slides 60-61)
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- To date resources have been utilized to review some of the most pressing issues related to performance and are making necessary updates in the development environment. - Test fixes prior to releasing them into production within the next few months.			See Appendix I DAITS (slides 60-61)	TBD

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, NYCPS 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 NYCPS staff;	1/19/2024	Capacity to develop and write the Operating Procedures has been a challenge, however NYCPS shared a draft of this deliverable on 5/8/2024. I responded with feedback and questions on 5/21/2024 and am awaiting an updated version from NYCPS	NYCPS has shared a draft of the SOPM with me. I am awaiting revisions based on my feedback shared on 5/21. NYCPS has reported they will revise in 2025.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- NYCPS to revise first draft of the Operating Procedures Manual based on my feedback - Share an updated version for Plaintiffs and I to review			See Steps	TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
33	Within nine months of the date of this Order, NYCPS will launch the process of monitoring and coordinating service action items, as defined in paragraphs 14-16	4/19/2024	This obligation first requires the development of an improved process to monitor and coordinate service action items as per obligation #13 – this obligation is not yet fulfilled.	None
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- Develop the necessary process and documentation as per obligation #13 - Plan for the launch of the process (e.g., training)			Articulate the new process for monitoring service action items (obligation #13) and assess impacts	TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
22b	NYCPS will report to the Court on a quarterly basis its progress on hiring, including the nature and impact of any impediments to the implementation of that strategy	4/19/2024	NYCPS is in the process of hiring additional staff and has been providing me with certain updates but has not yet produced a report to the Court as specified here. I have also met with OMB to understand their budgeting process to fund roles identified by NYCPS to meet the obligation of the Order.	Awaiting NYCPS's latest hiring report. Awaiting an update from OMB on funding requests made by NYCPS to support satisfying the obligations in the Order.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- NYCPS to draft a quarterly report to the Court with its progress on hiring - NYCPS to share a draft of the quarterly report for my review			I recommended the timeframe for the hiring reports be synchronized with my due dates for this report, (120 days instead of quarterly).	December, 2024

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
27	Within one year of the date of this Order, NYCPS will develop and deploy an accessible status indicator (web-based) for parents to easily view their case's status in the due process workflow;	7/19/2024	NYCPS has not begun gathering requirements for this obligation. This functionality was not included in the development of IHMS BRDs thus far.	None
Steps to be Taken		Special Master Recommendations		Timeframe to resolve
- NYCPS to gather requirements and share with me		This functionality should be added to the scope of the next phase of IHMS.		TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
31	Within twelve months of the date of this Order, NYCPS will centralize the collection, submission and sharing of pertinent documents among NYCPS's impartial hearing representatives and Implementation Unit on a single platform. NYCPS will establish a process by which documentation from families is captured by NYCPS representative at the hearing;	7/19/2024	This obligation is dependent on the successful launch of IHMS.	My team continues to observe the progress of IHMS and are providing guidance around certain aspects.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- TBD			- TBD	As soon as possible

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
34	Within one year of the date of this Order, NYCPS will build the necessary document management functionality into the new special education data system to share documents across special education processes, as defined in paragraph 17	7/19/2024	This obligation is dependent on the successful launch of SEDMS.	None
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- TBD			- TBD	As soon as possible

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
32	Within eighteen months of the date of this Order, NYCPS will build or procure a mobile application by which providers can enter their hours on their phone upon providing a service and NYCPS will not require a traditional invoice for payment. The new invoicing process and tool will be designed to streamline the invoice approval process. NYCPS will conduct user research with providers and parents to identify the mobile application	1/19/2025	While Polaris is being developed and rolled out, NYCPS has not documented mobile functionality for the invoicing tool.	NYCPS provided my team with documentation on the Polaris solution, which did not indicate any future mobile functionality.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- NYCPS to research and gather requirements for mobile solution			- See steps	Not yet due

Obligations Not Yet Fulfilled

Those without due dates specified

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
2b	(b) Once the required data assets are integrated, the Implementation Unit and NYCPS's Office of General Counsel will monitor progress of implementation, and KPIs, and report on the progress of KPIs to the Special Master and Plaintiffs on a monthly basis.		NYCPS is still in the process of gathering and integrating all of the data that would be needed to report on KPIs.	NYCPS provided a sample of data regarding authorizations in its recent letter to the Court.
Steps to be Taken		Special Master Recommendations		Timeframe to resolve
-NYCPS to gather and integrate data assets -NYCPS to update Parties on delivery date for future KPI reports		- See steps		As soon as possible

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
9	NYCPS will make payments pursuant to the timelines in the Stipulation for Timely Implementation upon calculation or confirmation of the payment amount required by an Action Item in an Order and the payee being registered with the City. Based on the representations contained in the attached declaration, NYCPS will identify for the Special Master the specific documents that NYCPS will require in any payment and publicly provide a list of those documents on NYCPS's website and as an attachment to every Payment Order;	-	Parties has been in discussion on this topic since November 2023. Recent letters to the Court have described the current state of NYCPS website and the listed documentation required for payment and authorization.	I have provided specific guidance for improving the layout and content of the IUs webpage. As noted in my letter, I will continue to monitor the implementation of these recommendations.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
Meet with Judge Preska on 12/5/2025			Parties to meet on 12/5/24 with Judge Preska to discuss these issues and come to a resolution.	As soon as possible

