UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Special Master Findings Report

LV, et al.,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION, et al.,

Defendants.

March 28, 2022 Version 4.0

Prepared for Loretta A. Preska Senior United States District Judge



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Introduction



This report was informed by a detailed assessment phase of New York City Department of Education (DOE) Implementation Unit processes ordered by the United States District Court, Southern District of New York. In the summer and fall of 2021, interviews were conducted with 40+ individuals, including DOE staff, Plaintiffs, parents/families, providers/school staff, NYS Education Department staff, NYC FISA staff, NYC Comptroller staff and members of the Education Law Task Force. Additionally, 90+ related reports, declarations, memorandums, process documentation, process forms (paper-based), and DOE data systems functions were reviewed. An understanding of the current processes was documented per the data collected and is represented on the following pages to illustrate them, highlight inefficiencies and identify areas of improvement.

Scope of the Special Master

Process Findings Implementing Staffing Needs **Implementing** of the DOE Service Orders Payment Orders and and Action Implementation Action Items Unit Items Implementing Monitoring DAITS and Orders & Processes & Relevant **Action Items** Standards for **Systems** Outstanding Compliance 35+ Days Scope of this report

Recommendations

Make Recommendations to DOE Processes

Facilitate discussion between Parties

Assess and report on recommendations ordered by the Court

Perform other duties to support recommendations (TBD)

Review Process of This Report

3/1/2022 1/24/2022 Final version filed Draft Report Issued in court docket Judge orders Thru assesses Parties may comment Parties may respond recommendations comments and adjusts as applicable 15 business days 10 business days 10 business days

DOE Acronyms

DAITS Data system into which orders must be entered to delineate actions

DCP Division of Contracts and Purchasing

DIIT Division of Instructional and Information Technology

DSISS Division of Specialized Instruction and Student Support, (i.e., Special Education Office)

DFO Division of Financial Operations

FAMIS financial management system of the DOE

FMS/3 financial management system of other NYC mayoral agencies

IHO Impartial Hearing Office/Officer

IHS Impartial Hearing System

IU Impartial Hearing Order Implementation (LV) Unit

OLS Office of Legal Services

SESIS NYC DOE Special Education Student Information System



Key Team and Role Definitions

Central / IU Regional School

Administrator of Special Education (ASE) DOE staff person designated as the Implementation Unit (IU) point of contact for all services requiring implementation by a public school pursuant to an order.





Authorization Team Account Specialists responsible for creating and managing an account for each action item requiring payment by the DOE pursuant to an order. This requires liaising with parents and families, special education advocates, attorneys, private schools, agencies, and independent providers to ensure payment for services, tuition and reimbursements can be processed pursuant to an order. Collect required information and documentation to support these payments.



Implementation Liaison DOE staff member (Regional and/or CSE) responsible for the action item required by the order.





Key Team and Role Definitions

Central / IU Regional School

Implementation Manager IU staff responsible to review all orders to identify and ensure the implementation of actions required by the DOE. Identify and assign action items to the appropriate Implementation Liaison within the DOE who is responsible for implementation of the item and provide continued support as needed to achieve implementation.



Payment Processing Team: Payment Specialists responsible for the review and processing of invoices submitted monthly for private services rendered pursuant to an order as well as the processing of tuition payments to private schools





Key Definitions from the Stipulation

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.

Order a decision, determination, order or statement of agreement and order issued by an Impartial Hearing Officer

Action Item a specific, identifiable action in an Order that, as determined by the Independent Auditor, requires implementation by the DOE

Payment Order an order requiring DOE to make a direct payment to a parent, private service provider, or private school

Prospective/"Direct" Payment Order pays for service not rendered or tuition not paid as of payment order

Reimbursement Payment Order pays expenses already paid

Service Order an order requiring DOE to take any action (other than make a payment directly)

Findings



Summary



People working in the Implementation Unit are trying their best with what they have and are passionate about helping students and families, but are deflated and burnt out.



Processes are manual, email-based, reactive, transactional and not customer-centered.



Tools are not intuitive, well-integrated, easy to use, and do not contain efficient and usable functionality to facilitate the implementation workflow.

This report is organized by these areas.

Overall Findings

- 1. Implementing Payment Orders and Action Items
- 2. Implementing Service Orders and Action Items
- 3. Staffing Needs of the DOE Implementation Unit
- 4. DAITS and Relevant Systems
- 5. Implementing
 Orders & Action
 Items Outstanding
 35+ Days
- 6. Monitoring Processes & Standards for Compliance

The overall findings are general and apply to all areas reviewed; the six areas of DOE processes identified by the Court for the Special Master to review comprise the six key sections of this report. Each of the process areas includes specific findings and respective implications.

DOE's implementation processes, including staffing and systems were extensively reviewed; except in specific instances, business rules, City policy, and individual cases are not in the scope of this report.



Implementing
Payment Orders
and Action Items

Implementing
Service Orders
and Action Items

Staffing Needs of the DOE Implementation Unit

DAITS and Relevant Systems

Implementing
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35+ Days

Monitoring
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Finding

DOE's implementation processes were designed to quickly address the lawsuit at a time of relatively low volume (10+ years ago; hundreds of orders per year); they were not designed to facilitate the volume of orders/action items they now must manage (i.e., thousands of orders per year).

Implications

Processes should be redesigned to minimize data entry, minimize touchpoints, streamline workflows, and improve overall efficiency.

Processes should be designed to centralize communications, monitor compliance, and include a core principle to empathize with the stakeholders', (i.e. families'), experience.



Implementing
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Implementing
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Staffing Needs of the DOE Implementation Unit

DAITS and Relevant Systems Implementing
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Finding

The Stipulation places no ownership or accountability for monitoring compliance on the DOE. It is explicitly placed with the Independent Auditor.

Implications

The parties have historically relied on the reports and data of the Independent Auditor to measure compliance. These reports are currently in arrears (due to volume/backlog of the Independent Auditor), and so there is virtually no current information available on DOE's implementation/compliance.

Other than reports of incoming orders and payment order volume, the DOE has not created any formal monitoring processes, because the role has historically been assumed by the Independent Auditor.

The DOE is not currently prepared to assume ownership of monitoring compliance, (i.e., no roles, processes, tools).



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Finding

The Implementation Unit's tools and technology are unsuited and insufficient for the workflow, collaboration and outreach that must be performed, (e.g. paper forms; no integration with SESIS; email-based everything).

Implications

This leads to severe process inefficiencies (e.g., labor-intensive data entry of individual case details), backlogs (e.g., unpacking, invoices), errors/omissions/overpayments (e.g., from interpreting handwritten invoices), longer processing times (i.e., detailed, manual data entry), and widespread stakeholder frustration (e.g., no payee communications, "DOE is a black hole").

The process needs to be redesigned to eliminate redundancies, take advantage of available technology, and integrate with other systems, to the extent possible.



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Staffing Needs of the DOE Implementation Unit

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Finding

The core inputs to the implementation process (i.e. Orders issues by Impartial Hearing Officers) are composed of unstructured data (text) that require interpretation, judgment and translation (i.e. into Action Items) on the part of the Implementation Unit staff. This is the first gate in all implementation processes and the source of the first backlog point.

Impartial Hearing Officers are, by definition, impartial to any organization or party, but take direction from, and are employed by, NYSED.

Implications

The lengthy activities involved with "unpacking" an Order are necessary as an element of the Implementation Unit's processes, because Orders may be made up of multiple action items. The lack of standardization in format from Hearing Officers to the IU creates extra work for staff. Standardization would facilitate implementation far more efficiently.

Related recommendations must involve collaboration with NYSED and IHO.



Implementing Payment Orders and Action Items Implementing
Service Orders
and Action Items

Staffing Needs of the DOE Implementation Unit

DAITS and Relevant Systems Implementing
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Finding

NYC DOE and its schools have finite resources and capacity to implement action items. This does not appear to be taken into account, by Impartial Hearing Officers when issuing Orders and making decisions.

The stipulation contains procedures for when the DOE believes that an Action Item is "impossible" to implement, requiring the DOE to appeal or offer an equivalent alternative.

Implications

Actions ordered may lead to false expectations of timeframes among families, attorneys, and/or may not comply with DOE policy. The DOE is not permitted to avoid implementation of an order because it is against DOE policy or procedure. But orders are issued that cannot be implemented by DOE and/or left for the Implementation Unit to determine how to implement an action item not provided by DOE.



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Finding

With Hearing Officers conveying unstructured data in the format of their order, the need to then convert this into structured data in the form of action items is a key bottleneck. A standardized form of data capture for the Hearing Officers (action items) does not exist.

Implications

We believe that in order to facilitate future implementations more efficiently and quickly, both, designing for standardization (in documenting orders) and ensuring FAPE, must be considered critical / complementary goals of future work. From an operations perspective, one cannot be done without the other.



Implementing
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Implementing
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Staffing Needs of the DOE Implementation Unit

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Finding

The work of the Implementation Unit requires staff to possess authoritative knowledge of education law and local regulations (federal/IDEA, state and NYC), prior lawsuit settlements and Court orders, City policy, NYC DOE policy, NYC special education protocols and procedures, (e.g. IEPs, RSAs, evaluations), and internal operations (e.g. unpacking action items, authorization, etc.) in order to perform the duties required of implementing Orders.

Training of new staff is primarily experiential (i.e. on the job, side by side with an experienced staff member) and time-consuming.

Implications

This creates a staffing and training challenge for the Implementation Unit, because there is simply a limited supply of individuals with this type of knowledge. (This knowledge is typically gained by working in other areas of NYC special ed law - not through traditional training.)

Complexity of processes and rules will create a huge challenge for re-engineering processes, fit-gap analysis, selection and implementation of technology solutions (just as it does for SESIS).



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Finding

DOE's documented internal procedures around payment and service orders (LV Guidelines) were developed 10+ years ago and have not been updated or maintained. The DAITS User Guide was developed and last updated in 2009. There is no documented process or workflow at the City level, (i.e., across Agencies and Departments with a role in implementation)

Implications

Awareness of the end-to-end order/payment process at the Department and City level is inconsistent. This is contributing to a lack of transparency and awareness of how the process works; individual interpretations of the official process; broader (external) stakeholder frustrations (i.e. no one in DOE is aware of all steps for making payments and it is not documented).



Implementing
Payment Orders
and Action Items

Implementing Service Orders and Action Items Staffing Needs of the DOE Implementation Unit

DAITS and Relevant Systems Implementing
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35+ Days

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Finding

DOE's processes and tools have not been redesigned or re-engineered to improve operations or evolve with the times (needs). The findings that follow in this report may well have been reported previously - many of these findings are not new.

Implications

The Special Master will develop recommendations to address the findings in this report. Recommendations will be based on new ideas and innovations as well as context and understanding for what prevented previous recommendations from being implemented. There are opportunities to remove barriers, streamline workflows, improve data and systems, and support a hard-working team in the IU.



Implementing Payment Orders and Action Items

Implementing Service Orders and Action Items Staffing Needs of the DOE Implementation Unit

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Finding

The collective understanding of the service order process across DOE roles and offices is not aligned. Plaintiffs (via families) report processes being employed in the field that do not match DOE's stated processes. Examples:

- There isn't a single role that conveys the order to the school (Liaison (outside IU) vs IU)
- DOE and Plaintiffs disagree on role of who issues an RSA (school vs IU).
- DOE and Plaintiffs report opposing opinions on the extent and effectiveness of coordination across DOE offices, (e.g., OPT and OSH).

Implications

We believe that this lack of a common understanding of the processes and lack of defined roles are at the root of a slower workflow and inability to keep up with the volume of orders. This could be a source of broken processes and missed communications in implementing service orders. This is one of the core problems identified through our data gathering.



