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January 30, 2024

RECEIVED
1/30/2024

Middlesex Superior Court
Civil Process Division
300 Trade Center
Woburn, MA 01801

RE: Commonwealth Employment Relations Board/Newton School Committee v. Newton Teachers Association and Michael J. Zilles in his official capacity

Our File No.
Docket No. 2481cv00148

Dear Sir/Madam,

Regarding the above-entitled matter, enclosed for filing and docketing please find Allison and David Goldberg's Emergency Motion to Intervene on behalf of their daughter Chloe Goldberg in the above matter and a *Certificate of Service*.

Kindly file same and schedule a hearing for the Motion as soon as possible. Thank you.

Very Truly Yours,



David S. Goldberg

DSG:jb/Enclosure

- cc: Ian Katany, Esq.,
- Laurie Renea Houle, Esq.
- Jennifer King, Esq.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

MIDDLESEX SUPERIOR COURT
DOCKET NO. 2481CV00148

COMMONWELATH EMPLOYMENT *
RELATIONS BOARD, *

Plaintiff *

and NEWTON SCHOOL *
COMMITTEE, *

Plaintiff-Intervenor *

v. *

NEWTON TEACHERS ASSOCIATION *
and MICHAEL J. ZILLES, in his *
official capacity, *

Defendants *

RECEIVED
1/30/2024

ALLISON AND DAVID GOLDBERG'S EMERGENCY MOTION TO INTERVENE ON
BEHALF OF THEIR DAUGHTER CHLOE GOLDBERG

NOW COMES Allison and David Goldberg (the "Goldbergs") on behalf of their minor daughter, Chloe Goldberg ("Chloe") and respectfully move this Honorable Court to impose more severe financial sanctions upon the Newton Teachers Association ("NTA") so as to end the teachers strike that is now in its 8th full day and/or in the alternative order the arrest of Michael J. Zilles ("Zilles") for criminal contempt of court as he continues to lead the NTA in an illegal strike which infringes upon the constitutional right of an education for all students in the Commonwealth of Massachusetts. See Massachusetts Public Education Law, Ch. 766 M.G.L. c. 71B, §§ 1 - 16 which guarantees a "free and appropriate public education in the least restrictive environment" to all school-aged children (ages 3 to 21) regardless of disability. The Goldbergs, along with many other concerned parents similarly situated, intend on filing a class action lawsuit if this illegal NTA strike does not come to an end immediately.

As grounds for its Motion, the Goldbergs state that they have 3 minor children in the Newton School System. The Goldbergs have resided in Newton for 13 years. Their son Andrew is a 6th grade student at Day Middle School and their twin daughters, Chloe and Brielle are 3rd grade students at Peirce Elementary School. Chloe is on an Individualized Educational Program (IEP) at Peirce where she receives additional support from Special Education teachers 4 days during the school week as Chloe's specific learning disability in the areas of reading, writing and math impacts her ability to access information and express herself in a general education setting.

A copy of Chloe's IEP is attached as Exhibit "A" to the instant Motion.

The NTA, as a result of its illegal actions, has tortiously interfered with the contract between Chloe and the Newton MA Public School System. In Massachusetts, it is well settled that there are five legal elements that are required to prove a claim for tortious interference with a contractual relationship. There must be an existing relationship between two parties. The third party must be aware of that relationship. The actions of the third party must have caused a breakdown of the relationship between the main parties involved, the third party must have used an improper method in interfering with the relationship and there must be damages. It has been established that damages need not only be economic in nature but a party may recover for emotional distress. (*Cachopa v. Town of Stoughton*, 72 Mass. App. Ct. 657, 664 (2008) ("[E]motional distress damages, which are recoverable as consequential damages flowing from the interference."), citing *Draghetti v. Chmielewski*, 416 Mass. 808, 819 (1994) (permitting foreseeable damages for emotional distress on intentional interference action); *Ratner v. Noble*, 35 Mass. App. Ct. 137, 138 (1993) ("recovery for emotional distress is not allowed unless the elements of the [interference] tort are made out").

