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She Replaces Sex Change Teacher



Tribune photo by RON RIESTERER

NEW EMERY HIGH SCHOOL TEACHER YVONNE BOYD

She takes over as the girls' physical education instructor

By RICK MALASPINA

Embattled high school teacher Steve Dain, whose sex change operation propelled Emeryville's school district into a whirlwind of controversy and confusion, is suing the district, its superintendent and five trustees.

A lawsuit filed yesterday in Alameda County Superior Court accuses the defendants of wrongly withholding Mr. Dain's pay from Aug. 1 and depriving

him of the tenured job he has held for 10 years at Emery High School.

Mr. Dain, who as Doris Richards was the Emery Unified School District's only girls' physical education instructor, seeks a court order for immediate reassignment as a "full-time and permanent employe," reimbursement of lost wages plus interest and payment of court and

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Replacement Hired

Sex Change Teacher Sues

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attorney fees.

The lawsuit comes on the heels of an announcement of a student boycott and picketing outside Emery High today in protest of the board's failure to reinstate Mr. Dain, at one time voted "Teacher of the Year."

There was little formal picketing outside the school before classes this morning, and most students went inside when classes started as scheduled at 8:30 a.m.

School attendance officials said absenteeism was about normal. They told parents of absent students that the protest wouldn't change matters, because the question is in litigation and up to the courts to decide.

Mr. Dain, 37, left his job eight months ago for the identity altering and hormonal correction operation at Stanford University Medical Center. He has been neither dismissed nor reassigned, and school officials have hired an attorney to help them deal with the predicament.

Trustees first learned of the lawsuit last night minutes before a board meeting in which they hired a replacement for Mr. Dain.

The new teacher, introduced at the meeting, is Yvonne Boyd, 25, who came to Emeryville on Monday from East Side High School in Santa Clara County, where she was a part-time P.E. teacher.

She lives in San Jose and plans to move here.

Miss Boyd, a graduate of Austin College in Sherman, Tex., who has not had a full-time teaching position before, "comes to us with the highest of recommendations," the superintendent told the board, and had been "screened by two deans, physical education teachers and the president of the school's Parent Advisory Council."

After the meeting, only one exasperated trustee would talk to The Tribune about the latest developments in the Dain case.

"This whole thing has been very badly handled by the board and the superintendent," fumed Trustee Bettie Sutton. "I'm through sitting on my thumbs. I've had it to the point of considering resigning in order to say what I feel and not be made to feel guilty."

Mrs. Sutton, who stalked out of an executive session with other trustees and Supt. Lewis Stommel, said the board was using the closed session only to dodge public discussion about Mr. Dain. She said \$50-an-hour attorney fees were a waste of taxpayer money.

"I don't even see why we're discussing his reassignment," Mrs. Sutton said. "He's an excellent teacher; there's no question about it. I can't see anything illegal about what he did. This is harassment and discrimination."

Mr. Stommel has said Mr. Dain told no one he would be away from school for such a length of time and gave no advance reason for the absence. Mrs. Sutton, however, said former superintendent David Baker was fully aware of Mr. Dain's prolonged leave.

Aug. 1—the day Mr. Dain says he stopped receiving pay checks—coincidentally is the same day Mr. Stommel replaced Mr. Baker as superintendent. The Tribune disclosed Mr. Dain's new identity five days later.

It was Mr. Stommel who placed Mr. Dain under citizen's arrest Sept. 2 as the teacher arrived with his attorney at an Emery High teacher orientation meeting. Mr. Dain faces an Oct. 12 court hearing on the misdemeanor "willful disturbance" charge.

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