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Monitoring Processes & Standards for Compliance

DOE's Processes for Implementing Payment Orders and Action Items



FAMIS Impartial Hearing (IH) DAITS Decisions Posted Payment Transactions



^{*2021} data as of 9/8/21

Implementing
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Implementing
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and Action Items

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- Owned by Implementation Unit
- Owned by other DOE division/office
- Occurs outside NYC DOE
- 1 Key inputs to payment process

Impartial Hearings DOE IHO

Unpacking

Payment Docs Submitted

Outreach Authorizing

Invoices Submitted

Payment Processing

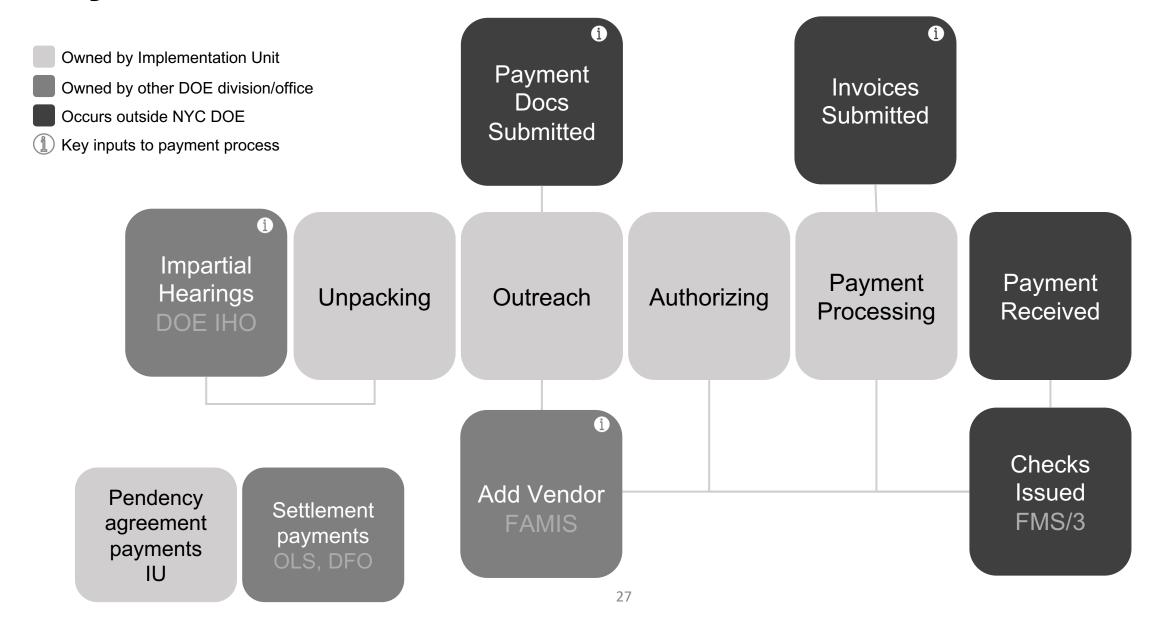
Payment Received

Pendency agreement payments IU

Settlement payments OLS, DFO

Add Vendor FAMIS Checks Issued FMS/3

Payment Orders and Action Items Process



Impartial Hearings DOE IHO A-1 Impartial Hearing Officers collect some payment documentation from parents/attorneys or hearing representatives as evidence at the hearing, (as of 2019, per DOE). This documentation is uploaded to the Impartial Hearing System (IHS), but they are not fed into DAITS. Therefore, IU staff must look for the files in IHS manually ("cumbersome") or collect them afterwards by requesting the documentation through outreach if it was not provided.

Payment

Implications

Settlem paymer This is a missed opportunity to streamline the payments process and lessen outreach efforts needed during the Authorization subprocess. Due to the current volume/backlog, outreach may not be conducted until months after the hearing.

Checks Issued FMS/3

Impartial Hearings DOE IHO

Unpacking

Pendency
greement
ayments
OLS, DF

ayment Invoices
Submittee

A-2 "Unpacking," the process of reviewing, interpreting Orders and the subsequent data entry of action items (by Implementation Unit staff), is the first gate in the Implementation process and the first bottleneck point at which the backlog can build up, (after the hearings).

Implications

• Enhancing technology or improving the efficiency of this sub-process would substantially decrease processing times and backlogs.

Add Vendor FAMIS

ssued FMS/3

Impartial Hearings DOE IHO

Unpacking

Pendency agreement payments IU

Settlement payments OLS, DFO

A-2b The Implementation Unit (IU) does not have wide discretion in implementing orders, but rather frequently must make judgment calls through the lens of the LV Stipulation. Implementation Managers are trained to ask about unknowns – e.g., follow-ups with Hearing Officer, escalations to legal/OLS, etc. The range of time to complete unpacking an order ranges from 20 minutes for a simple order, up to 1.5 days for more complex orders that require investigation and/or heavy data entry.

Implications

 A lack of standardization in orders and the defining of action items by the Impartial Hearing Officer dictates these judgment calls and follow-ups which add significant time and effort to the unpacking process. One might argue there should not be any unpacking process needed if Impartial Hearing Officers, the IH Office and the IU were integrated and aligned.

Impartial Hearings DOE IHO

Unpacking

Pendency greement payments OLS. DFO

A-3 Implementation Managers must review the language in the Order, interpret its meanings, clarify any questions, break the Order into its component parts (Action items) and enter them manually into DAITS. The Order must be reviewed again by a supervisor checking for quality/ errors and approving the record, which

Implications

• Unpacking is a cumbersome, time-consuming bottleneck affecting all orders and action items.

completes the unpacking process.

Comptroller

Payment Docs Submitted

Impartial Hearings DOE IHO

Unpacking Outreach

A-4 Outreach is conducted by IU after the hearing to obtain the necessary payment forms from payees. These forms are typically emailed to the Implementation Unit or Liaison (following the hearing). To initially register payees, W-9/SSN documentation is collected and passed on to DCP to enter in FAMIS who reviews it for accuracy and submits it (through system integration) to FISA/FMS for validation. Outreach is often conducted long after the hearing.

agreement payments

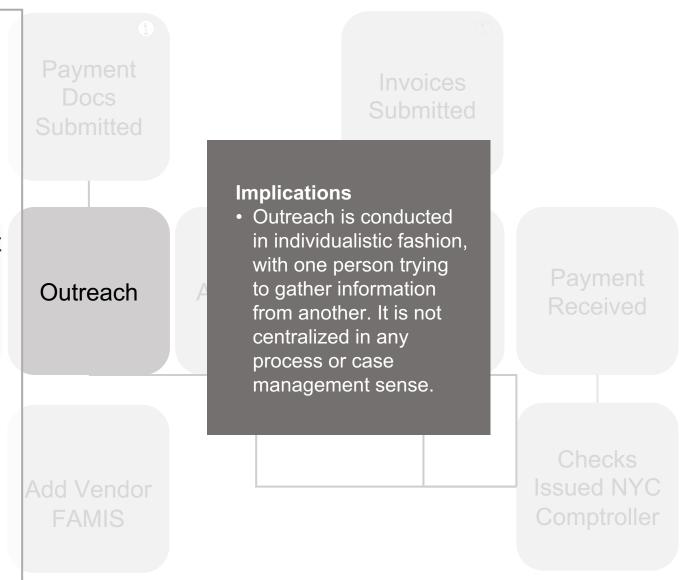
Settlement payments OLS, DFO

Add Vendor FAMIS

Implications

- The payee registration process (Add Vendor) crosses DOE organizational divisions as well as City agencies. It is based on the City's payment policy.
- Outreach conducted after the hearing makes the gathering of documentation much more difficult.

A-5 "Outreach" occurs when the Authorizer notices paperwork is missing (which is required in order to authorize) or when services have not been provided. The Implementation Unit does not have a function or role dedicated to outreach. In its current state, it is simply an informal, ad hoc duty of the authorizing individual. It is reactive, email-based, timeconsuming and necessary due to the lack of central systems through which documentation is submitted.



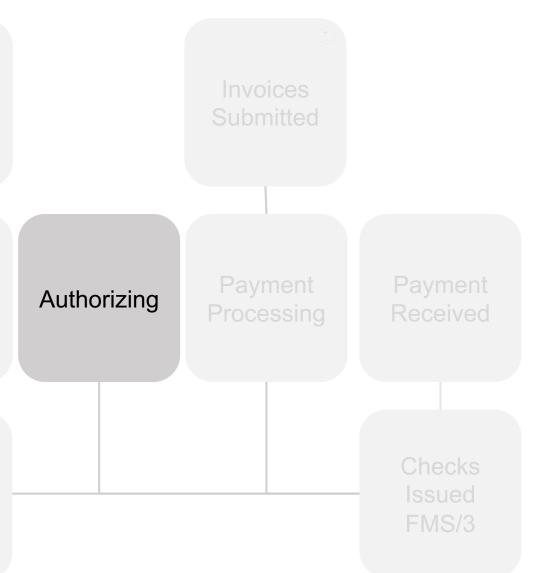
A-6 Payment documentation (e.g. proof of payment) must be on file in DAITS to authorize the payment. When this documentation is not captured at the hearing, it must be tracked down (e.g., from parents) in ad hoc manner through correspondence (typically email), termed "outreach," and uploaded to DAITS before payment can be authorized.

Implications

• Outreach is a significant level of effort in Authorizers' daily work. See previous finding, A-5.

payments IU

payments OLS, DFO



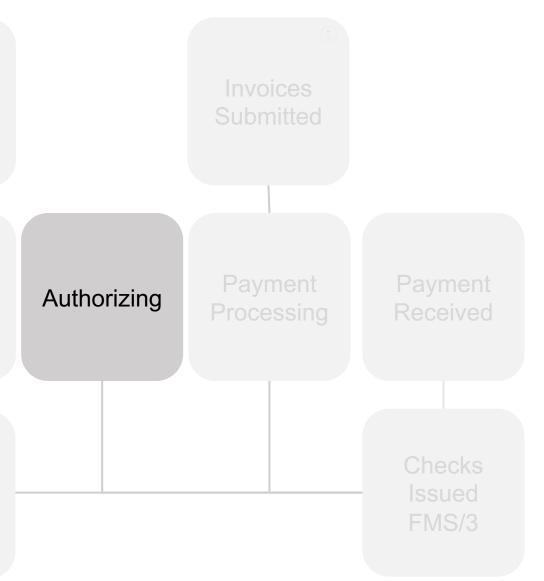
A-6b As of 2/23/2022, there are 7
Authorizers on staff to process
payments, and 5 openings for the
role. It was conveyed that the
average caseload is 2,100 action
items per Authorizer, and the
goals is a minimum of 12 per day.

Implications

 Adding new staff as a long term strategy is not the way to address the core problem of broken processes, misaligned roles and inadequate tools. As a near term strategy, it might be appropriate until the backlog is remediated and/or processes and tools can be re-engineered.

agreement payments IU

payments OLS, DFO FAMIS



A-7 Invoices are paper-based and until the pandemic were physically mailed to the IU. The pandemic required the conversion from paper to electronic communications for submissions of invoices. This led to a slightly easier submission process, but an exponential increase in electronic communications for IU staff, (without any system to manage or centralize the information).

Implications

- This is still a manual and reactive process. It results in longer processing times, heavy data entry upon receipt (which creates a backlog and need for more staff), and errors.
- Electronic correspondence seems to create a false expectation that all orders and payments will be implemented faster than before.

Invoices Submitted Payment **Processing**

payments

OLS, DFO

A-8 Invoices must be reviewed and manually entered (data entry) into the Impartial Hearings Financial (IHF) system. They require pre-existing knowledge of the types of services and that staff individually assess if the invoice is for the appropriate services ordered.

Implications

• Payment Processing is another area in which a backlog has built up due to higher volume and time/effort for data entry.

Invoices

Submitted

Payment Payment Processing Rece

Pendency agreemen payments

Settlement payments OLS, DFO

Add Vendor FAMIS

Checks Issued FMS/3

A-9 Invoicing for provided services is still a paper-based process. Invoices for services ordered must be filled out and signed by the provider and the parent (or designee) and submitted to the DOE. Invoices received must then be individually and manually data entered into FAMIS/IHF and approved for payment.

Implications

 This is a highly inefficient business process that should be digitized to speed processing times and reduce manual effort.

> Add Vendor FAMIS

Invoices Submitted Payment Processing

Pendency agreement payments

Settlement payments OLS, DFO

A-10 FAMIS payment requests are integrated with the City's FMS/3 in real-time from FAMIS. FMS/3 processes the request the same day it receives it, running an automated budgetary (cash management) check and verifies the vendor is on file with the City.

Implications

• FISA considers the payment requests "pre-approved," and performs no manual check or approval. Checks and direct deposits are scheduled to be sent as soon as they pass the above checks and are posted to the ledger, (automated; nightly batch).

A-11 If a vendor's status has changed, such as a recent lien, a notification from FMS/3 is automatically sent back to DOE notifying of the discrepancy.

Implications

• Although the IU's process requires a TIN when authorizing, there is no systematic way to know if the vendor's status with the City has changed, (e.g. a lien, invalid TIN)

Payment Received

Checks Issued FMS/3

A-12 All payees interviewed report irregular and heavily delayed payments.

Implications

 Many schools and providers are financially impacted by the delays having to scale back services to NYC DOE, build contingency funds, request emergency funding, etc. This also often causes providers to increase their rates to compensate for the fact that DOE is always delayed in making payments.

A-13 All payees report that submitting paperwork and invoices results in no reply or any acknowledgement by any DOE staff or system, (until a check is eventually received). Several interviewees referred to it as a "black hole."

Implications

• Relationships with providers are damaged. Trust in the NYC DOE as a responsible institution is essentially non-existent among stakeholders.

Payment Received

Checks Issued FMS/3

payr

Pendency Payments

X-1 DOE has changed from requiring orders on pendency to use of pendency agreements where pendency is not disputed. Pendency Agreement payments are processed by the IU via DAITS, even though they are not typically ordered by an Impartial Hearing Officer. (Pendency Order payments follow the same process as other payment orders.)

Impartial Hearings DOE IHO

Implications

• DOE should explore if this process can be simplified and automated to ease the volume of cases the IU must process.

