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'Disturbance'

Sex-Change Teacher Wins Another Case

Steve Dain, the Emery High School teacher, who underwent a sex-change operation, won another legal victory yesterday when Oakland-Piedmont Municipal Court Judge Roderic Duncan dismissed "willful disturbance" charges against him.

The charges had been brought by Superintendent Lewis Stommel of the Emery Unified High School District in Emeryville on September 2 after Dain refused an order not to attend a teacher orientation meeting.

Dain, formerly a women's physical education teacher at the school under the name of Doris Richards, had attended the Stanford University sex change clinic earlier this year and returned to school this fall as a male.

Stommel testified yesterday that he had Dain arrested because he had seen him, before September 2, lecturing some students about details of his sex change.

The superintendent said this violated regulations calling for school board and parental approval of sex education on campus.

Dain, who has been in a kind of occupational limbo since schools reopened last month, won another legal victory last week.

Alameda county Superior Court Judge Robert K. Barber ordered school officials to assign him a job and pay him \$3200 in back pay.

That was not the end of Dain's trouble with the district, however. The next day, Stommel suspended Dain on charges of "immoral conduct" and "evident unfitness for service."

Trustees of the Emery Unified School District will consider those charges at a meeting tomorrow evening.