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
11	NYCPS will assess the creation of a systems-generated notification to inform the Implementation Unit that the Office of General Counsel/Special Education Unit has settled a case where payments are being distributed from an Order. The assessment will define the business and technical requirements to do so;	-	NYCPS has not provided an update or documentation on this obligation.	None
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- TBD			- NYCPS to incorporate this business rule into IHMS design	TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
12a	Within two months of the date of this Order, the Implementation Unit will assign resources to flag incoming orders deemed high priority, as NYCPS and Plaintiffs agree upon the term “high-priority.” The Implementation Unit will triage and route orders accordingly. NYCPS should consult and obtain feedback from Plaintiffs on what orders should be deemed “high priority.” Should NYCPS 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	As mentioned in the key takeaways, this obligation was previously fulfilled, but I am changing its status to not yet fulfilled. DOE has had challenges identifying pro se parents.	I have asked NYCPS to provide details on their process of flagging high-priority orders. At the time of this writing, that information has not been provided.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- NYCPS to revisit their procedures and ensure processes are being followed - NYCPS to document the process in detail			- See steps	TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
12b	Implementation Unit staff will communicate all service orders and action items to New York City public schools, charter schools and State-approved non-public schools (as applicable) within a time that allows for the order to be Timely Implemented within the definition of the Stipulation.	-	NYCPS has not provided an update or documentation on this obligation.	I have communicated my expectations on fulfillment of this obligation, (i.e., a communications plan).
Steps to be Taken		Special Master Recommendations		Timeframe to resolve
- TBD		- I have provide guidance to NYCPS to produce and share a communications plan		TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
19	Aside from the Medication Administration Form (MAF) and HIPAA forms, no other documentation or evidence is required before implementation of an impartial hearing order for the provision of nursing services;	-	NYCPS has been coordinating internally on dissemination of a written communication to health agencies.	NYCPS shared an update on this on 3/13/24, to which I responded with feedback and guidance on 3/21 specifically requesting updates around a formal communication to the community planned around this obligation, (e.g., a website update). Awaiting response.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
- NYCPS to respond to my email sent on 3/21/24			-See steps	As soon as possible

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
28a	NYCPS will copy and collect data assets from implementation-related data sources, including but not limited to DAITS, IHS, FAMIS, and SESIS, to analyze for Implementation Unit workflow purposes. NYCPS will report to Plaintiffs on a quarterly basis the results of this analysis and meet with the Plaintiffs on a quarterly basis to identify solutions to problems and answer questions and hypotheses regarding failure to meet the Stipulations benchmarks based upon the analysis.	-	See obligation #2b (p.31) (NYCPS is still in the process of gathering and integrating all of the data that would be needed to report on KPIs.)	I know that NYCPS IU is in early stages of using data to inform their operations, and was able to submit some KPIs in their recent letter to the Court. A broader series of KPIs was also defined in the fulfillment of obligation #2a.
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
-See obligation #2b (p.31)			- Draft the outline and template of the quarterly report (as per obligation #2a).	As soon as possible

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
28b	NYCPS will report to Plaintiffs on a quarterly basis the results of this analysis and meet with the Plaintiffs on a quarterly basis to identify solutions to problems and answer questions and hypotheses regarding failure to meet the Stipulations benchmarks based upon the analysis.	-	See obligation #2b (NYCPS is still in the process of gathering and integrating all of the data that would be needed to report on KPIs.)	None
Steps to be Taken		Special Master Recommendations		Timeframe to resolve
- See obligation #2b		-		As soon as possible

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
28c	The Special Master will include in reports to be provided to the Court every six months NYCPS's analysis of such data;	-	NYCPS is still in the process of gathering and integrating all of the data that would be needed to report on KPIs. This obligation is also dependent on several ongoing technology initiatives, (IHMS).	I have consulted on the definition of KPIs in obligation #2a, but not in reporting obligations, (#2b, #28).
Steps to be Taken		Special Master Recommendations		Timeframe to resolve
-See obligation #2b		- TBD		TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
35	For each home instruction order, the Implementation Unit Staff should confirm the actual provision of home instruction as defining implementation of the order	-	NYCPS has not provided updates on this	None

Steps to be Taken	Special Master Recommendations	Timeframe to resolve
- NYCPS to draft a process document on the provision of home instruction	I have recommended that NYCPS creates a process document for confirming student is receiving home instruction	TBD

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
36	For each order placing a student at a NYCPS school, Implementation Unit Staff and OSE should confirm the actual placement as appropriate and meeting the need of the student, (per order and IEP)	-	NYCPS has not provided an update on this obligation.	I provided NYCPS with guidance on the expectation for this deliverable (see below).
Steps to be Taken			Special Master Recommendations	Timeframe to resolve
NYCPS to draft a process document on the placement of the student			I have recommended that NYCPS creates a process document for confirming student is placed in the school	As soon as possible