FIUCESSING

X-2 Pendency Agreement payments for tuition are made in increments (half up front) - there is no scheduling of payments so all increments need to be individually authorized.

Pendency agreement payments IU

Implications

• There is an opportunity to lower the volume of authorizations by scheduling payments that must be processed by the implementation unit.

Pendency Payments

Invoices
Submitted

Impartial Hearings DOE IHC X-3 Pendency payments for services are dependent on submission of invoices by vendors after the provision of services, and so cannot be scheduled. Vendors can submit invoices per their own desired frequency and the process is still paper-based.

Payment Received

Pendency agreement payments IU

Implications

• There is an opportunity to standardize (automate) the vendor invoice submission process to process these payments for services more efficiently.

Checks
Issued NYC
Comptroller

Settlement and Pendency Payments

Impartial Hearings DOE IHO

Unpacking

Pendency agreement payments IU

Settlement payments OLS, DFO

X-4 OLS authorizes settlement payments in FAMIS which are processed by DFO. In the IU, the Authorizer (IU) of a pendency agreement may not see that the case has been settled and authorize the pendency payment, resulting in overpayment. This is especially challenging with a backlog of orders/pendency agreements (i.e. pendency payments are issued after settlement payments due to the backlog).

Implications

 There is not a clear or transparent way for IU staff to be notified of a settlement, resulting in a disconnected process that continually results in errors (overpayments) which must be rectified. The systems (DAITS, FAMIS, SESIS) are not integrated in such a way that all users are aware of the settlement and lacks appropriate transparency that would permit smoother operations. Overall Findings

Implementing
Payment Orders
and Action Items

Implementing
Service Orders
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Staffing Needs of the DOE Implementation Unit

DAITS and Relevant Systems

Implementing Orders & Action Items Outstanding 35+ Days

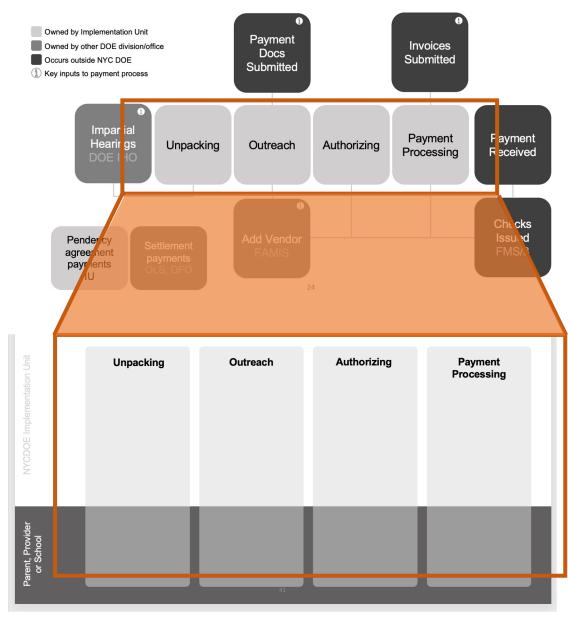
Monitoring Processes & Standards for Compliance

Detailed Payment Order Processes of the Implementation Unit



Detailed Payment Processes of the IU

The four major sub-processes of the Implementation Unit described in the previous section is outlined here in further detail. The intent of this section is to capture the detailed flow and review the specific steps in the next phase of this work (recommendations) to identify areas to improve the process, improve data and systems, and improve the experience of IU staff. These recommendations will be presented in the next report.

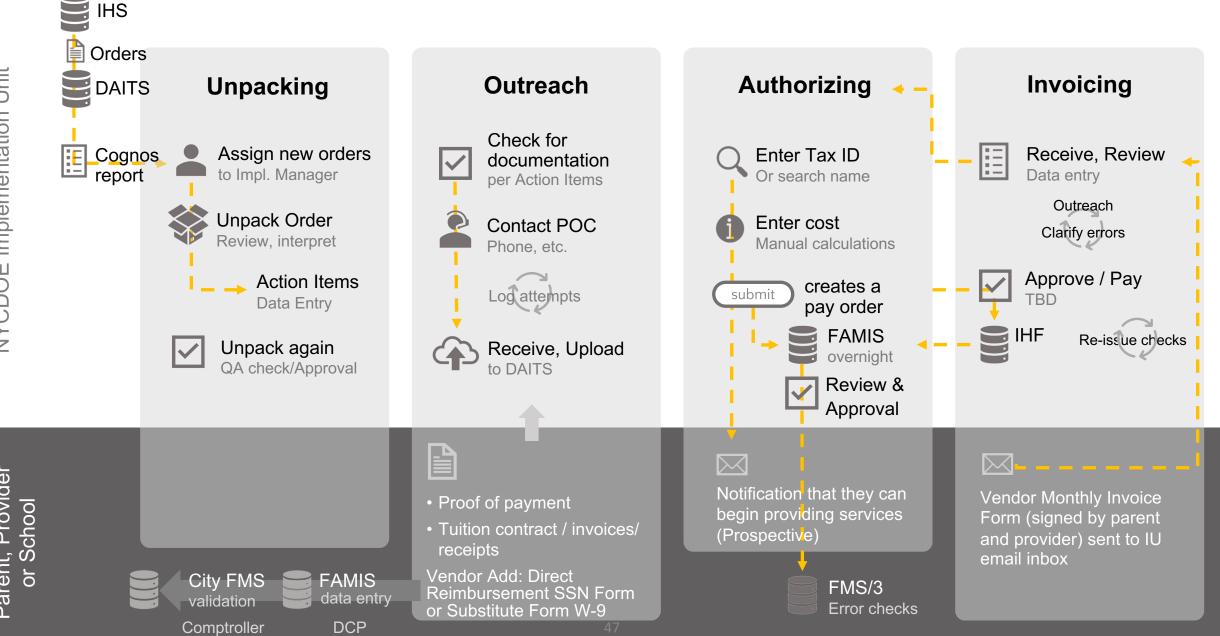


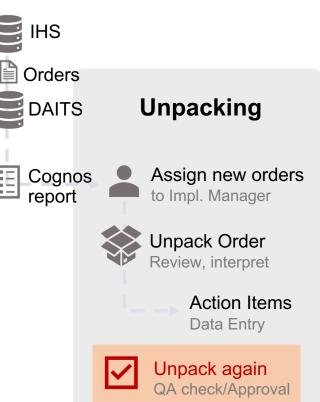
Outreach

Authorizing

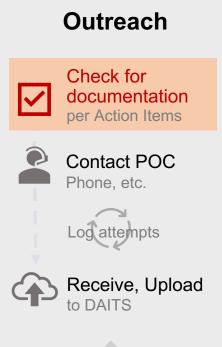
Unpacking

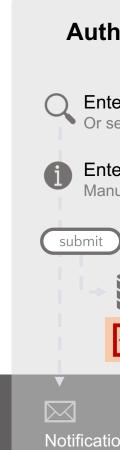
Payment Processing

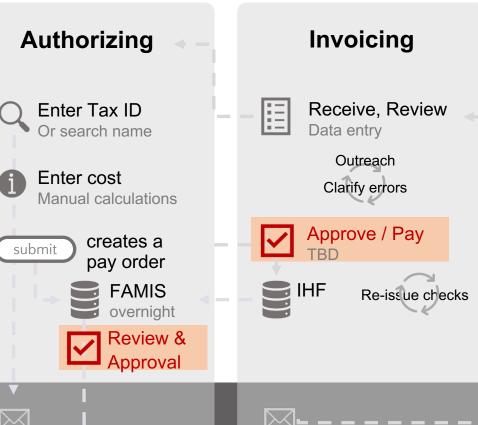




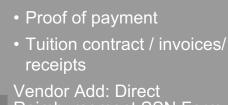










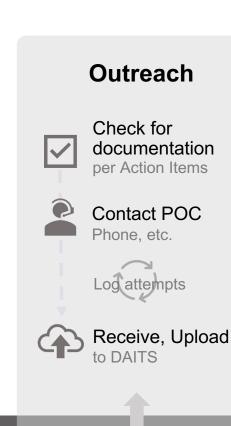




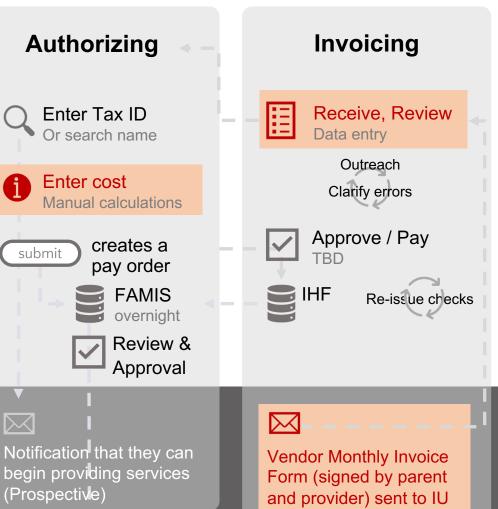


Vendor Monthly Invoice Form (signed by parent and provider) sent to IU email inbox









FMS/3

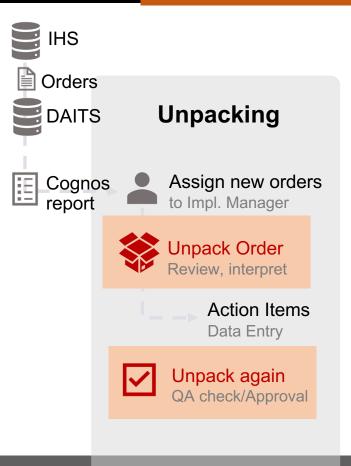
Error checks

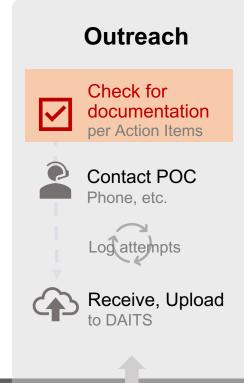
email inbox

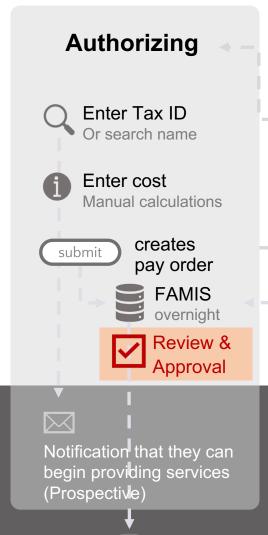


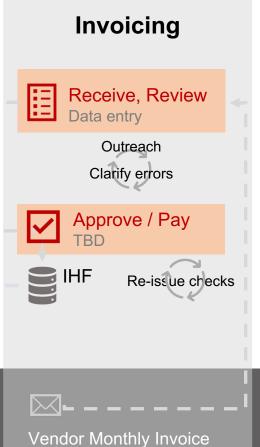


Vendor Add: Direct Reimbursement SSN Form or Substitute Form W-9











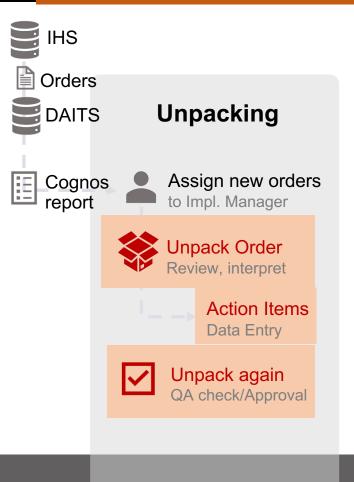


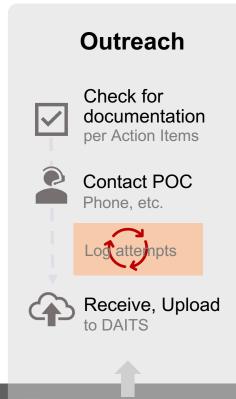
- Proof of payment
- Tuition contract / invoices/ receipts

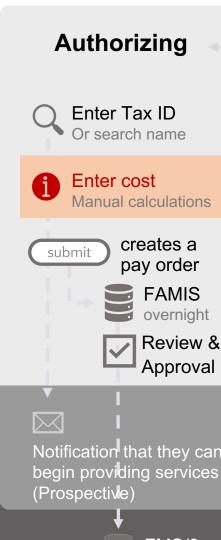
Vendor Add: Direct Reimbursement SSN Form or Substitute Form W-9