In the instant matter, Chloe has certainly established all five necessary legal elements. Chloe had an existing contractual relationship with the Newton Public Schools ("NPS"). The NTA was certainly aware of this relationship as well as the relationship NPS has with nearly 1 in every 5 students in the NPS system that receives some form of individualized special education. It is clear that the actions of the NTA caused a breakdown of the relationship between Chloe and NPS in that the illegal teachers strike has caused Chloe to miss valuable specialized instruction time with her special education teachers. Fourth, the NTA has used an illegal strike in interfering with the relationship between Chloe and the NPS and finally Chloe has suffered great emotional distress as a result of the actions of the NTA. If significant action is not taken by this Honorable Court to end this strike, the Goldbergs intend on filing a class action lawsuit against the NTA on behalf of all affected students in the district which is approximately 2400 students.

Beyond the standing that Chloe has established in this legal matter, the proposed intervenors, Andrew and Brielle Goldberg, as well as every student in the NPS system have a constitutional right to an adequate education in the public schools in their communities (See *McDuffy v. Secretary of Executive Office of Education*, 415 Mass. 545, 548, 1993). Massachusetts General Law Chapter 12, sec. 11H and 11L prohibit "interference by threats, intimidation or coercion... with the exercise or enjoyment by any other person or persons.... of rights secured by the constitution or laws of the Commonwealth."

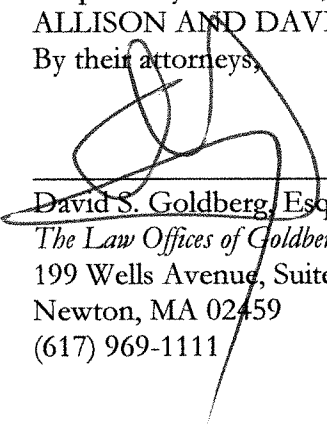
Most importantly, "(t)he issue to be determined in deciding a motion to intervene is simply whether the prospective intervenor has alleged plausible facts that claim an interest, not whether she would ultimately prevail in the underlying action". *Beach Residential Management L.P. v. R.P.* 477 Mass. 749 (2017) at 755. It is clear that Chloe has established plausible facts as have her brother and sister to intervene in this matter.

This strike has caused a major interruption to Andrew, Chloe and Brielle's education. Their daily routines involving school have been completely altered. The lack of structured learning and continuity have severely hampered the progress of these children both from a learning and social perspective. The increase in screen time and disruption to their education, as a result of this illegal strike, has caused major concern on behalf of these parents for the mental well being of the children. These children need to be in school with their friends and with their teachers whom they adore. They should not be used as pawns in a political game being played by Zilles. Zilles has gone on the record to state that he has the financial backing from other union organizations and as a result the NTA can continue to pay these daily \$50,000.00 fines with ease. Attached as Exhibit "B" are letters supporting the intervenors position.

For the foregoing reasons, this Honorable Court should grant the motion to intervene and compel the NTA immediately to terminate the strike and order NPS teachers back to school. If the NTA continues to refuse and continues to stand in contempt of Court defying the Honorable Court, our entire judicial system is at risk. This Honorable Court must impose stricter economic sanctions to ensure that the rule of law is followed and respected in a civilized society and/or order the arrest of Michael Zilles who is in criminal contempt of the prior order of this Honorable Court and any further and additional relief that this Honorable Court deems just and proper.

Respectfully Submitted,
ALLISON AND DAVID GOLDBERG,
By their attorneys,

DATED: 1/30/24



David S. Goldberg, Esq. (BBO # 660511)
The Law Offices of Goldberg & Oriel
199 Wells Avenue, Suite 209
Newton, MA 02459
(617) 969-1111

EXHIBIT A

School District Name: Newton, MA Public Schools
School District Address: 100 Walnut Street Newton, MA 02460
School District Contact Person/Phone #: Slozak, Kathleen (617) 559-9630