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
37	NYCPS will develop a continual process of updating training materials to reflect changing policies and business rules	-	NYCPS has not provided an update on this obligation in some time. Impediments unknown.	NYCPS and I communicated on this subject last on 2/7/24, but there has been no follow-up or clear documentation of the process to update training materials.
Steps to be Taken		Special Master Recommendations		Timeframe to resolve
NYCPS to develop and share Annual Training Publication Schedule		I have provided guidance to NYCPS to share an Annual Training Publication Schedule and process for updating training materials		As soon as possible

Obligations Not Yet Fulfilled

Obl.#	Obligation	Orig.Due Date	Impediments and Measures to Overcome	Efforts to Consult with Plaintiffs or SM
38	NYCPS will continue to conduct ongoing user research on this proceeding and due process functions in an effort to modernize and redesign NYCPS due process functions and align them with (migrate to) the special education system (SEDMS)	-	User research is not being conducted on IHMS/SEDMS at this time. NYCPS has requested funding for user research as part of IHMS Phase II.	None
Steps to be Taken		Special Master Recommendations		Timeframe to resolve
TBD		NYCPS to request funding for user research as part of IHMS phase II		TBD

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 / Delays

ID	Issue	Status	Owner	Update	Due Date
i-1	The Impartial Hearing Management System (IHMS) deployment faces delays in roll out.	Active	Intekhab Shakil, NYCPS CIO	As mentioned in the key takeaways, the IHMS project is generally in a holding pattern while phase 1 user acceptance testing is ongoing. The roll out of Phase 1 of IHMS missed its July deadline. Phase 2 of IHMS, which contains much of the IU's/implementation functionality, is indefinitely delayed. While the IBM team continues to support IHMS activity, many critical IBM resources have been rolled off the project.	March 2025
i-2	NYCPS OGC staff are overburdened with other competing priorities.	Active	Liz Vladeck, NYCPS General Counsel	We anticipate recent new hires and consultants will provide needed bandwidth for the Implementation Unit. We are awaiting the latest update from NYCPS on new hires.	TBD

Issues / Performance

ID	Issue	Status	Owner	Update	Due Date
i-3	DAITS, the Implementation Unit's system of record, is increasingly deteriorating in its performance, (regular outages)	Active	Intekhab Shakil, NYCPS CIO	In January 2024, DIIT agreed to pursue onboarding a vendor to perform necessary fixes to perform root cause analysis of performance issues and work to stabilize the DAITS application. As of the writing of this updated, two resources have been onboarded and work has begun to stabilize DAITS and then begin developing identified enhancements. Further, with the implementation of the Nagarro Customer Support application that uses DAITS data made available to the Data as a Platform (DaaP) and then to ServiceNow, it is unclear if there have been any additional performance issues.	TBD

Risks / IHMS Integrations

ID	Risk	Status	Owner	Update	Due Date
r-2	IHMS systems integrations plans will need to be continuously updated and monitored	Active	Intekhab Shakil, NYCPS CIO	While the team has worked well with the API Gateway to establish the necessary connections from IHMS to third-party systems, until the IHMS UAT completes it will not be known if all of the data transformations required for integration to IHMS are fully successful. Additionally, there will need to be close coordination between the Polaris and DAITS resources to ensure integrated data will be available to support Phase 2 functionality.	TBD
r-3	User Research firm has rolled off the IHMS project. Several obligations are dependent on user research.	Active	Intekhab Shakil, NYCPS CIO	NYCPS plans to request funding for user research as part of IHMS Phase II. Some feedback from users will be captured on the Polaris/Nagarro solutions.	TBD

Risks / On-premise hosting

ID	Risk	Status	Owner	Update	Due Date
r-4	There is an ongoing risk that by hosting IHMS on NYCPS network infrastructure (as opposed to cloud) will result in the same performance issues affecting existing NYCPS applications, like DAITS.	Active	Intekhab Shakil, NYCPS CIO	The IHMS application is hosted in NYCPS data center and all server environments associated with the application are installed and operated by DIIT. The project has encountered some delays due to new requirements from DIIT and outages on the environments that support user acceptance testing. Closer collaboration between DIIT infrastructure and IBM as well as stated Service Levels for remediation of issues will be required.	TBD

Risks / Other

ID	Risk	Status	Owner	Update	Due Date
r-5	External communications to stakeholders regarding process changes (i.e., who can reach out to the IU, change to payment responsibilities) continue to frustrate and/or confuse providers/advocates/families.	Active	Liz Vladeck, General Counsel	Letters were submitted by both NYCPS (10/2) and Plaintiffs (10/15) on this issue. The Parties will be meeting with Judge Preska to discuss this on 12/5. NYCPS maintains that the change in process is warranted and proportionate.	TBD
r-6	Phase 1 of IHMS is still in the UAT phase but the slow pace has made it clear BRDs alone cannot capture the necessary detail for the complex processes and many enhancements have been identified	New	Intekhab Shakil, NYCPS CIO	The IHMS team should be closely tracking the suggested enhancements and for Phase 2 IBM should consider using wireframes and demos to approve workflow.	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 NYCPS.