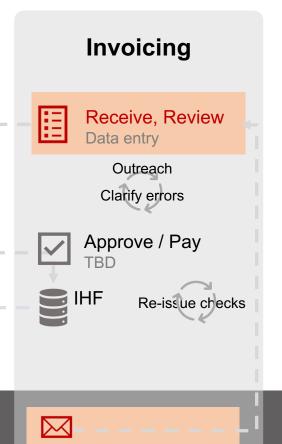
FMS/3 Error checks

Form (signed by parent and provider) sent to IU email inbox

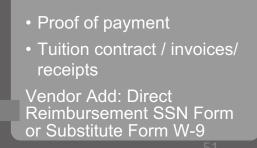
















Overall Findings

Implementing
Payment Orders
and Action Items

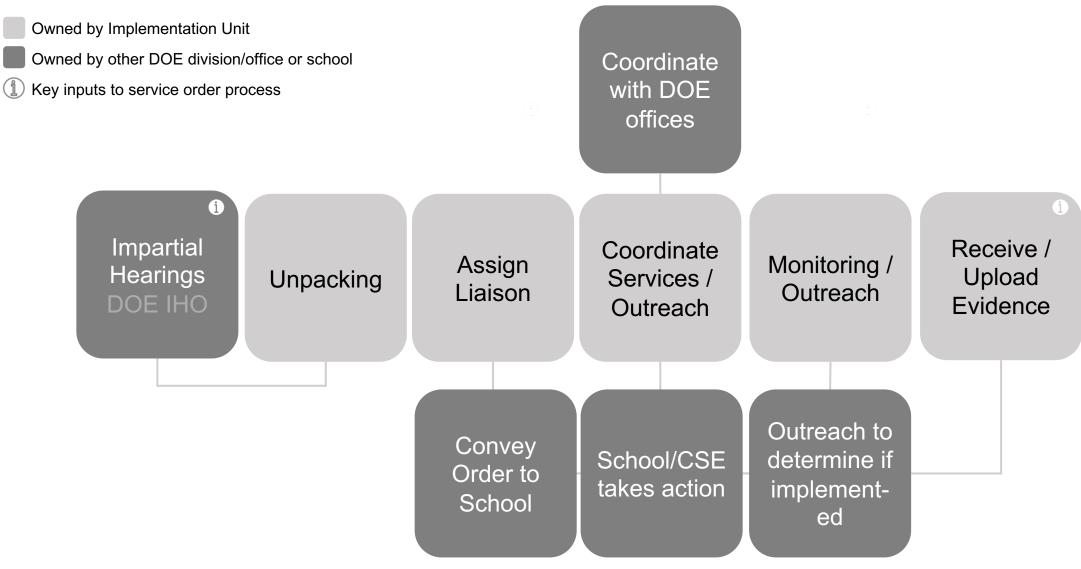
Implementing Service Orders and Action Items Staffing Needs of the DOE Implementation Unit

DAITS and Relevant Systems Implementing
Orders & Action
Items Outstanding
35+ Days

Monitoring Processes & Standards for Compliance

DOE's Processes for Implementing Service Orders and Action Items







B-1 Implementation Liaisons are assigned an action item (in DAITS), and then notified of the incoming order via email. They are provided instructions about documentation needed, requiring them to convey the Order to the school. Due to the current backlog, these assignments are often coming after the child needs services, (e.g. a nurse is needed for the child within days, but the Order backlogged and not unpacked into DAITS for months so the assignment does not come to the Liaison for months).

Implications

 Implementation Liaisons act as the intermediary and messenger between the Implementation Unit and the school as the action item is carried out, (i.e., word of mouth). Automation of this process and integration of systems would greatly improve the Liaisons' process, and transparency overall.

Convey

Order to

School

Assign Liaison Convey Order to

Coordinate with DOF

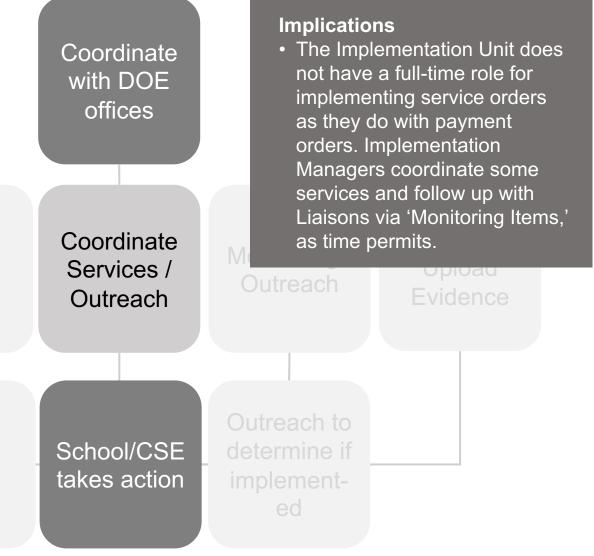
B-2 There is no automated process in DAITS notifying the users of key due dates approaching. Users must look for cases where they think due dates are approaching. The Implementation Managers attempt to monitor the status, among their other duties.

Implications

 At the time of assigning a liaison (unpacking),
 Implementation Managers also assign themselves a 'monitoring item' in DAITS to keep track of service action items in process. But there are no known notifications or reports for tracking due dates/compliance (just DAITS).

School

B-3 The Implementation Unit is responsible for ensuring implementation of all action items — Implementation Liaisons are responsible for implementing Service Action Items at the school level, (per LV guidelines). As a matter of roles, the Implementation Unit and/or CSE coordinate services that must be arranged by internal offices (e.g., Office of Pupil Transportation) and the Implementation Liaisons ensure action is taken by the school or with their CSE team, (e.g. scheduling an IEP meeting).



B-3b The role of Implementation Liaison coordinates action items for all types of schools (i.e. either at the CSEs or for public schools). In both instances, the designated Liaison is notified via email (from DAITS) that a service has been ordered and the individual begins to coordinate arrangement of the service, first looking to their own staff and then to outside providers. The process in all cases (public and CSE) is primarily based on exchanges of phone calls and emails (i.e. not a formalized, documented "process")

Coordinate with DOE offices

Coordinate Services / Outreach

Implications

 A lack of process, especially lack of a documented process(es), leads to inefficiency, confusion, increased time and effort, and potentially errors or omissions. This finding advances other observations that the processes are facilitated by individuals continually reaching out to those who will listen.

School/CSE takes action

Outreach to determine i implemented

B-3c Service Orders arranged by DOE central offices, (such as transportation), follow a similar highlevel process as the Implementation Liaison process for other service orders (both CSE and public schools): (1) the service action item is created; (2) a Liaison or point of contact is identified in the respective office; (3) emails are exchanged among one or several offices; (4) services are arranged or an alternative is identified, (primarily over email or phone calls); and (5) evidence is ultimately uploaded to DAITS.

Coordinate with DOE offices

Coordinate Services / Outreach

School/CSE takes action

Implications

 Turnover in DOE central offices poses a significant risk to the efficiency of this process and the implementation of certain services. Because the process is based on individuals (and not roles or an automated workflow), obstacles present themselves at the outset of implementation when no one knows to whom to assign the action item, (or who to call)

Outreach to determine if implemented

B-3d The backlog in the process of data entry / approving orders may result in a delay in notifying the Liaison of the order. For example, an order is issued for the student to be placed in a school immediately with a need for nursing service; the student arrives, however, the order from DAITS has not been entered and received yet by the Liaison; therefore, the need for nursing services has not yet been communicated to the school.

Coordinate with DOE offices

Assign Liaison Coordinate Services / Outreach

Convey Order to School

School/CSE takes action

Implications

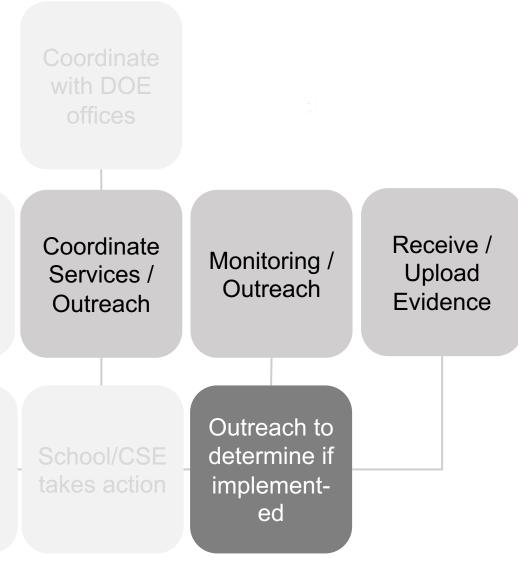
- Students and parents expect services will be delivered immediately per the order.
 When they arrive and the needed support has not been arranged, (e.g. nurse not available), confusion and frustration ensue.
- Some Implementation Liaisons have taken to reviewing orders in the Impartial Hearing System as they are issued to avoid this scenario.

Outreach to determine if implemented

B-4 Implementation Liaisons have to use both SESIS and DAITS to gather evidence of implementation; and often upload documents from SESIS into DAITS.

Implications

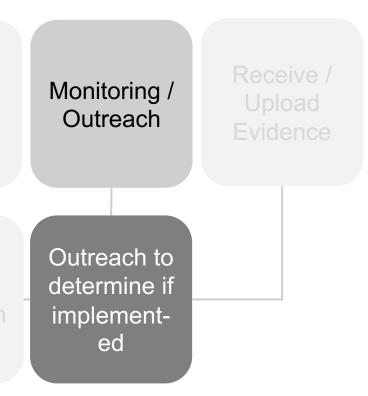
 The two systems are not synchronized, integrated or connected in any way. If they were, gathering of evidence (and the outreach needed to do so) might be rendered moot by simply monitoring for the necessary evidence in SESIS.



B-5 As opposed to a workflow system, email is the system used to gather evidence of implementation of service action items, including tracking details of current status, key documents needed, key documents collected, etc. Evidence of implementation is gathered through this correspondence by Liaisons and Implementation Managers The Implementation Liaison's primary role is to conduct outreach, (e.g., they may need to contact the parent or work with the school to fulfill an action item).

Implications

• NYC DOE lacks a workflow system to facilitate the service action item process and centralize documentation.



B-6 The Implementation Liaison datagathering process is manual and reactive.
Once gathered via email, the Implementation Liaison or Implementation Manager will manually upload the necessary documentation to DAITS (showing the action has been completed; implemented).

Implications

 All relevant email correspondence and attachments (for all service action items) are manually uploaded to DAITS where they serve as evidence of implementation. This leaves room for human error (e.g., incorrect documentation). Monitoring / Outreach

Receive / Upload

Outreach to determine if implemented

B-7 DAITS is inconsistently used by Liaisons outside the IU for monitoring their action items. Some Implementation Liaisons use DAITS to maintain their list of action items, Monitoring / and some maintain their own spreadsheet. Outreach **Implications** • There is not a standard way Liaisons monitor the status of their assigned action items. This leads to inconsistent and Outreach to varied monitoring operations. determine if implemented

Impartial Hearings DOE IHO B-8 The Implementation Liaison datagathering process is manual and reactive. Once gathered via email, the Implementation Liaison will manually upload the necessary documentation to DAITS (showing the action has been completed; implemented). This is essentially redundant with SESIS because the systems/processes are not linked.

Receive / Upload Evidence

Implications

 All relevant email correspondence and attachments (for all service action items) must be manually uploaded to DAITS where they serve as evidence of implementation **Overall Findings**

Implementing
Payment Orders
and Action Items

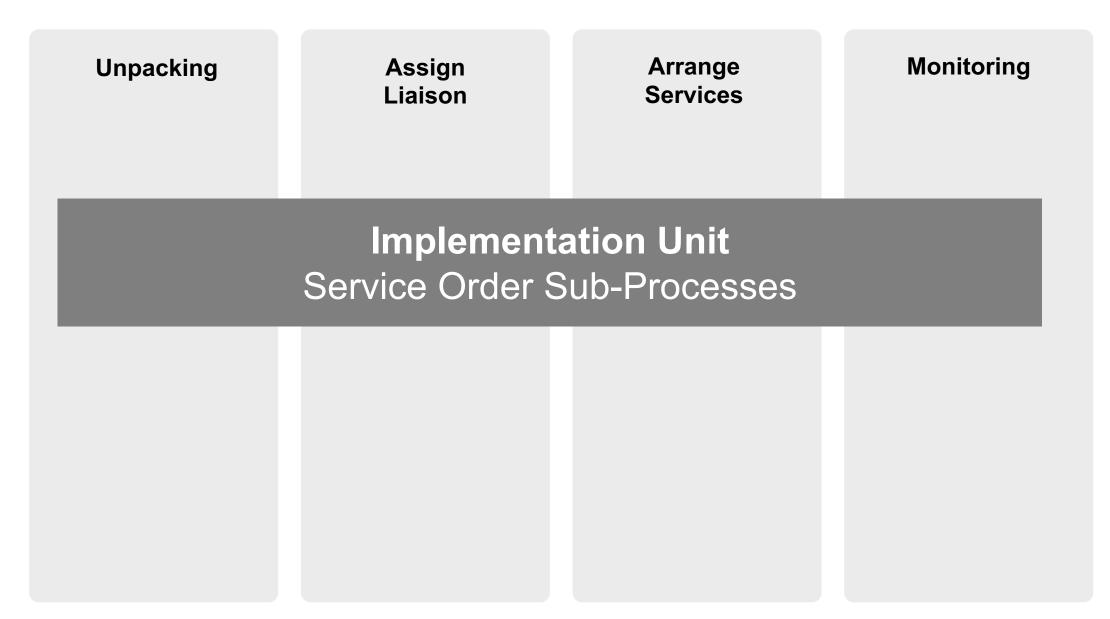
Implementing Service Orders and Action Items Staffing Needs of the DOE Implementation