Administrative Data Sheet

STUDENT INFORMATION

Full Name: Goldberg, Chloe School ID#: 202002556 SASID: 1046239345
Birth Date: 11/14/2014 Age:Gr as of IEP Start Date 9yrs:03g Current Age:Grade 9yrs:03g
Primary Language: English Language of Instruction: _____
Address: 242 Otis Street, Newton, MA 02465
Telephone: _____ Sex: Male Female Non-Binary
If 18 or older: Acting on Own Behalf Court Appointed Guardian
 Shared Decision-Making Delegated Decision-Making
Shared/Delegated/Court Appointed Person: _____

PARENT/GUARDIAN INFORMATION:

Name: Goldberg, Allison Relationship to Student: Mother
Address: 242 Otis Street, Newton, MA 02465
Telephone: [REDACTED] Other Telephone: _____
Primary Language of Parent/Guardian: English

PARENT/GUARDIAN INFORMATION:

Name: Goldberg, David Relationship to Student: Father
Address: 242 Otis Street, Newton, MA 02465
Telephone: [REDACTED] Other Telephone: [REDACTED]
Primary Language of Parent/Guardian: _____

MEETING INFORMATION:

Date of Meeting: 11/14/2023 Type of Meeting: Review
Next Scheduled Annual Review Meeting: 11/13/2024 Next Scheduled Three-Year Reevaluation Meeting: 10/5/2025

ASSIGNED SCHOOL INFORMATION (Complete after a placement decision has been made.)

School Name:	Telephone:	Address:	Start Date:
<u>Peirce Elementary School</u>	<u>(617) 559-9630</u>	<u>170 Temple Street, West Newton, MA 02465</u>	<u>11/14/2023</u>
_____	_____	_____	_____
_____	_____	_____	_____

Contact Person: Slozak, Kathleen Role: Team Specialist Telephone: (617) 559-9630
Cost Shared Placement No Yes If yes, please specify agency _____

After a meeting, attach to an IEP, an IEP Amendment or an Extended Evaluation Form.

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

Primary Disability: Specific Learning

Vision Statement: What is the vision for this student?
Consider the next 1 to 5 year period when developing this statement. Beginning no later than age 14,
the statement should be based on the student's preferences and interest,
and should include desired outcomes in adult living, post-secondary and working environments.

The Team would like to see Chloe build autonomy so that she is able to help herself. The Team would like to see Chloe continue to show academic growth so that she is closer to grade level.

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

Present Levels of Educational Performance A: General Curriculum

Check all that apply.

- | | |
|---|--|
| <input checked="" type="checkbox"/> English Language Arts | General curriculum area(s) affected by this student's disability(ies):
Consider the language, composition, literature (including reading) and media strands. |
| <input checked="" type="checkbox"/> History and Social Sciences | Consider the history, geography, economic and civics and government strands. |
| <input checked="" type="checkbox"/> Science and Technology | Consider the inquiry, domains of science, technology and science, technology and human affairs strand. |
| <input checked="" type="checkbox"/> Mathematics | Consider the number sense, patterns, relations and functions, geometry and measurements and statistics and probability strands. |
| <input type="checkbox"/> Other Curriculum Areas | Specify: |

How does the disability(ies) affect progress in the curriculum area(s)?

Chloe's Specific Learning Disability in the areas of reading, writing, and math impacts her ability to access information and express herself in the general education setting. It also impacts her ability to complete math problems independently and writing assignments without scaffolding and teacher prompts and support. Chloe requires frequent teacher check-ins throughout her day to ensure that she is completing work correctly and without rushing. She benefits from prompts to slow down and monitor her work for accuracy and quality.

What type(s) of accommodation, if any, is necessary for the student to make effective progress?

