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Krussex

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Allen's P. C. B Est. 1888

¹³⁰⁴ Court upholds Dain suspension

The Emeryville School District had every right to suspend Doris Richards from teaching after a sex-change operation transformed her into a man named Steve Dain, an Alameda County judge has ruled.

Superior Court Judge Alan Lindsay yesterday refused to intervene in a decision by the state's Commission on Professional Competence that resulted in Dain's suspension from teaching until 1979. Dain had asked Lindsay to overturn the suspension on the grounds that it was illegal.

Dain, who has been working as a laborer during the legal wrangling over his job, declined to comment. His lawyer, Larry Sleizer, said he may appeal.

When he was Doris Richards, Dain was a women's gym teacher. In 1976 he underwent "sexual reassignment" at Stanford University to become a man. When he attempted to return to school, the school district tried to have him fired for immoral conduct.

The state commission early this year said that the school district was going too far. However, the commission said Dain should be suspended for three years because he took paid sick-leave for the sex change without telling his superiors what he was doing.

Yesterday, Sleizer argued that Dain had been suffering from "gender dysphoria" — emotional unhappiness being a woman — and that this illness was cured only by having the sex-change operation. Thus, he said, Dain was within his rights in taking sick leave for the operation.

However, Lindsay ruled that the school district had made a "substantial case for dishonesty" against Dain by proving that the teacher had failed to explain why he needed sick leave.