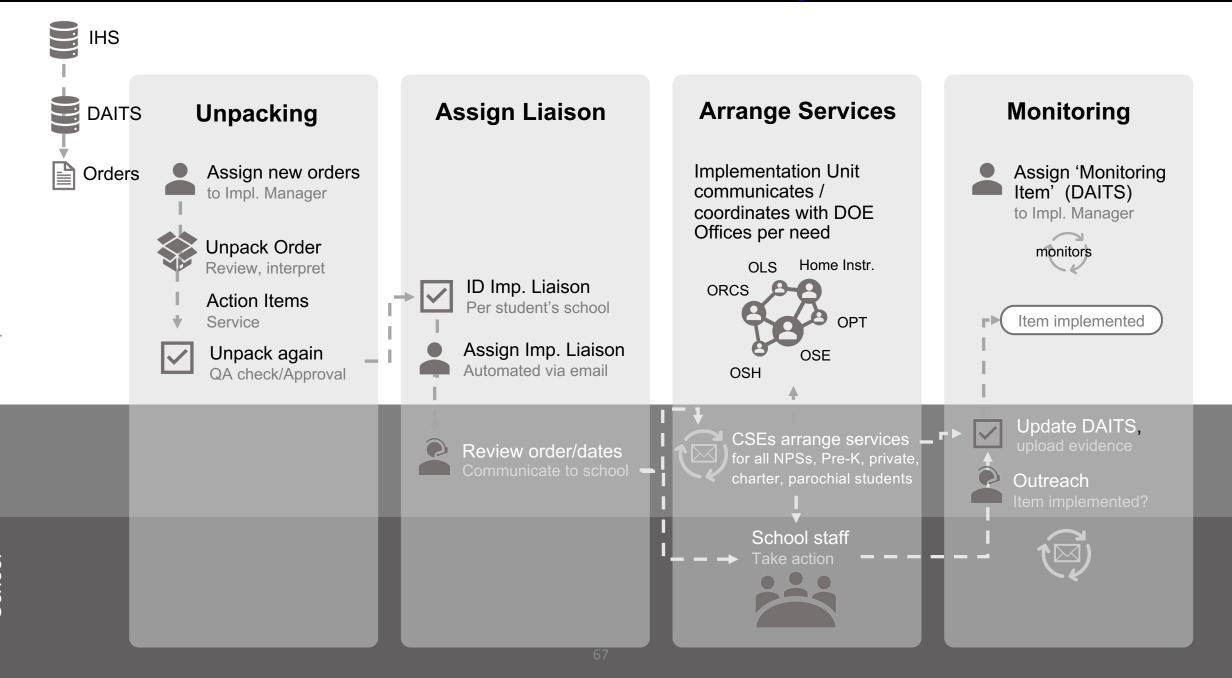
DAITS and Relevant Systems Implementing
Orders & Action
Items Outstanding
35+ Days

Monitoring Processes & Standards for Compliance

Detailed Service Order Process







Overall Findings

Implementing
Payment Orders
and Action Items

Implementing
Service Orders
and Action Items

Staffing Needs of the DOE Implementation Unit

DAITS and Relevant Systems

Implementing Orders & Action Items Outstanding 35+ Days

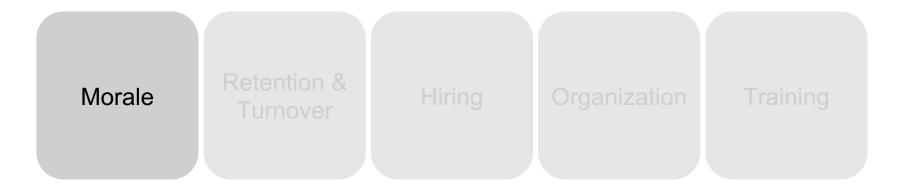
Monitoring Processes & Standards for Compliance

Staffing Needs of the DOE Implementation Unit





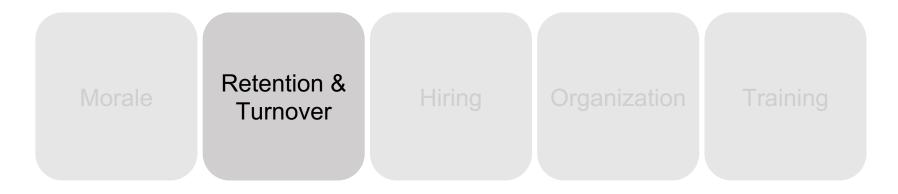
The above categories of talent and human resources were reviewed to inform the following findings related to the staffing of the Implementation Unit.



C-1 The extensive backlog of action items and invoices is overwhelming to staff. Many staff members in the Implementation Unit are frustrated, overworked, burned out, or generally feel unsupported by the broader DOE.

Implications

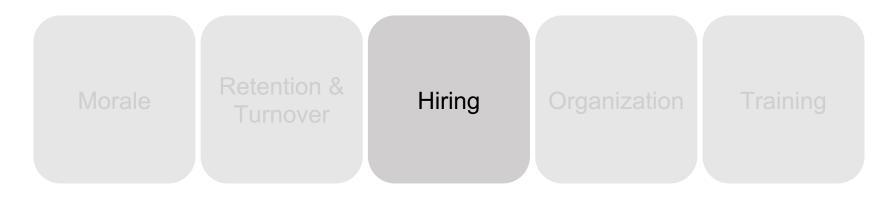
- Morale is generally low and Implementation Unit staff are hopeful of major changes.
- There is a large risk of losing long-tenured staff and leaders with institutional knowledge.



C-2 Recently, the Implementation Unit has had a high number of staff leave/quit, consultants' P.O.s expire, staff reassigned (6), or staff redeployed (e.g. to a school, due to pandemic).

Implications

- This is highly disruptive to Implementation Unit operations and negatively impacts the backlog of payments.
- This requires increasing amounts of time, effort spent on reviewing candidates CVs, interviews, hiring, training, etc. by Implementation Unit leadership.



C-3 Hiring has been an immense challenge for the Implementation Unit due to a variety of factors, such as (a) the competitive hiring process of the DOE is constrained by archaic rules (e.g. rankings, interview protocols (2 questions), "1 in 3" rule); (b) uncompetitive salaries offered to candidates, (c) civil service regulations severely limit the candidate pool.

Implications

- There have been several unfilled positions for 1+ year, (e.g., Associate Director). 20 positions just approved, which will be a huge challenge given hiring constraints.
- Qualified candidates cannot apply to positions in most cases if they are not members of the civil service (competitive class).
- IU leadership is presented with limited or no qualified candidates through the competitive civil service hiring process.
- Due to the depth of expertise needed, along with a lack of automation and workflow (which would simplify the process), DOE must rely on the limited external candidate pool of individuals with the requisite knowledge of NYC special ed law.

Staffing of the Implementation Unit

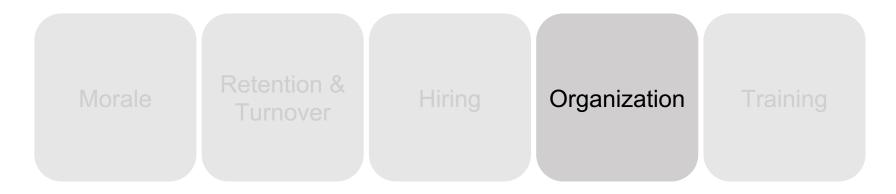


C-4 Most interviewees believe that additional staffing is the answer to the current backlog and issues with volume.

Implications

• Additional staffing is a short-term solution that does not get at the root of the problem, inefficient processes and insufficient enabling technologies to support the IU's work.

Staffing of the Implementation Unit

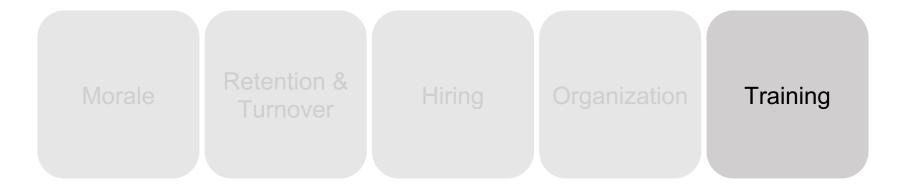


C-5 The Implementation Unit is not organized as a team, but rather operates as individuals performing functions in silos.

Implications

• This does not create ideal conditions (trust, collaboration) for knowledge sharing, coordination and communications (internal and external).

Staffing of the Implementation Unit



C-6 Training is conducted primarily through experience and coaching. There is not a formal Training program for the LV work, nor any recent training materials.

- Given the complexity of the processes, a lack of adequate training/program leads to a longer onboarding process for staff.
- Training is complicated by the existing disjointed and undocumented processes.

Overall Findings

Implementing
Payment Orders
and Action Items

Implementing
Service Orders
and Action Items

Staffing Needs of the DOE Implementation Unit

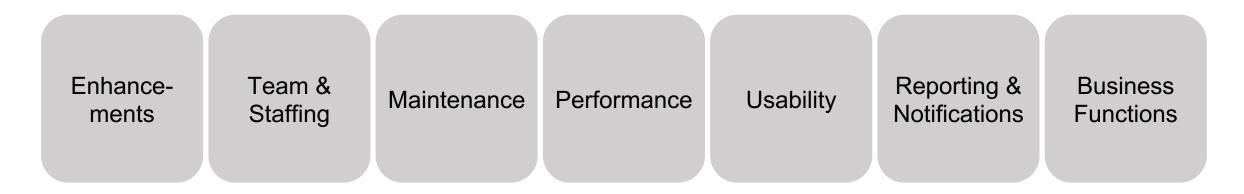
DAITS and Relevant Systems

Implementing
Orders & Action
tems Outstanding
35+ Days

Monitoring
Processes &
Standards fo
Compliance

DAITS and Relevant Systems





The above categories regarding the management and life cycle of information systems were reviewed to inform the following findings related to DAITS and relevant systems.

Enhancements

Team & Staffing

Maintenance
Performance
Usability
Reporting & Notifications
Functions

D-1 DAITS is a custom application built over a decade ago to support the Implementation Unit, and has not been significantly enhanced since, (i.e., no product life cycle processes), despite requests.

- A lack of enhancements means it has not kept up with the business and workflow demands of the Implementation Unit.
- Built over 10 years ago on an older development framework (.NET 3.5) means future challenges and obstacles to leveraging more modern web-based technologies, (e.g. cloud, analytics, mobile). It will not run on modern web browsers, like Chrome and Firefox.

Enhance-ments

Team & Staffing

Maintenance Performance

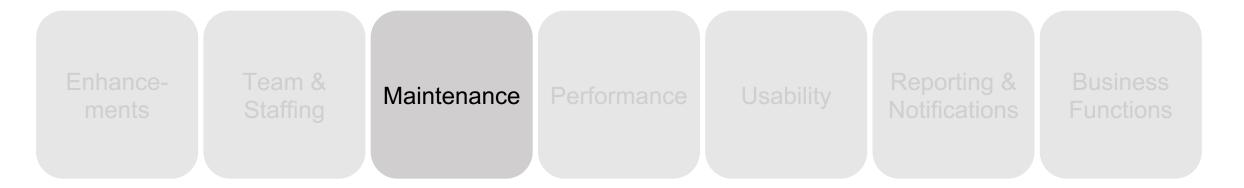
Usability

Reporting & Notifications

Functions

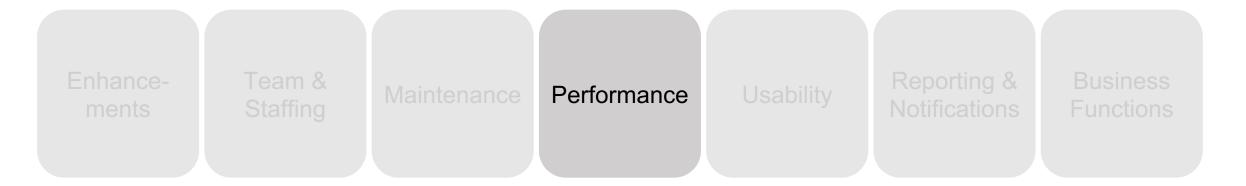
D-2 DOE has not prioritized the resources needed to maintain DAITS over the years. DAITS has been neglected from a resource perspective for years (no funds or staff, despite requests). There has been no technical/development team or staff dedicated to DAITS.

- There is not an existing and dedicated DAITS development team prepared to make any necessary upgrades.
- Institutional knowledge of the system's technical architecture and business logic resides with a single DOE staff person who is currently engaged full-time on several other DOE systems teams.



D-3 DAITS is mired in technical debt, which is the effect of cutting corners on maintenance and investments, (e.g., outdated user interface, runs on an unsupported web browser).