Setting:

- Provide preferential seating near the point of instruction
- Provide specific praise and positive reinforcement to increase the frequency of her experiences with success

Timing:

- Provide extra time to complete novel and/or linguistically complex activities or assignments
- Provide Chloe with a prompt or cue for attention just prior to when important directions or information is given

Presentation:

- Provide positive feedback, coaching, and encourage a positive attitude during challenging tasks
- Provide frequent repetition of directions to ensure understanding of assignments
- Monitor for attention and on-task behavior
- Provide visual models to support her learning and use of classroom tools/resources/references
- Provide Chloe with visual charts, models, and examples to support her learning and use of classroom tools as well as for her to refer to when working independently
- Frequent teacher check-ins for understanding and to make sure she is meeting expectations (for content and quality of work)
- Preview and review of math, writing, and reading concepts
- Offer the use of a place marker for reading
- Concrete manipulatives for math concepts
- When teaching novel activities, break tasks down into single steps, provide modeling, use consistent language, and allow for repeated practice
- Provide Chloe with exemplars/models of finished writing
- When needed, provide Chloe with alternative text or alternative means to access the test at her independent level (i.e. partner read, read aloud, modified text)

Response:

- Allow the use of word banks
- Provide graphic organizers, sentence starters, sentence frames, and writing templates to assist in

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

increased written output
-Provide Chloe with the option to complete any/all written assignments on a technological device equipped with spell-check and/or a dictionary

What type(s) of specially designed instruction, *if any*, is necessary for the student to make effective progress?
Check the necessary instructional modification(s) and describe how such modification(s) will be made.

- Content:
 - Specially-designed, explicit, rule-based, multi-sensory reading instruction
 - Specially-designed mathematics instruction
 - Specially-designed writing instruction
- Methodology/Delivery of Instruction:
 - Small group reading instruction
 - Small group writing instruction
 - Small group math instruction
- Performance Criteria:
 - When appropriate, reduce the number of items required to demonstrate mastery with the opportunities for revision/corrections
 - Chloe should be allowed to work on tests and assignments at her own pace, without time restrictions.

Use multiple copies of this form as needed.

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

Present Levels of Educational Performance

B: Other Educational Needs

Check all that apply.

General Considerations

- | | | |
|--|--|--|
| <input type="checkbox"/> Adapted physical education | <input type="checkbox"/> Assistive tech devices/services | <input type="checkbox"/> Behavior |
| <input type="checkbox"/> Braille needs (blind/visually impaired) | <input type="checkbox"/> Communication (all students) | <input type="checkbox"/> Communication (deaf/hard of hearing students) |
| <input type="checkbox"/> Extra curriculum activities | <input type="checkbox"/> Language needs (LEP students) | <input type="checkbox"/> Nonacademic activities |
| <input type="checkbox"/> Social/emotional needs | <input type="checkbox"/> Travel training | <input type="checkbox"/> Skill development related to vocational preparation or experience |
| <input type="checkbox"/> Other _____ | | |

Age-Specific Considerations

- For children ages 3 to 5 -- participation in appropriate activities
- For children ages 14* (or younger if appropriate) -- student's course of study
- For children ages 16 (or younger if appropriate) to 22 -- transition to post-school activities including community experiences, employment objectives, other post school adult living and, if appropriate, daily living skills

How does the disability(ies) affect progress in the indicated area(s) of other educational needs?

What type(s) of accommodation, if any, is necessary for the student to make effective progress?

What type(s) of specially designed instruction, if any, is necessary for the student to make effective progress?
Check the necessary instructional modification(s) and describe how such modification(s) will be made.

- Content:

- Methodology/Delivery of Instruction:

- Performance Criteria:

Use multiple copies of this form as needed.

Individualized Education Program

Student Name: **Goldberg, Chloe**

IEP Dates: from **11/14/2023** to **11/13/2024**

DOB: **11/14/2014** ID#: **1046239345**

Current Performance Levels/Measurable Annual Goals

Goal # **1** Specific Goal Focus: **Decoding/Encoding**

Current Performance Level: What can the student currently do?

Chloe's most recent benchmark (11/2023) is an instructional Level I with 98% accuracy and 5 comprehension.

On the Newton Foundations Sight Word Fall assessment, Chloe read 35/40 third-grade sight words. She continues to benefit from instruction and practice encoding and decoding sight words.

According to iReady, a comprehensive online reading assessment given multiple times a year to all students, Chloe scored solidly in the Grade 1 level in September 2023 for Phonics, Vocabulary, Comprehension of Literature, and Comprehension of Informational Text.

