

Court hears charges against school nurse

By Frank J. McMahon

A criminal complaint filed by a parent of a former Indian Hills High School student against Nancy Wirkmaa, that school's nurse has been transferred to the Waldwick Municipal Court. The court recently held a pre-trial hearing on the matter and is in the process of scheduling a trial on the remaining misdemeanor charge of providing false document to a public official.

The complaint was filed by Oakland parent, Scott Frank, on Sept. 18, 2003 in regard to his daughter's suspension from school in February 2002 for engaging in a fight in class.

In the complaint, Frank claims that Wirkmaa committed certain acts of forgery and authenticated medical records and presented copies of those records as if they were copies of original school records when no such original record existed. The Forgery charge was dismissed by the Bergen County Prosecutor's Office and the remaining charge was downgraded to providing false documents to a public official.

Frank and his wife, Evelyn, have also filed a federal civil rights lawsuit against the Ramapo Indian Hills Board of education, Indian Hills Principal Robert A. Onorato, Superintendent Paul Saxton, and the teacher Christopher Dunn, who was conducting the class when the fight occurred.

In that lawsuit, Frank claims the fight incident was an assault by another student on his daughter, which resulted in her suffering a broken nose. The district described the incident, however, as an "attack" by Frank that injured another student who was afraid to return to school therefore no longer attends Indian Hills. It claims the school nurse's record shows no indication of a broken nose or any injury to her face. And that the student's own doctor reported that her nose was not broken that day. Nevertheless, Frank alleges that Wirkmaa either negligently altered or intentionally forged and illegally changed, or altered, school medical records related to his daughter, and that led to this complaint against Wirkmaa.

Frank's daughter was suspended from school and was not allowed to return until her parents agreed to have her undergo a psychiatric or psychological examination by a doctor of their own choosing at the school district's expense. However, the Franks refused and instead filed a lawsuit against the school district and the complaint against Wirkmaa.

Their daughter is now 18 years old and she did not graduate with her class last June. Wirkmaa's attorney, Timothy R. Smith, told Municipal Court Judge Dennis P. Lahiff at the pre-trial hearing that he believed the remaining charge cannot be sustained by the prosecution because no Oakland official has supported Frank's claim that a false document was submitted.

"Mrs. Wirkmaa is absolutely innocent of this false and frivolous allegation," he said following his Jan. 8 court appearance in Waldwick. "I'm certain we will prevail when the truth comes out."

“It’s a false and malicious allegation by a vengeful parent who is seeking to retaliate for an adverse disciplinary action taken against his child,” Smith said. “Mrs. Wirkmaa is a loving and caring school nurse who has devoted her entire career to the well-being of her students. She has an impeccable record and she has done nothing wrong.”

Smith request Judge Lahiff to issue a court order to the school district directing it to provide the authentic school records of Frank’s daughter to compare to the photocopy documents of school records that the school district previously permitted Frank to make. However, he said he believes the school district will turn them over willingly.

The judge voiced concern about a potential privacy issue that may exist if those documents are provided. Smith agreed there would normally be a privacy issue, but he argued that is not the case when criminal charges are filed for falsifying those records. Lahiff also mused that perhaps if there were a privacy issue, it may have been waived when Frank signed his complaint against Wirkmaa.

He directed Smith to prepare the court order and submit it to him within two weeks while he studies the administrative code concerning the possibility of a confidentiality issue.

The Waldwick prosecutor, Thomas Randall, did not respond to a request for his comments on this matter.