- Internet Explorer is no longer supported by Microsoft which means it will cease to receive security updates, potentially opening the DOE to vulnerabilities.
 "Implementation Unit staff have trouble accessing IE because DOE IT (DIIT) no longer supports the outdated browser (and keeps deleting it off their operating systems).
- The estimate to modernize DAITS and bring it up to a fully functioning, web-based application is significant, (1+ yrs, 1+ FTEs); i.e., just maintenance, not enhanced functionality.



D-4 DAITS regularly crashes (causing the user to restart their work), times out (after seconds, causing the user to restart their work), and is generally slow to process data.

- The system is counterproductive, at best. Trust has been eroded, and it is not viewed as a reliable system by the user community.
- The system's performance causes extreme frustration to the user community, results in lost work (rework), and squanders hundreds (if not thousands) of hours in lost productivity annually.

Enhancements

Team & Staffing

Maintenance

Performance

Usability

Reporting & Notifications

Functions

D-5 DAITS was designed over 10 years ago and has not been redesigned or enhanced since. This, not surprisingly, leads to an outdated user interface (UI), a lack of common UI standards, (e.g. selecting multiple documents upon upload), and is generally inefficient at facilitating the IU's processes of the present day. See Appendix IV for sample screenshots.

- · Most users are frustrated with DAITS.
- DAITS does not reflect the IU processes as they've evolved over the last decade.
- The system's poor usability adds to the time/effort needed to process Orders.

Enhancements

Team & Staffing

Maintenance

Performance

Usability

Reporting & Notifications

Functions

D-6 DAITS often requires that users remember detailed information from a previous screen, defying a basic usability principle.

Implications

• This often requires users to have two windows open to be able to retrieve necessary information and cut and paste it from screen to screen. This is a significant obstacle to a usable and efficient system.

Enhance-ments

Team & Staffing

Maintenance

Performance

Usability

Reporting & Notifications

Functions

D-7 DAITS requires that users manually calculate pro-rated amounts in authorizing prospective or pendency payments. Users are forced to use a desk calculator to determine the appropriate payment amount.

Implications

A web-based application would ideally have this logic and ability to calculate such
payment amounts built into the functionality of the system. The current system leads
to longer processing times and the potential for error.

Enhance-ments

Team & Staffing

Maintenance

Performance

Usability

Reporting & Notifications

Functions

D-8 DAITS lacks useful reporting features and notifications commonly expected of web-based applications, which would be very helpful in managing daily IU operations. For example, the system does not display a list of incoming orders (i.e., those that came in the previous day).

- IU staff must rely on spreadsheets and Cognos reports generated daily by DIIT to monitor new orders and assign them to Implementation Managers.
- Another example is neither DAITS nor FAMIS notifies IU leadership of final approval of a payment order needed in FAMIS. The current protocol is to review the Cognos report for pending approvals and then to search for the pay order in FAMIS.

Enhance-ments

Team & Staffing

Maintenance

Performance

Usability

Reporting & Notifications

Functions

D-9 DAITS and FAMIS contain very detailed business rules, calculations, and required functionality of NYC/Due Process/LV, which are almost certainly not inherent to any existing category of software product ("off the shelf").

- Developing a new system to replace DAITS and quickly deploying it is unfortunately not a realistic scenario to remedying the current situation.
- The move to a case management process might be facilitated by a CRM system, but would require a change of DOE/IU business processes/rules.

Overall Findings

Implementing
Payment Orders
and Action Items

Implementing
Service Orders
and Action Items

Staffing Needs of the DOE Implementation Unit

DAITS and Relevant Systems

Implementing
Orders & Action
Items Outstanding
35+ Days

Monitoring
Processes 8
Standards fo
Compliance

Implementing Orders & Action Items Outstanding 35+ Days



Implementing Orders & Action Items Outstanding 35+ Days

E-1 The DOE handles all cases and students the same and in the sequence in which Orders are received. As a result, there are no DOE processes specifically for implementing Orders and Action Items beyond the 35-day threshold.

Implications

- There is no fast track or alternative workflow to facilitate outstanding orders, orders and action items beyond the 35-day threshold are not treated differently than any other case.
- E-2 The manual and decentralized processes result in a time-consuming workflow (even for relatively simple orders), along with increasing volume, which results in orders not being implemented in a timely manner.

Implications

• If the process (especially for payments) continues to employ a multi-stage approval process across various Divisions and NYC agencies that do not talk to each other, the process will always take more than 35 days.

Overall Findings

Implementing
Payment Orders
and Action Items

Implementing
Service Orders
and Action Items

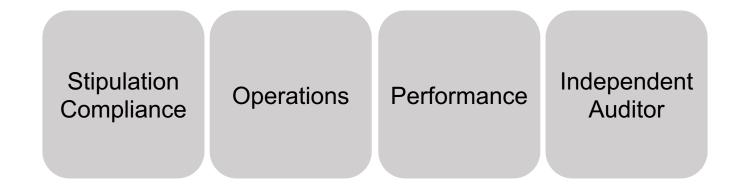
Staffing Needs of the DOE Implementation

DAITS and Relevant Systems

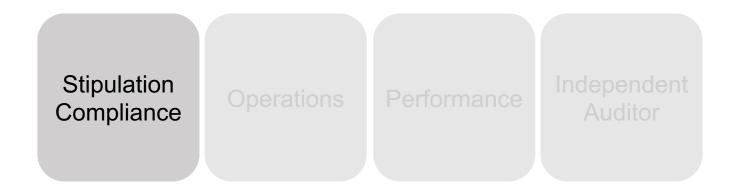
Implementing Orders & Action Items Outstanding 35+ Days Monitoring
Processes &
Standards for
Compliance

Monitoring Processes & Standards for Compliance





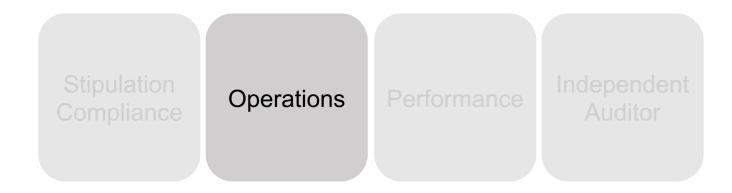
The above categories regarding the DOE's processes for monitoring LV compliance and their own performance were reviewed to inform the following findings.



F-1 The Stipulation puts ownership of monitoring for compliance on the independent auditor and puts none on the NYC DOE (other than providing the data to the IA). As a result, NYC DOE has not historically employed its own internal resources in monitoring for compliance specifically with LV. On a case-by-case basis, Implementation Managers monitor for service compliance, but current volume makes this impractical and highly inconsistent.

Implications

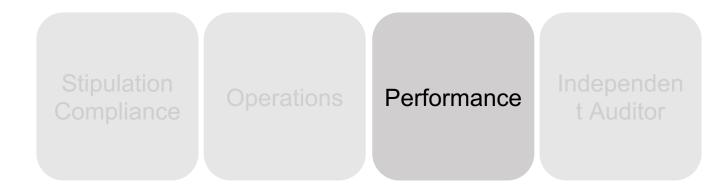
 The DOE does not have any people, processes or tools dedicated to monitoring outstanding action items and/or LV compliance. The DOE has inadequate tools and data to report the total/current volume of orders and payment items.



F-2 The Implementation Unit monitors data on incoming orders daily (via a Cognos report; outside of DAITS) as a means of assigning Orders to Implementation Managers, but, due to system/data constraints, cannot proactively monitor outstanding orders (35+ days), calculate the backlog volume, or generally measure LV compliance (the IA's role).

Implications

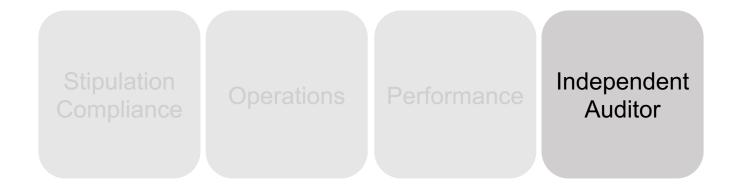
 There is a lack of authoritative data on LV compliance and DOE progress because a formal monitoring process has not been established by DOE. DOE does not know the number, aging, or time to completion of total outstanding orders at any given time



F-3 The Implementation Unit recently (in 2021) started monitoring the caseloads and performance of Authorizers (Payment Specialists), but has not historically had a tool or process to monitor performance of staff or the Implementation Unit overall.

Implications

• Generally, the DOE does not monitor performance of IU staff or the goals of the Implementation Unit (outside the IA/Stipulation).



F-4 The IA (Guidehouse) follows a near-identical, parallel process of unpacking orders (see Appendix III for IA's specific workflows): reviewing, data entry, approval by team leaders, examination of evidence and due dates, etc. This is done using DAITS data, but is wholly independent of DOE processes. This is performed by about 15 staff members of Guidehouse, which is not enough as they are experiencing a significant backlog, as well.

Implications

• This is not the typical function of an auditor. In the LV case, the IA is acting more as third party oversight, accounting for the measurement of compliance. This is time-consuming, expensive, and does not promote DOE accountability to measure itself.

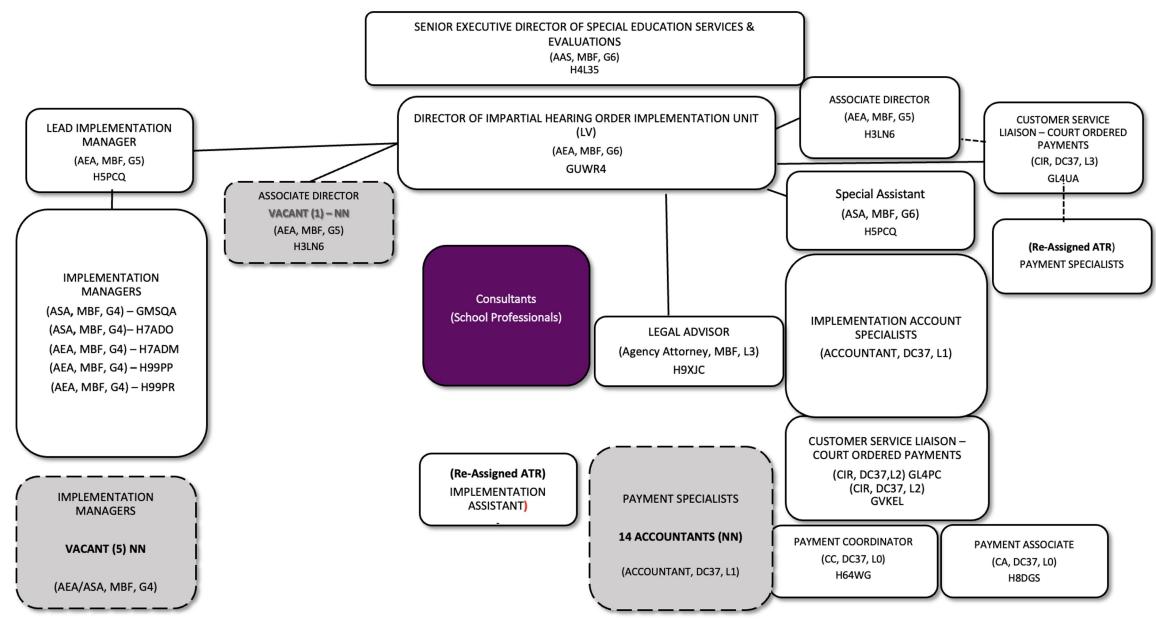
Appendix



Appendix I: IU Organizational Chart



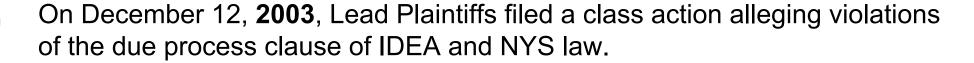
Organizational Chart of the Implementation Unit



Appendix II: Historical Context



From the Stipulation



On April 14, **2004**, Lead Plaintiffs filed their second complaint alleging DOE's failure to comply is a systemic problem, as the orders are not enforced or implemented in a timely, effective and comprehensive manner – and alleges DOE lacked effective policies and procedures and did not develop or maintain a system to effectuate the orders.

On May 22, **2007**, the DOE filed their response denying any liability, wrongdoing, or violation.