On the Wilson Assessment of Decoding and Encoding (WADE) which was completed in the very beginning of October 2023, Chloe was able to correctly identify 62% of all sounds, read 50% of all real/nonsense/high-frequency words, and spell 15% of all real words/high-frequency words and presented sentences. Her ability to read words is a greater strength than her ability to spell words. Chloe relies on memory and guessing to read unknown words rather than sound them out, as evidenced by her challenges reading and spelling nonsense/pseudowords.

Measurable Annual Goal: What challenging, yet attainable, goal can we expect the student to meet by the end of this IEP period?
How will we know that the student has reached this goal?

With direct instruction in decoding (reading) and encoding (spelling), Chloe will segment, decode and encode single and multi-syllable words at her program mastery reading level with 80% accuracy in 4 out of 5 measured opportunities.

Measured by: teacher observation, formal and informal assessments, progress reports.

Benchmark/Objectives: What will the student need to do to complete this goal?

1. Using a multi-sensory approach, Chloe will decode (read) monosyllabic and multisyllabic words with closed, and vowel-consonant-e syllables with 80% accuracy in 4 out of 5 measured opportunities.
2. Using a multi-sensory approach, Chloe will encode (spell) monosyllabic and multisyllabic words with closed, and vowel-consonant-e syllables with 80% accuracy in 4 out of 5 measured opportunities.
3. Chloe will decode and encode controlled and high-frequency words at her program mastery reading level and at a second-grade level with 80% accuracy in 4 out of 5 measured opportunities.

Progress Reports are required to be sent to parents at least as often as parents are informed of their nondisabled children's progress. Each progress report must describe the student's progress toward meeting each annual goal.

Use multiple copies of this form as needed.

REVISED 11/06

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

Current Performance Levels/Measurable Annual Goals

Goal # 2 Specific Goal Focus: Written Expression

Current Performance Level: What can the student currently do?

Chloe is able to use an organizer to write the beginning, middle, and end of a teacher-assigned writing piece with direction instruction and 60% independence.

Chloe is able to write 3-4 sentences on a teacher-assigned topic before asking for help in 3 out of 5 opportunities.

When independently practicing editing skills, Chloe is able to edit for capital letters with 56% accuracy and edit for ending punctuation with 89% accuracy. She can also use a word bank with transition words to link sentences in her writing with 60% accuracy.

Measurable Annual Goal: What challenging, yet attainable, goal can we expect the student to meet by the end of this IEP period?
How will we know that the student has reached this goal?

When given a writing assignment, direct instruction, a graphic organizer, and reference sheets, Chloe will write a coherent piece of narrative or expository text with 5 or more sentences with no more than 2 teacher prompts in 4 out of 5 measured opportunities.

Measured by: teacher observation, formal and informal assessments, progress reports

Benchmark/Objectives: What will the student need to do to complete this goal?

1. With no more than 1 teacher prompt, Chloe will complete a provided, familiar graphic organizer or template in order to brainstorm and organize ideas before drafting a written response in 4 out of 5 opportunities.
2. Independently, Chloe will transfer the information from her graphic organizer or template into a 1-2 paragraph/5+ sentence composition, including a topic sentence, 2-3 detail sentences, a concluding sentence for each paragraph in 4 out of 5 measured opportunities.
3. Given an editing checklist, spelling resources, and no more than 2 teacher prompts or reminders, Chloe will edit her writing to include complete sentences, proper capitalization, internal and ending punctuation, and correct spelling with 80% accuracy.

Progress Reports are required to be sent to parents at least as often as parents are informed of their nondisabled children's progress. Each progress report must describe the student's progress toward meeting each annual goal.

Use multiple copies of this form as needed.

REVISED 11/06

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

Current Performance Levels/Measurable Annual Goals

Goal # 3 Specific Goal Focus: Mathematics

Current Performance Level: What can the student currently do?

Chloe is able to recognize which operation is necessary to accurately complete a word problem and write a number sentence that makes a sentence that matches the word problem with 70% accuracy and with independence 2 out of 4 opportunities.

Chloe is able to represent both addition and subtraction problems, within 20, with 80% accuracy and at least 80% independence.