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.

Executive Summary

An initial assessment of the technology used by the Implementation Unit (IU) was conducted as a part of the Special Master's mandate in January 2024 to determine if NYCPS's technology and application development initiatives will be able to support the mandates of the LV Orders. A second report was submitted in July 2024. This third report is an update of the July 2024 assessment.

Each of the technology initiatives to support the LV Orders has had some delays, primarily from resource constraints in business and DIIT. At the time of this report writing the IHMS project is the most delayed from initial timelines, after a long wait, the DAITS resources are onboarded and working, and the Polaris and Nagarro initiatives are ongoing and are closer to schedule.

While there is progress being made to build and stabilize these applications, there will continue to be delays without more coordination and prioritization – particularly of IU resources. It is our opinion that the applications will ultimately fulfill the LV Orders, but they will not complete within the timeframes outlined in the court order. There is further concern about how these technology initiatives will be supported and managed once fully in production.

IHMS Key Takeaways

Can the IHMS implementation be successful?

Yes – we continue to believe that the overall technical architecture approaches for IHMS are viable. However, there are issues that continue to delay the deployment of this application well beyond its original schedule.

What are biggest source of deployment delays?

The IHMS project has been delayed due to a combination of inconsistent project management, the lack of availability of business resources to review requirements and perform User Acceptance Testing (UAT), and the slow pace of remediating requested fixes.

When will IHMS be deployed?

Given the pace of Phase 1 development and testing along with the slowdown in development of Phase 2 due to the lack of an approved change order with IBM, it is our opinion that IHMS will not go live in mid-2025, as currently planned. At the time of this report, it is unknown whether IBM will continue to work past a November 22, 2024 deadline without an approved change request and whether IHMS work will continue as planned.

IHMS Assessment: IHMS Project Scoring

IHMS' Beacon Score has remained steady since the last assessment— with a slight improvement in Design Difficulty but an increase in Implementation Difficulty.

Factors affecting Clarity Score

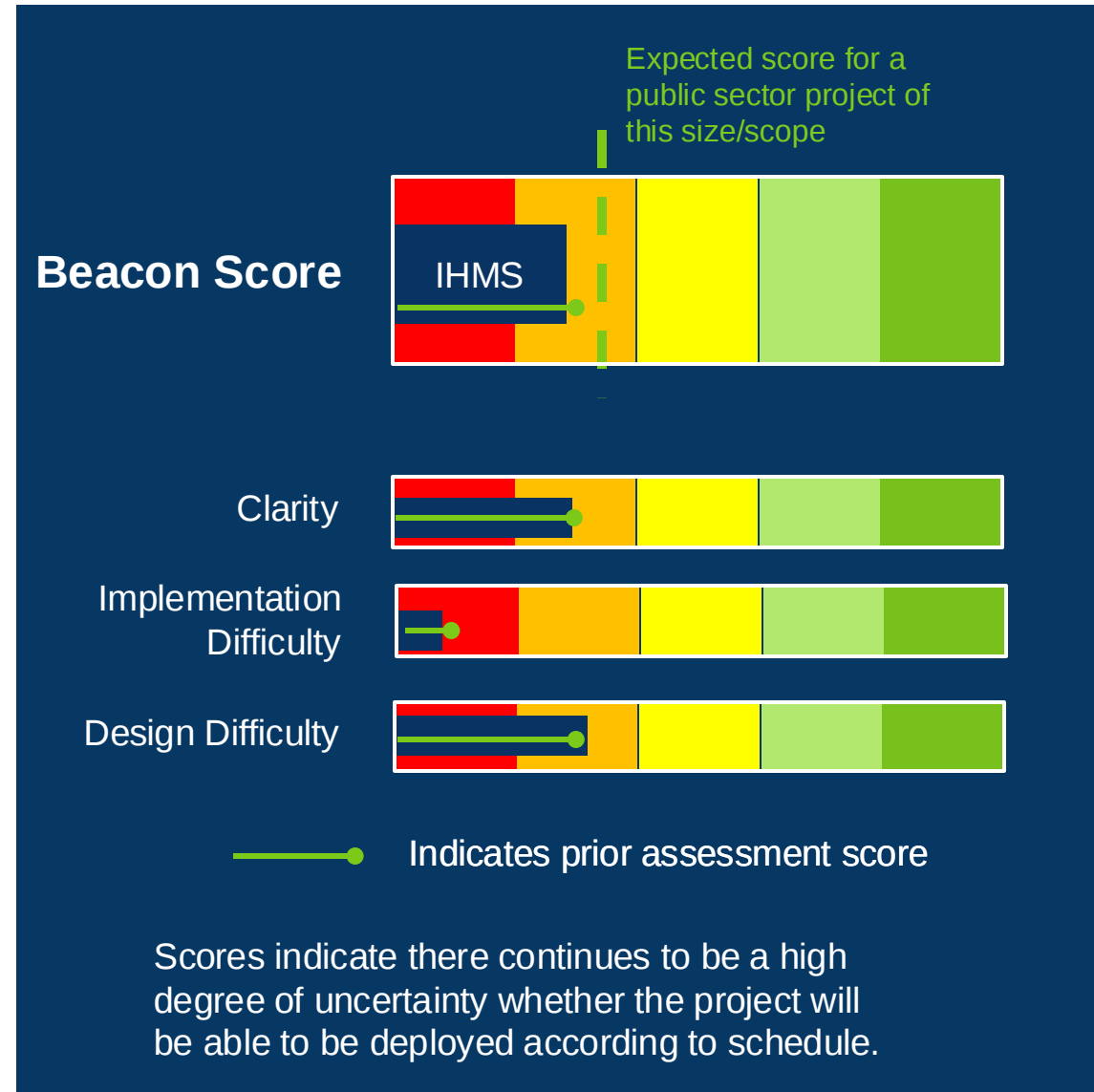
- Project scheduling and resource management issues have contributed to a slow pace of UAT and difficulty compiling and completing test cases

