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Sex-change teacher wins reinstatement

OAKLAND, Calif. (AP) — A popular gym teacher whose sex change operation stirred angry controversy here has won a court order directing school officials to assign him a teaching job and to give him about \$3,200 in back pay.

Steve Dain, a muscular, bearded man who was formerly Doris Richards, a girls' gym teacher, said he would return to Emery High School today, ready to work.

He said Thursday's court victory struck a blow for "the protection of tenured teachers everywhere."

Alameda County Superior Court Judge Robert K. Barber made the ruling after he was shown medical releases certifying that Dain could return to work and was told he had, in fact, tried to return to work.

"This removes the medical question," Barber said in ordering the 37-year-old teacher reinstated with two months' back pay.

School district attorneys had argued that Dain had abandoned his post while undergoing treatment that made him, physically, a man.

Furor erupted when the 10-year teaching veteran tried to return to work after a leave of absence taken for an operation and identity change at the Stanford University sex change clinic.

Students, parents, teachers and administrators were divided on the question. The school board took no action, neither firing him nor returning him to work.

The last time Dain tried to return to work, however, Supt. Lewis Stommel had him arrested on a misdemeanor charge of "wilful disturbance" because he ignored an order to stay away from school until

further notice and tried to attend a teachers' orientation meeting on Sept. 2. Dain said then he was afraid that if he didn't show up for the meeting, he would be accused of missing work.

He faces trial Tuesday in Oakland Municipal Court on the charge.

When he felt it was obvious school officials were trying to block his return, Dain filed suit on Sept. 22, accusing the district of wrongfully withholding his pay since Aug. 1 and depriving him of his tenured teaching job.

After Thursday's ruling on that suit, Stommel said he would poll the board to determine what action to take.

In arguing against reinstatement, William Johnston, an attorney for the Emeryville Unified School District, contended Dain had exhausted his sick leave during his absence since last December and had, in effect, abandoned his job.

Despite the ruling, Johnston said the medical question still concerned the school board. "Dain was a girls' gym teacher," he declared.