Chloe is able to use base ten blocks to represent ones and tens in 2-digit numbers with 80% accuracy and 80% independence.

Measurable Annual Goal: What challenging, yet attainable, goal can we expect the student to meet by the end of this IEP period?
How will we know that the student has reached this goal?

With direct instruction, a visual model, scaffolding, and no more than one teacher prompt, Chloe will demonstrate calculation and problem-solving skills to correctly solve grade-level problems in 4 out of 5 measured opportunities.

Measured by: formal and informal assessments, teacher observation, work samples, progress reports.

Benchmark/Objectives: What will the student need to do to complete this goal?

1. Independently, Chloe will be able to recall math facts for addition, subtraction, and multiplication with 80% accuracy on all measured opportunities
2. Independently, Chloe will write a number sentence for a grade-level math word problem and share 1-2 possible strategies for solving it in 4 out of 5 measured opportunities.
3. With no more than 1 teacher prompt, Chloe will demonstrate a solid understanding of grade-level mathematical vocabulary by identifying and applying it to oral and written responses to explain her problem solving method/steps with 80% accuracy on all measured opportunities.
4. With no more than 1 teacher prompt, Chloe will solve single- and multi-step word problems with whole numbers (using four operations) with 80% accuracy in all measured opportunities.

Progress Reports are required to be sent to parents at least as often as parents are informed of their nondisabled children's progress. Each progress report must describe the student's progress toward meeting each annual goal.

Use multiple copies of this form as needed.

REVISED 11/06

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

Service Delivery

What are the total service delivery needs of this student?

Include services, related services, program modifications and supports (including positive behavioral supports, school personnel and/or parent training/supports). Services should assist the student in reaching IEP goals, to be involved and progress in the general curriculum, to participate in extracurricular/nonacademic activities and to allow the student to participate with nondisabled students while working towards IEP goals.

School District Cycle 5 day cycle 6 day cycle 7 day cycle 10 day cycle Other Comment:

A. Consultation (Indirect Services to School Personnel and Parents)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date
All	Academic Support	Sp Educ Teacher	1 x 15 min/5-day cycle	11/14/2023	11/13/2024

B. Special Education and Related Services in General Education Classroom (Direct Service)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date

C. Special Education and Related Services in Other Settings (Direct Service)

Focus on Goal #	Type of Service	Type of Personnel	Frequency and Duration/Per Cycle	Start Date	End Date
1	Reading	Sp Educ Teacher	3 x 30 min/5-day cycle	11/14/2023	11/13/2024
2	Writing Support	Sp Educ Teacher	3 x 30 min/5-day cycle	11/14/2023	11/13/2024
3	Math Skills	Sp Educ Teacher	2 x 30 min/5-day cycle	11/14/2023	11/13/2024

Use multiple copies of this form as needed.

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

Nonparticipation Justification

Is the student removed from the general education classroom at any time? (Refer to IEP 5--Service Delivery, Section C.)
 No Yes If yes, why is removal considered critical to the student's program?

Chloe receives services outside of the general education classroom to target individualized goals and objectives in a less distracting environment.

IDEA 2004 Regulation 20 U.S.C. §612(a)(5).550: "... removal of children with disabilities from the regular educational environment occurs *only when* the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." (Emphasis added.)

Schedule Modification

Shorter: Does this student require a *shorter school day or shorter school year*?
 No Yes -- shorter day Yes -- shorter year If yes, answer the questions below.

Longer: Does this student require a longer school day or a longer school year to prevent substantial loss of previously learned skills and / or substantial difficulty in relearning skills?

No Yes -- longer day Yes -- longer year If yes, answer the questions below.

How will the student's schedule be modified? Why is this schedule modification being recommended?
If a longer day or year is recommended, how will the school district coordinate services across program components?

Transportation Services

Does the student require transportation as a result of the disability(ies)?

No Regular transportation will be provided in the same manner as it would be provided for students without disabilities. If the child is placed away from the local school, transportation will be provided.

