

*Tracy*  
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## Sex-Change Teacher Wins Court Test

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By Marcie Rasmussen

Steve Dain, the Emery High School teacher who became a male through a sexual identity change, won a court order yesterday directing school officials to assign him a teaching job and turn over \$3200 in back pay.

Dain said he would go back to school this morning ready for work. Dain was formerly Doris Richards, the women's physical education teacher at the school for the past ten years.

The Emeryville school board had neither fired him nor returned him to work this year, after he emerged from a leave of absence with a male identity acquired through the Stanford University sex change clinic.

William Johnston, attorney for the Emeryville Unified School District, contended Dain had used up his sick leave during his absence since last December and had abandoned his job.

Dain's attorneys countered that the teacher had given the board two medical releases certifying that he could return to work and that Dain had in fact tried to return. However, Superintendent

Back Page Col. 4

## SEX-CHANGE TEACHER

From Page 1

Lewis Stommel had him arrested when he appeared for a teacher's orientation meeting at the school September 2.

Dain faces trial Tuesday in Oakland Municipal Court on a charge of "wilful disturbance" of that meeting.

Alameda county Superior Court Judge Robert K. Barber, when shown the medical releases, said, "This removes the medical question."

"Not to the board," Johnston contended. "Dain was a girls' gym teacher."

However, following the lengthy hearing, Barber ordered Dain reinstated with two months' back pay.

Dain "has the same Social Security number" as Doris Richards, Johnston said at one point, "but is it the same person?"

The ruling came in a suit Dain

filed September 22, accusing the district of wrongfully withholding his pay since August 1 and depriving him of his tenured teaching job.

Stommel, who was in the court audience, said later he would poll the five-member board by telephone to determine what to do next. If directed to fire Dain, Stommel said, he would comply.

"I don't know about this free-floating chromosome," Stommel said. "Where do you place him?"

Dain's teaching credential would allow him to teach any subject, and he has said he would prefer sciences. Stommel said he considers the general secondary credential "old-fashioned."

Dain, whose lawyers included representatives for both the California Federation of Teachers and the California Teachers Association, said the ruling strikes a blow "for the protection of tenured teachers every where."



**STEVE DAIN, FORMERLY DORIS RICHARDS**  
**The court ordered him assigned, with back pay**