

Oakland, Calif.  
Tribune  
(Cir. D. 167,309)  
(Cir. Sat. 176,901)  
(Cir. Sun. 196,410)

AUG 13 1976

*Laub*

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

# Board Seeks Help In Sex-Shift Case

1304

EMERYVILLE — Emery Unified School District trustees have hired an attorney to gather information for their decision about teacher Doris Richards who became Steve Dain after a Stanford sex operation eight months ago.

"My job at this point is basically to acquire information," attorney William Johnston, a former Alameda County counsel, told The Tribune this morning.

"We don't know yet what we are going to do," said Emery Supt. Lewis Stommel. "That's why we hired Mr. Johnston."

Dain, who was a girls' physical education teacher as Doris Richards, intended to leave the district after his sex change operation.

He says he changed his mind after learning that students and other teachers want him back. So he has asked for a job teaching another subject, putting trustees into what they regard as a dilemma.

"The law doesn't say anything about

this sort of thing," Johnston said today.

"First we have to find out what we have. For example, I don't know for certain if Mr. Dain knows whether he is a man or a woman.

"The board needs information about the absence of Mr. Dain or Doris Richards last winter or spring. A board policy requires a medical release for return to work after a medical absence.

"I will communicate with his attorney (Larry Sleizer of Palo Alto) to get the necessary records for the board to determine whether Mr. Dain is physically able to return to work."

The board, explained Johnston, "doesn't know medically or legally whether they are dealing with a male or a female."

Johnston said the employe is required to provide the medical reports and that none have arrived so far from Dain.

Johnson, Stommel and school board head Felix Capellino all said the board is not leaning toward any particular decision.

"The board is just not in a position to really seriously consider any alternatives," Johnson said.

1304