Yes Special transportation will be provided in the following manner:

on a regular transportation vehicle with the following modifications and/or specialized equipment and precautions:

on a special transportation vehicle with the following modifications and/or specialized equipment and precautions:

After the team makes a transportation decision and after a placement decision has been made, a parent may choose to provide transportation and may be eligible for reimbursement under certain circumstances. Any parent who plans to transport their child to school should notify the school district contact person.

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

State or District-Wide Assessment

Identify state or district-wide assessments planned during this IEP period:

MCAS

Fill out the table below. Consider any state or district-wide assessment to be administered during the time span covered by this IEP. For each content area, identify the student's assessment participation status by putting an "X" in the corresponding box for column 1, 2, or 3.

CONTENT AREAS	1. Assessment participation: Student participates in on-demand testing under routine conditions in this content area.			2. Assessment participation: Student participates in on-demand testing with accommodations in this content area. (See ● below)			3. Assessment participation: Student participates in alternate assessment in this content area. (See ● below)		
	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 1	COLUMN 2	COLUMN 3
English Language Arts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
History and Social Sciences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mathematics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Science and Technology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

● For each content area identified by an X in column 2 above: note in the space below, the content area and describe the accommodations necessary for participation in the on-demand testing. Any accommodations used for assessment purposes should be closely modeled on the accommodations that are provided to the student as part of his/her instructional program.

ENGLISH LANGUAGE ARTS ASSESSMENT

- * A15 Monitor Placement of Response
- * A8 Track Test Item
- * A9 Graphic Organizer, Checklist, Supplemental Ref
- * DF1 Small Group Test Administration
- * DF3 Frequent Brief Supervised Breaks
- * DF4 Separate or Alternate Test Location
- * DF8 Familiar Test Admin
- * UF12 Test Admin Redirects Student Attn
- * UF13 Read Alouds, Repeats, Clarifies General Directions

MATHEMATICS ASSESSMENT

- * A15 Monitor Placement of Response
- * A8 Track Test Item
- * A9 Graphic Organizer, Checklist, Supplemental Ref
- * DF1 Small Group Test Administration
- * DF3 Frequent Brief Supervised Breaks
- * DF4 Separate or Alternate Test Location
- * DF8 Familiar Test Admin
- * UF12 Test Admin Redirects Student Attn
- * UF13 Read Alouds, Repeats, Clarifies General Directions

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

● For each content area identified by an X in column 3 above: note in the space below, the content area, why the on-demand assessment is not appropriate and how that content area will be alternately assessed. Make sure to include the learning standards that will be addressed in each content area, the recommended assessment method(s) and the recommended evaluation and reporting method(s) for the student's performance on the alternate assessment.

NOTE
When state model(s) for alternate assessment are adopted, the district may enter use of state model(s) for how content area(s) will be assessed.

Individualized Education Program

Student Name: Goldberg, Chloe

IEP Dates: from 11/14/2023 to 11/13/2024

DOB: 11/14/2014 ID#: 1046239345

Additional Information

Include the following transition information: the anticipated graduation date; a statement of interagency responsibilities or needed linkages; the discussion of transfer of rights at least one year before age of majority; and a recommendation for Chapter 688 Referral.

Anticipated Graduation Date: _____

Statement of Interagency Responsibilities or Needed Linkages: _____

Transfer of Rights Discussed: (at least one year before age of majority) Yes No N/A
Chapter 688 Referral: Recommended Not Recommended N/A

Document efforts to obtain participation if a parent and if student did not attend meeting or provide input.
 Record other relevant IEP information not previously stated.

The team considered Chloe's need for assistive technology to access the curriculum and the environment. The assistive technology already in place for all students is working effectively.

Anti-Bullying Directives

At the team meeting, the team considered the implications of M.G.L Chap. 71, Section 370, MA Bullying Prevention Legislation. The team reviewed Chloe's needs in the area of social skills development, emotional resilience and the development of her self-advocacy skills in order to avoid and respond to bullying and teasing. The Team agreed that Chloe is not vulnerable to bullying at this time however the team will keep a close eye on this and continue to work with Chloe on building her self advocacy skills. The team believes this can be addressed through the general education curriculum and that specialized instruction in this area is not necessary. The Team will revisit this issue on an ongoing basis.

