

San Francisco, Calif.
Chronicle
(Cir. D. 457,310)
(Cir. Sat. 425,675)

TransSex
JAN 27 1977

Allen's P. C. B. Est. 1888

Sex-Change Teacher Wins Ruling

1304

The suspension of transsexual Steve Dain, an Emeryville physical education teacher, by the Emery Unified School District's board of trustees was held invalid yesterday.

State hearing officer Charles Bobby rejected the board's charges against Dain, who, as Doris Richards, had taught at Emery High for ten years before being ousted last October for reasons of "immorality" and "unfitness."

At that time, the board listed these charges against Dain:

- That he made a false claim for sick leave from Dec. 8, 1975 to June 30, 1976 while he was undergoing the sex change at Stanford Hospital.
- That his presence at school was potentially psychologically damaging to the students.
- That his presence at school was potentially disruptive to the educational process.
- That he transported students outside the district boundaries without parental knowledge.
- That he gave an unauthorized school lecture on his sex change operation.

Bobby threw out the second and third charges against Dain, holding that to accuse him of things that might happen violated his right to due process.

In dismissing the other three, Bobby said it "cannot be presumed the board would have terminated Dain on these charges alone."

Bobby also noted that Dain should have been given a hearing on the charges within 60 days of requesting one, but did not get a hearing for 63 days.

William R. Johnston, the school board's attorney for the Dain case, said he expects an appeal of Bobby's ruling. The decision will be made by the school board at its meeting tonight.

After hearing Bobby's ruling, Dain said he hoped "everything is over and I can go back to work."

Early this month Dain filed a \$1.7 million claim against the district and several of its officials charging false arrest, invasion of privacy, malicious prosecution, emotional distress, violation of due process, bad faith and actions preventing future employment. The board rejected the claim.

Dain and his attorneys are expected to attend tonight's board meeting.