Factors affecting Design Difficulty Score

- There have been few defects related to the architecture but migrated data still needs to be tested and validated by business

Factors affecting Implementation Difficulty Score

- UAT for Phase 1 has taken much longer than expected due to lack of testing resources and a higher level of effort than originally anticipated
- IBM's change request is still pending and there is a risk that they will pause current work



IHMS Previously Reported Findings (1/3)

Metric	Progress	Previous Finding	Current Status	Recommendation
Clarity		Ron Prescott has taken a lead sponsor role as a point of escalation which has helped project coordination	While Ron has lent stability to project leadership, project timelines have continued to be heavily delayed as testing and remediation of defects is ongoing	Ensure testing is prioritized to close out Phase 1 functionality before Phase 2 development begins
Clarity		Project management processes were lacking for a project of this size and while there was improvement in testing documentation and tracking, there needs to be more visibility into process and timelines	The project still suffers from chronic delay and resource constraints from NYCPS business users who have to juggle priorities and schedules and a heavily reduced IBM staff	Project schedules should include more detail around planned project activities such as data preparation and migration activities as well as timing for testing integrations to SEDMS and other NYCPS applications
Clarity		There continues to some inconsistencies including reporting on functionality that is ready for testing or whether development is truly complete	The IBM team has made progress recording both the number of test cases for the different areas of functionality and the defect statuses	

Legend

Positive Progress	Some Progress	No Progress
-------------------	---------------	-------------

IHMS Previously Reported Findings (2/3)

Metric	Progress	Previous Finding	Current Status	Recommendation
Design Difficulty		There have been few defects related to the architecture but migrated data still needs to be tested and validated by business	Defects continue to be more related to the UI or workflows versus architectural issues and IBM has conducted more demos to inform users how the Phase 1 BRDs were interpreted and built out in the application	
Design Difficulty		The team's work with the API gateway has worked well to establish connections, but until the data is fully tested, it will not be fully known if the transformations are successful	The team has yet to validate data migrated from legacy or integrated applications	Ensure that data validation is scheduled into UAT test case activities

Legend

Positive Progress	Some Progress	No Progress
-------------------	---------------	-------------

IHMS Previously Reported Findings (2/3)

Metric	Progress	Previous Finding	Current Status	Recommendation
Implementation Difficulty		DIIT and IBM were able to remediate earlier environmental issues stemming from the on-premise hosting of IHMS	DIIT believes that all infrastructure issues have been remediated	Ensure tight coordination between DIIT teams and IBM and get calendar for upgrades, patches, etc.
Implementation Difficulty		There has been no evidence of planning for how DIIT will support and maintenance of Phase 1 functionality as IBM develops Phases 2 and 3	Current plans are for Phase 1 to go live after Phase 2 functionality is ready but the timeline for release is unknown given the delays in the approval of the IBM change request and uncertainty if Phase 1 UAT will be completed on schedule	Prioritize UAT to complete before 11/22/24 and ensure there is joint IBM-business planning if there is a pause in the project
Implementation Difficulty		OCM activities would have set expectations for more timely execution of UAT and helped organize the team for validating migrated data from legacy applications	No observable changes	Ensure that OCM is woven into the work surrounding Phase 2, particularly as it relates to IU work that is currently executed in DAITS as this will have a significant process difference
Implementation Difficulty		Business Requirement Documents (BRDs) alone have not captured all the necessary detail for the complex processes	For Phase 2 BRD review, business is reviewing the written documents along with original Zenda wireframes	

DAITS: Key Takeaways

DAITS resources are beginning stabilization work. While it has taken longer than expected to onboard resources to review the application, two (2) resources were approved, one began work in August and the second started in late October. To date resources have been utilized to review some of the most pressing issues related to performance and are making necessary updates in the development environment. It will take time to appropriately test fixes prior to releasing them into production within the next few months.