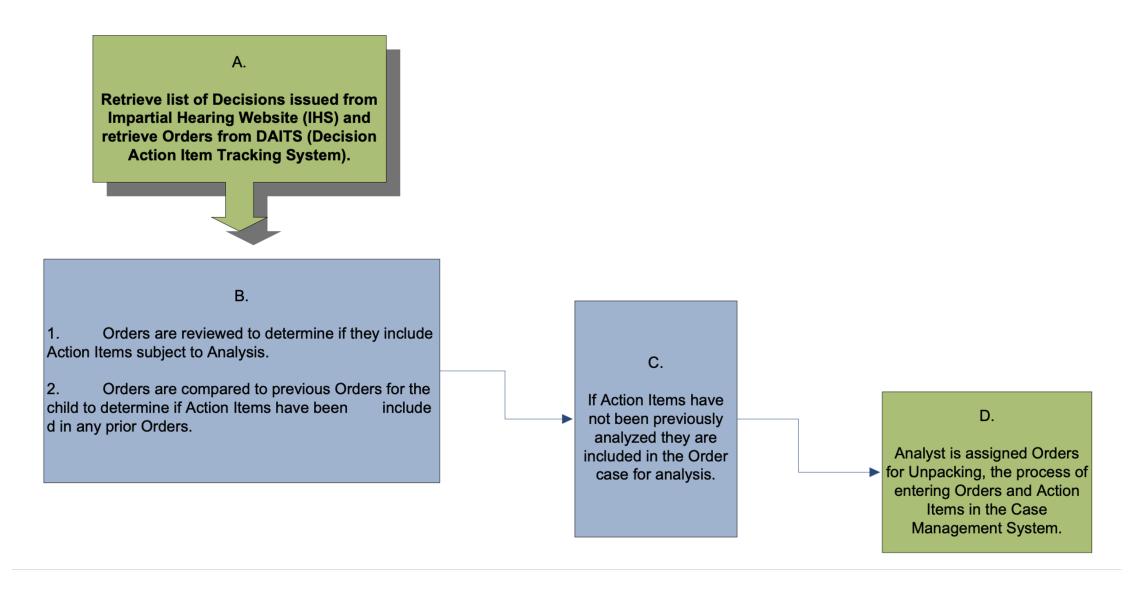
Parties engaged in extensive assessment.

December **2007** – Parties entered into the Stipulation April 2008, court approved Stipulation

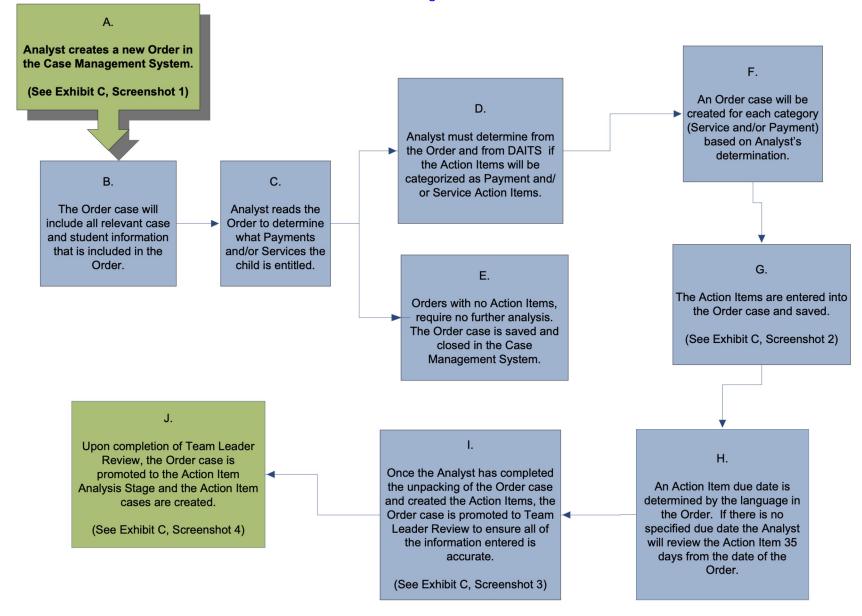
Appendix III: Independent Auditor Processes



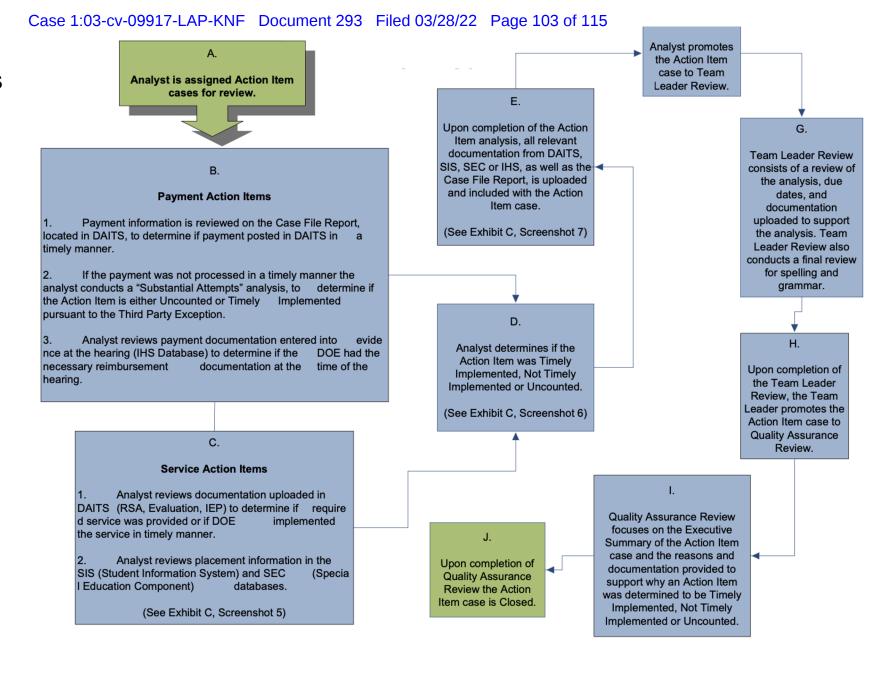
Independent Auditor: Initial Order Review (weekly)



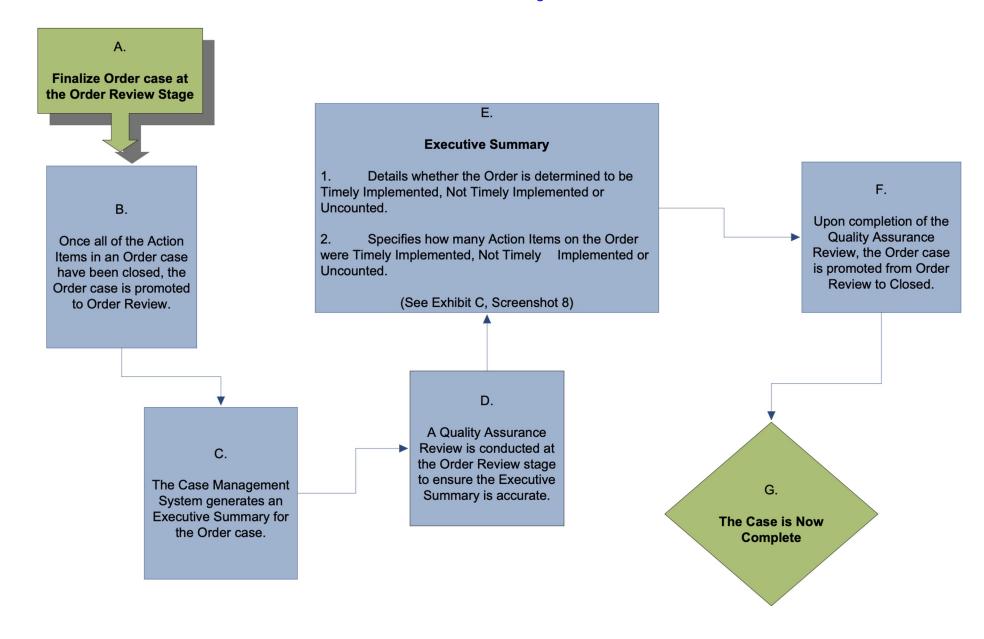
Independent Auditor: Unpacking Orders / Creating Action Items (daily)



Independent Auditor: Action Items Analysis (daily)

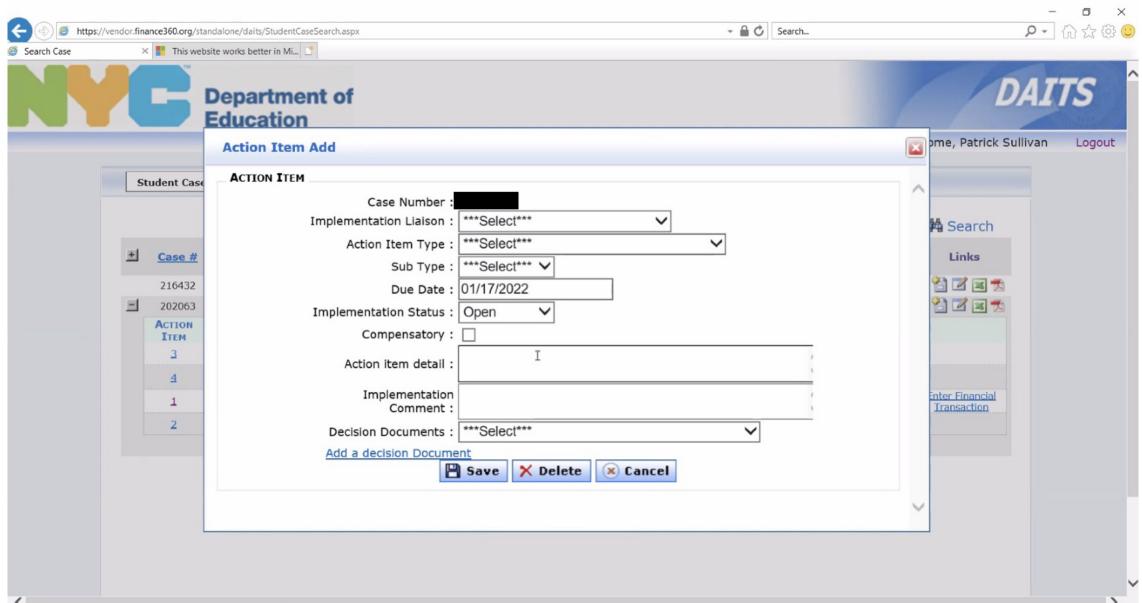


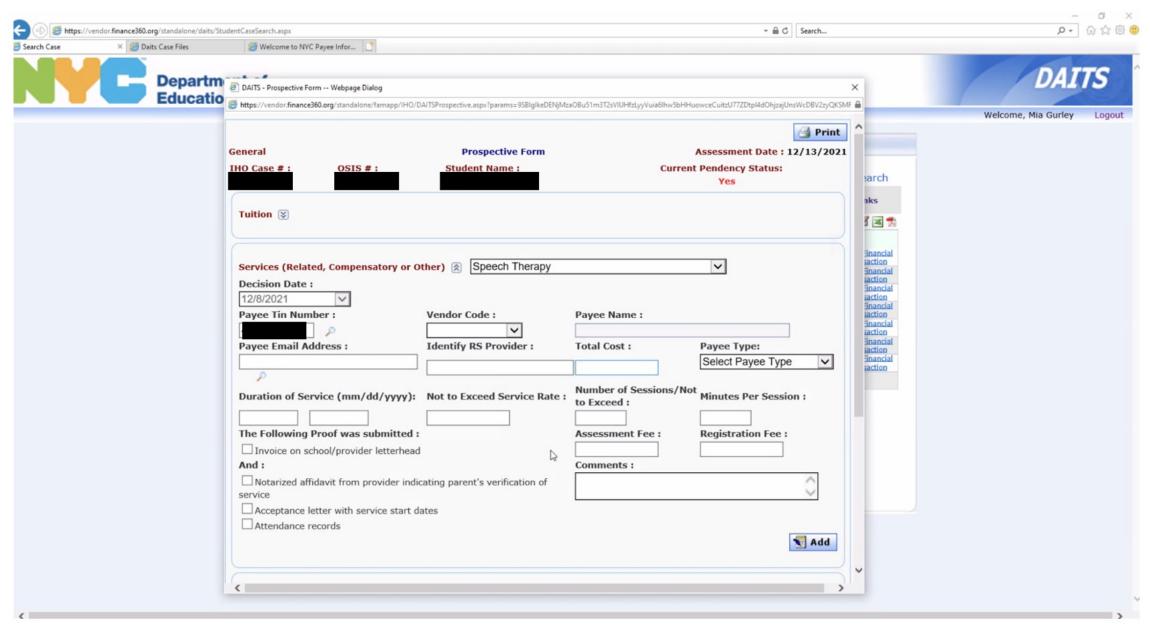
Independent Auditor: Final Order Review (weekly)