Response Section

School Assurance

I certify that the goals in this IEP are those recommended by the Team and that the indicated services will be provided.

Kathleen Surjak

Signature and Role of LEA Representative

Date

Parent Options / Responses

It is important that the district knows your decision as soon as possible. Please indicate your response by checking at least one (1) box and returning a signed copy to the district. Thank you.

I accept the IEP as developed. I reject the IEP as developed.
 I reject the following portions of the IEP with the understanding that any portion(s) that I do not reject will be considered accepted and implemented immediately. Rejected portions are as follows:

~~1~~ ~~2~~ Omission of 45 minutes of Daily reading

I request a meeting to discuss the rejected IEP or rejected portion(s).

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over

12/19/23

Date

*Required signature once a student reaches 18 unless there is a court appointed guardian.

Parent Comment: I would like to make the following comment(s) but realize any comment(s) made that suggest changes to the proposed IEP will not be implemented unless the IEP is amended.

We would like to have the 45 minutes of Daily reading implemented

EXHIBIT B

School Closure in Newton - A Concerned Parent's Perspective

Dear Judge Christopher K. Barry-Smith,

We hope this letter finds you well. We are writing to express our deep concerns about the continued closure of schools and the adverse effects it has had on our children and our family. We are specifically concerned with the interruption of our three children.

As parents deeply invested in our children's education and well-being, we feel compelled to share our experiences and advocate for the swift reopening of schools while in parallel working to find a pragmatic resolution to the teacher's issues/demands.

Every day school is closed we see the toll on our children's academic progress and social/emotional well being. Having experienced the prolonged school closures during COVID19 and the impact it had on our children, We're extremely worried about this slippery slope we are in.

As opposed to COVID19, parents are now expected to be at work, and the local nature of the strike in Newton leaves us parents vulnerable, stressed, and not able to fully support our kids as we would want to.

With all our love and support for Newton's teachers, we feel significant pressure should be applied towards finding a compromise, or continuing to negotiate while kids are at school.

In light of these concerns, We urge you to prioritize the safe reopening of schools and to help the negotiating parties explore alternative solutions that prioritize the health and well-being of students and staff.

Thank you for your attention to this matter.

Sincerely,

Vered and Yuval Yeret

25 Baldpate Hill Rd, Newton, MA 02459

We have 9th and 12th graders in Newton South High school and a 2nd grader in Memorial Spaulding Elementary school.

Karl Svartstrom
49 Crafts Street
Newton Ma 02458

As a parent of 4 Newton Public School students, I am writing this letter in support of a Lawsuit seeking to get teachers back to school. My students range from Kindergarten to a Senior at Newton North and are suffering from the days missed due to the illegal strike.

Sincerely, The Svartstrom Family

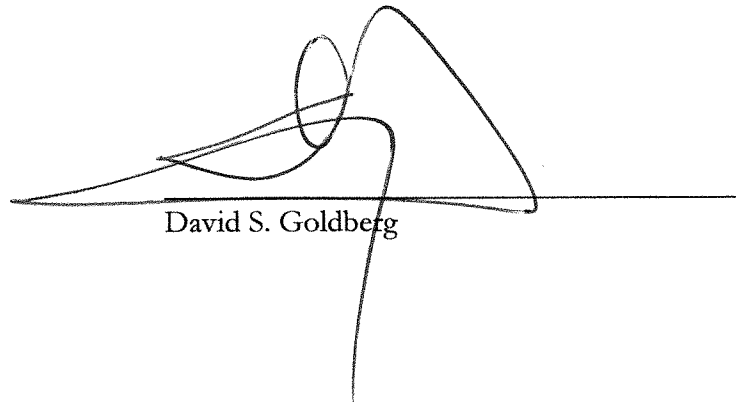
CERTIFICATE OF SERVICE

I, David S. Goldberg, counsel for the proposed intervenors, hereby certify that on January 30, 2024 I served a copy of Allison and David Goldberg's Emergency Motion to Intervene on behalf of their daughter Chloe Goldberg, by via electronic mail, upon the counsel of record for all parties

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David S. Goldberg