Timelines for fixes and integrations will converge. While DAITs stabilization activities are ongoing, there is a risk that the Polaris go-live for IU functionality scheduled for early December 2024 will cause disruption and/or need to be refactored to conform with the DAITs database fixes.

DIIT should continue monitor DAITs performance. DAITs remains an unstable legacy application that is core to the processes covered in the LV Orders, any outages represent work stoppage for the Implementation Unit.

Polaris: Key Takeaways

In January 2024, an initial assessment was made based solely on stakeholder interviews, no documentation was provided at that time, and a full technical assessment of Polaris was not performed. The technical approaches as described by the team seemed feasible.

In late October 2024, heavily redacted technical documentation was made available for review and a demo of Phase 1 functionality was conducted with the development team.

Upon review of the documentation and demo, we find the approaches to building Polaris viable. However, the application's custom-built architecture encompasses multiple integrated frameworks and tools. This complexity necessitates detailed documentation to ensure ongoing understanding, maintenance, and support.

Polaris Findings (1/2)

Metric	Progress	Finding	Recommendation
Clarity		There is strong project management over this project and thus far the project has adhered to schedule	Ensure that project schedules highlight possible risks of delay stemming from over-allocated business SMEs and the ongoing work on DAITS stabilization
Design Difficulty		Polaris is dependent on integration with DAITS and specifically requires data from the DAITS connection to IHF/FAMIS which is a performance issue for the legacy application.	Test the API while monitoring DAITS performance to ensure no sympathetic impacts on DAITS
Design Difficulty		Polaris uses a multitude of technologies including UI frameworks, MS Rules Engine and logging engines along with a database structure which is appropriately complex for the function it serves – as this application grows for other units, diagnosing performance issues may become difficult	Ensure business logic is contained (e.g. not spread across database and the rules engine) to reduce overlap in business logic across the tech stack

Legend

Positive Progress	Some Progress	No Progress
-------------------	---------------	-------------

Polaris Findings (1/2)

Metric	Progress	Finding	Recommendation
Implementation Difficulty		There is a good amount of documentation and coordination amongst the different teams within NYCPS business (DFO-PO and IU)	
Implementation Difficulty		There was no observed training and communication plan set for those outside of the project stakeholders and unclear roll out to the Vendor (external user) community who will use this application to get paid	Develop a plan to ensure that the Vendors have the appropriate training to be able to use the system upon go-live and have a path for support if there are any issues

Legend

Positive Progress	Some Progress	No Progress
-------------------	---------------	-------------

Polaris System Document Review

Document Review Summary

Redacted Polaris documentation was made available for review as a part of this assessment. Our team reviewed 19 documents (*See notes on the next slide*). Additional documentation would be helpful to provide insight into whether Polaris is well-tested and will be viable to its intended end-users (both the IU and external vendors)

Documents types that would inform further analysis:

1. Sample Test scripts – Example scripts, specifically regression test scripts, would help to validate the testing approach outlined in the strategy was followed appropriate. Currently there is no visibility into what was tested and if the results confirmed the architectural approaches.
2. Performance test results – The performance testing approach is comprehensive, but given this is an external-facing application, it's critical to ensure it can support the number of expected users.
3. Output of joint design sessions – It's unclear whether external users had any input into the UI design or workflow processes. Team rosters only include internal NYCPS users.
4. Example external training materials – It's unclear how the Polaris UI will translate to the expected end-users
5. Plan for Hypercare and External User Support – It's unclear whether or how external users will be supported with any issues they may have when using the Polaris application and whose responsibility it will be to support them

Polaris System Document Review (1/4)

#	Document Name	Description	Type	Notes
1	01_IU User Roles Matrix Draft v1.7_Redacted.pdf	Document to describe user role mapping for security privileges	Configuration	Unclear how this compares to other established roles and how many are net-new – or who will be the Super Admin for the IU functionality
2	02_Polaris_Design_Components_with_Technical_Explanation_v2.0_IHOIU[1]_Redacted.pdf	Polaris logical architecture.	Design	Document shows DAITS integration, provides a good overview of the major components but is missing date and release information
3	03_Polaris_Project_Info_onePager_v2.0[1]_Redacted.pdf	Possible environmental template	Implementation	The purpose of this document is unclear. While it seems to be a template to describe location of a specific instance it is unclear what it is referencing as it mentions DAAP as method for FAMIS data integration but says it's not applicable for IU functionality
4	04_Updated - IHOIU-Polaris Data Mapping Document v2.2_Redacted.pdf	UI form map	Design	Document maps source data to user screen forms, with data coming from DAITS' API
5	05_Updated IHOIU-Polaris - Integration Specification Document v2.0_Redacted.pdf	Integration between Polaris and DAITS (IHO) database	Design	Covers general description of the business requirements between Polaris and IHO/DAITS database but NYCPSs not provide an understanding of the planned method for integration (API using NYCPS's existing API gateway) or the frequency of calls
6	06_DIIT QA - Polaris Strategy Document IHO-IU v2.0_Redacted.pdf	This Test Strategy document defines the strategic approach of testing Polaris Application.	Design	Describes the processes and tools that will be used, but is unclear about the output or results of the testing

