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Boy's return to school is delayed

Friday, May 30, 2003

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Nurse calls in sick, forcing ill Woodlynne boy to stay home

By MATT KATZ
Courier-Post Staff
WOODLYNNE

It took a mother's lobbying, a lawyer's arguing and a judge's ruling to get 11-year-old Steven Wark back in school.

It took a nurse's absence, however, to keep him home yet another day.

Steven, a Woodlynne Public School fifth-grader with a rare genetic skin disease that causes wounds throughout his body, missed his 13th consecutive day of school Thursday. The nurse whom the district pays to accompany him during school, identified by the family as Barbara Bergman, called in sick.

No one answered the door Thursday afternoon at an address listed for Bergman in Woodbury. A phone number for the home was disconnected.

Beginning in September, whenever Steven has worn short-sleeved shirts and shorts to class, Bergman and the regular school nurse have wrapped his wounds with gauze, Steven said.

Steven's doctors have said the wounds only should be treated if they ooze, however, and as a result they said it would be better if he stayed home and got home instruction.

But Steven, who has epidermolysis bullosa, has gone to school at Woodlynne since first grade accompanied by other nurses and had no problems, his mother Kelly Wark-Jankowski said. And he needs the socializing and educational experience that two-hour daily sessions of home instruction do not provide.

So she sued the school board and superintendent this week.

On Wednesday, a federal judge said the specifics of the lawsuit would be dealt with later but as of Thursday, Steven would return to school.

Steven woke up Thursday morning and for the first time in more than two weeks, he got dressed and ready for school.

Fifteen minutes before Bergman was to pick him up, however, Wark-Jankowski said she got a call from the school saying Bergman called in sick.

"So he's sitting home doing nothing," Wark-Jankowski said. "How they are going to sit there and let her do this is ridiculous."

Jack Kennedy, a lawyer for the school district, said school officials were working Thursday to ensure coverage for Steven through a separate nursing agency for at least today and Monday. Even if Bergman shows up, Kennedy said the district hoped to have another nurse at the school both days.

Wark-Jankowski said Steven's Individualized Education Program - a legally-binding contract dictating a disabled student's educational program - authorizes the district to find a replacement nurse if the primary nurse is absent.

But Wark-Jankowski acknowledges that Bergman - who she said has been absent about 20 days during the current school year - did not give the district enough time to find a replacement Thursday.

Because Steven cannot go to school without his nurse, he has missed more than 30 days this year.

Wark-Jankowski's attorney, Jamie Epstein, said the school has ultimate control over the nurse.

"It gives the appearance that what happened today was retaliation by the school," Epstein said Thursday.

Bergman, who will earn at least \$27,000 in wages and benefits this year, was Steven's nurse at home before the family fired her and the school district hired her.

Meanwhile, Steven suffers, Wark-Jankowski said.

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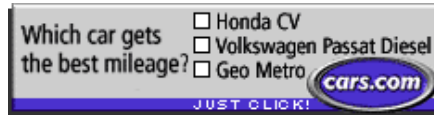
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"It's not right, it's not his fault," his mother said. "So he's sitting home again."

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