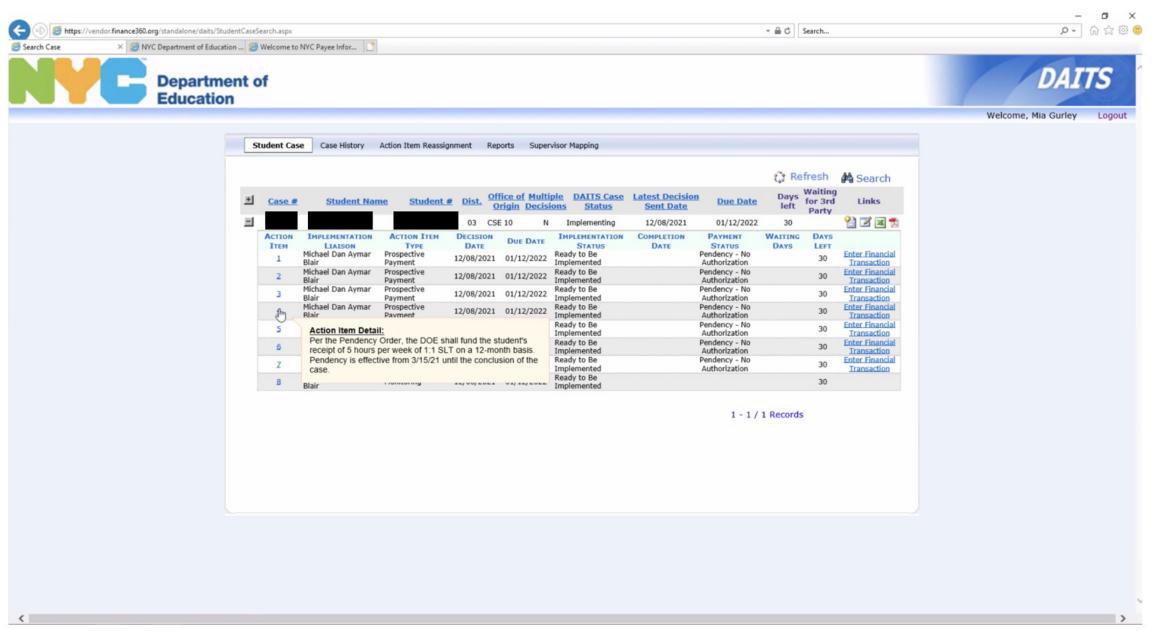


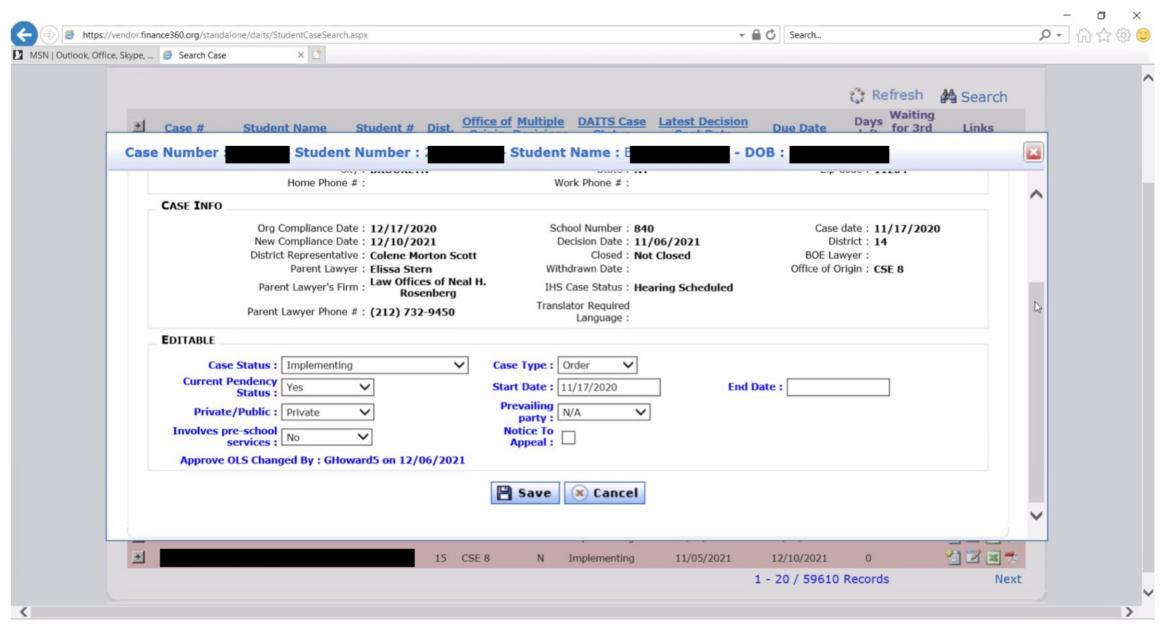
Appendix IV: Sample System Screenshots

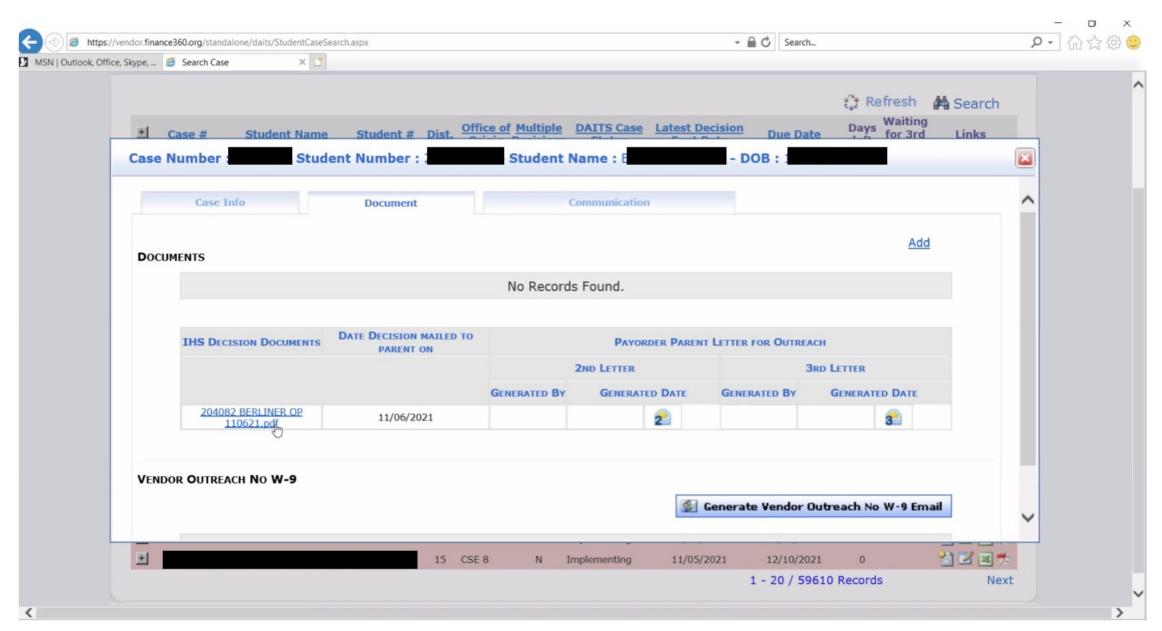




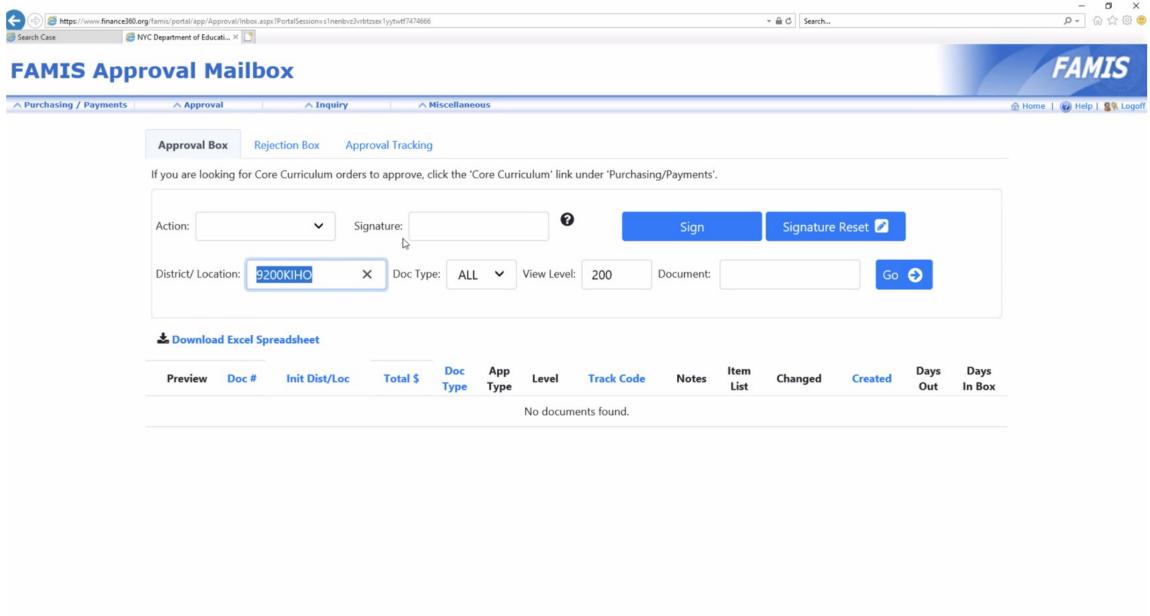


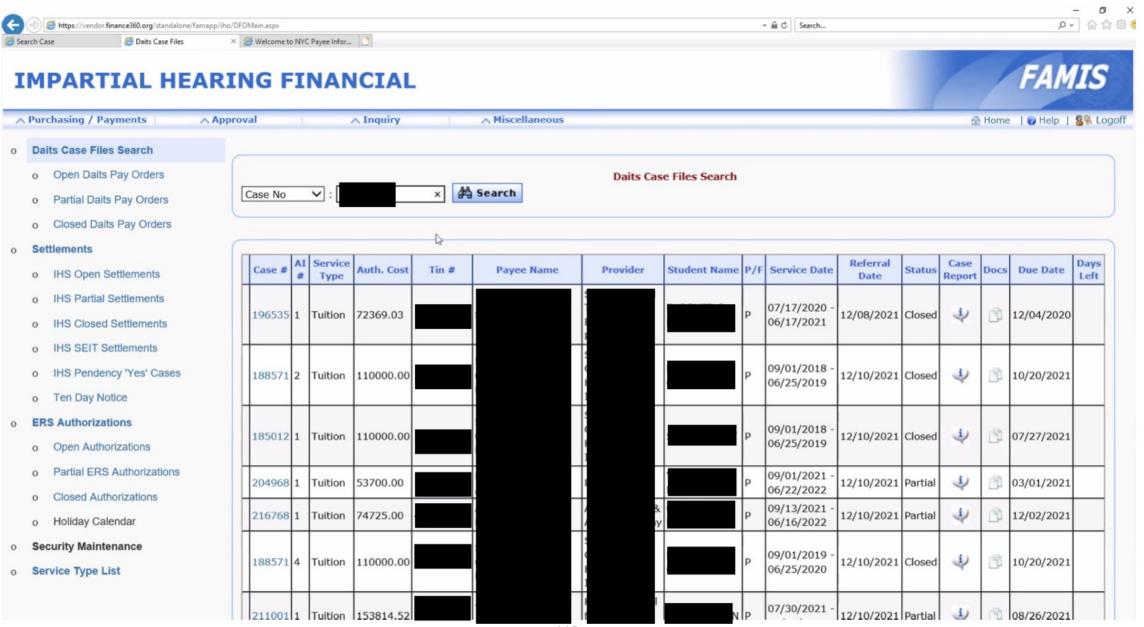


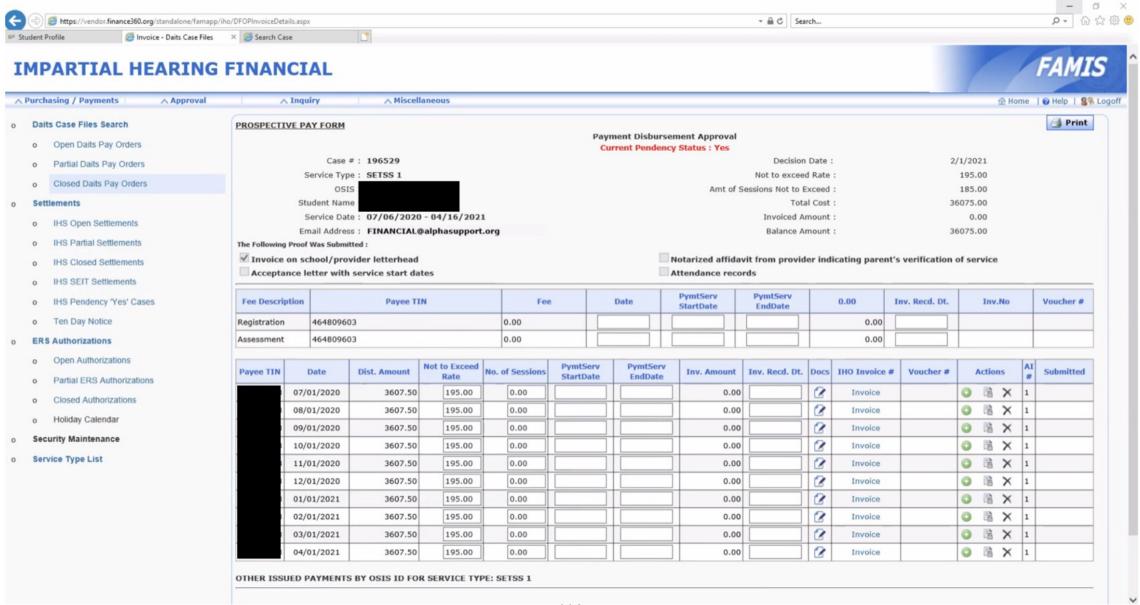












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