Polaris System Document Review (2/4)

#	Document Name	Description	Type	Notes
7	07_DIIT QA Standardized Test Plan IHO-IU Phase 1_Redacted.pdf	Descriptions of functions and workflows to be tested	Design-Test	Good description of the business functionality to be tested but unclear on who is executing these tests or whether a formal UAT was conducted with any sample of the vendor end-users for this application
8	08_IU Phase-1 Schedule_Redacted.pdf	An interim planning schedule	Clarity- Project Controls	NA for this assessment
9	09_Polaris IHOIU Team Roster_Redacted.pdf	Polaris team roster	Clarity- Project Controls	NA for this assessment
10	10_IU_Deployment_Ch ecklist Updated_Redacted.pdf	An interim planning schedule.	Clarity- Project Controls	NA for this assessment
11	11_IHOIU Part of Polaris Three Year Plan_Redacted.pdf	An interim planning schedule.	Clarity- Project Controls	The activities were last updated in mid-October with testing at 19%, it's unclear if full testing has been completed per the schedule
12	12_Polaris IHOIU User Stories_Redacted.pdf	User story catalogue	Clarity- Requirements Management.	While it's helpful to see the breadth of the user stories, it's unclear how stories were linked to sprints and stakeholders for testing

Polaris System Document Review (3/4)

#	Document Name	Description	Type	Notes
13	13_Polaris_IU_Database_ER_Diagram_Redacted.pdf	Entity Relationship diagram of Polaris database	Design	The document appears to be a screen snapshot not capturing all the fields, but shows business data, log data and archival information.
14	14_Polaris Technology Stack_Redacted.pdf	List of development packages.	Design	Document lists UI and API libraries used but NYCPSs not show a full solution architecture and how each of the packages are used
15	15_Project Communication Plan_NYCPS_Polaris IHOU_Redacted.pdf	Polaris project communications plan	Clarity: Comms plan	Document for internal project communications which NYCPSs not list any external (Vendor) stakeholders
16	16_Project_Status_Report_Polaris Project_092224 v1.1_Redacted.pdf	Polaris project status	Clarity- Project Controls	Document shows good Project Status updates, risks and issues as of 9/21/2024
17	17_P-IHOU_Performance Test Plan_OCT 2024 Release_Draft-Version1.1_Redacted.pdf	Polaris Performance test plan	Design Test	Comprehensive plan of what will be performance tested and user counts but it is unclear what the results were and whether the application successfully passed

Polaris System Document Review (4/4)

#	Document Name	Description	Type	Notes
18	V DELIVERABLE_Polaris Impartial Hearing Phase 1 BRD V2.5.pdf	Business Requirements Document	Clarity- Requirements Management	More comprehensive BRD compared to the IHMS BRDs in that it includes embedded workflow diagrams, form elements, etc.
19	LV DELIVERABLE_REDACTED_Polaris Reporting Capabilities - Phase 1_Redacted.pdf	Polaris Sample Report	Clarity- Requirements Management	Example of a report to be generated out of Polaris

Nagarro Customer Support Assessment

The Nagarro Customer Support will help track customer support activities to parents, parents' representatives, independent providers/agencies in the implementation of impartial hearing orders. Trained support agents will utilize custom forms built out on the ServiceNow platform for both incoming and outgoing proactive support.

At the time of this assessment a pilot has been conducted with four (4) unidentified law firms/advocates. NYCPS has not included Plaintiffs' counsel in this phase.

The Special Masters Team has not reviewed written technical documentation but has had the opportunity to see a demonstration of functionality and was presented with the product roadmap.

The technical approach for providing customer support seems feasible, and early feedback is that the pilot is going well, although feedback at this stage is only anecdotal.

Nagarro Customer Support Findings (1/2)

Metric	Progress	Previous Finding	Current Status	Recommendation
Clarity		The project has good project management and has managed to stated timelines for the pilot	Post first release, the team is moving to an agile release cycle with a stated backlog of future enhancements	
Clarity		N/A	In Phase 2 NYCPS will extend the pilot to Pro Se parents and roll out a Customer Service Hotline that will make both outbound calls and take inbound calls. There are unclear requirements for scaling the number of agents required for outreach, for example, if 5 users call in but only 2 agents are available – what is the path for resolution?	Ensure there is close tracking of metrics including # of tickets and calls per agent with corresponding time to complete so increases in volume can be modeled out and plan out alternate unhappy path scenarios

Legend

Positive Progress	Some Progress	No Progress
-------------------	---------------	-------------

Nagarro Customer Support Findings (2/2)

Metric	Progress	Previous Finding	Current Status	Recommendation
Design Difficulty		The ServiceNow Platform gets nightly updates from DAITS via the Data as a Platform (DaaP) which may exacerbate performance issues	More contact information needs to be extracted from DAITS to support outreach the Nagarro Customer Support communication the DaaP feed will need to be amended to add additional data	Given the ongoing work with DAITS and new integration with Polaris, there needs to be close collaboration between teams working with DAITS and orchestration of planned updates
Implementation Difficulty		Having the Service Agents upload documentation to SharePoint is a process improvement from working solely out of email	The Nagarro process using ServiceNow and SharePoint has proven to be less onerous than current process of downloading documents out of personal email boxes	

Legend

Positive Progress	Some Progress	No Progress
-------------------	---------------	-------------

Appendix II: Obligations Fulfilled in Prior Reporting Periods

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	NYCPS 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, NYCPS has since shared job descriptions and staffing plan with Special Master, leading to the fulfillment of the obligation.
26	Within three months of the date of this Order, the Special Master and NYCPS 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, NYCPS will develop solutions to remove the causes for the backlog attributable to NYCPS;	10/19/23	NYCPS 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 NYCPS to develop solutions to the issues, I asked NYCPS 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 NYCPS to outline the objectives, activities, timeframe, etc. of each project (3). NYCPS 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 (continued)

Obl.#	Obligation	Due Date	Rationale
7	Within three months of the date of this Order, NYCPS 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	NYCPS 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.
24(a)	(a) Within 45 days of the date of this Order, the Special Master and NYCPS 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. (b) Within six months of the date of this Order, NYCPS will develop, test, and release the DAITS 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. NYCPS and SM discussed the contents and finalized the list; (IBM responded with how IHMS will address the needs). Once signed off, NYCPS DIIT has since used the list to begin estimating the level of effort to deliver the fixes and is gathering more detailed requirements.

Obligations Fulfilled (continued)

Obl.#	Obligation	Due Date	Rationale
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), NYCPS documented the key issues in the process of implementation (.xls), respectively. NYCPS 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).
21	Within two months of the date of this Order, NYCPS 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. NYCPS 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 NYCPS is not in compliance with a transportation	9/19/2023	NYCPS 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 NYCPS incorporated the comments into a new version which was finalized, (but will be updated in the future, as applicable).

Obligations Fulfilled (continued)

Obl.#	Obligation	Due Date	Rationale
1	Within three months of the date of this Order, NYCPS 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 NYCPS incorporating standard elements of such a plan (cross-industry) in outline form. NYCPS 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 NYCPS 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.
2	Within three months of the date of this Order, the Special Master and NYCPS 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	NYCPS 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. NYCPS 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.)

Obligations Fulfilled (continued)

Obl.#	Obligation	Due Date	Rationale
18	Within three months of the date of this Order, NYCPS 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	NYCPS 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. NYCPS addressed the feedback and provided an updated version of the protocol document, which I accepted.
6	Within three months of the date of this Order, NYCPS 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. NYCPS 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,

Obligations Fulfilled (continued)

Obl.#	Obligation	Due Date	Rationale
15	Within three months of the date of this Order, NYCPS 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). NYCPS 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 NYCPS office;	10/19/2023	NYCPS developed an <i>Implementation Liaison Directory and Escalation Protocol</i> document (.pdf), which designates Implementation Liaisons for all relevant NYCPS offices and districts, and defines a protocol when that office NYCPSs not address the order in a timely manner (i.e. escalation protocol). I provided feedback, as did Plaintiffs, which NYCPS addressed. An updated version of the protocol document was submitted back to me, reviewed, and I accepted.
4	Within three months of the date of this Order, NYCPS will build and maintain a toolkit of existing assistive technology, schools, programs, and services that NYCPS can Timely Implement (as defined in the Stipulation) any Action Items for provision of assistive technology;	10/19/2023	NYCPS compiled a spreadsheet of assistive technology (AT) products from those that are readily available for NYCPS to quickly identify or procure for the student ("Timely Implement"). I reviewed the various categories and asked that NYCPS document how it will maintain the toolkit going forward, which NYCPS did. There is an open question as to the component of the obligation addressing "schools, programs, and services."

Obligations Fulfilled (continued)

Obl.#	Obligation	Due Date	Rationale
25	Within three months of the date of this Order, NYCPS 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	NYCPS 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.
29	Within six months of the date of this Order, NYCPS 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	NYCPS has indicated that a candidate has been identified for this role and the offer is awaiting OMB approval to move forward As of previous report on 3/19/2024: Previously, NYCPS indicated that funding constraints prevented filling this role. However, following the allocation of funding for this position, NYCPS has publicly posted this role. I will consider this obligation fulfilled once the position is filled.

Future Schedule of These Reports

Report #	Draft Submitted to Parties	Parties' Feedback Due (If Any)	Report Submitted to the Court
5	3/7/2025	3/14/2025	3/19/2025
6	7/9/2025	7/16/2025	7/21/2025
7	11/7/2025	11/14/2025	11/19/2025

Contact

David Irwin
Special Master to the Court (*LV v. NYCPS*)
david@thru.co
(646) 489-7078