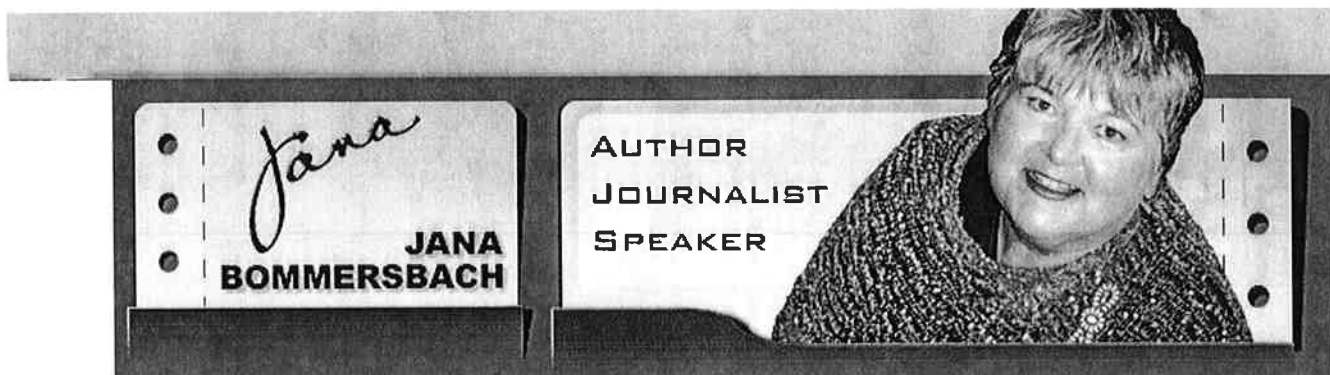


APPENDIX A



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The Lone Butte Nine

Feature Story Phoenix Magazine

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Loretta Avent has had an interesting and challenging career - from the White House to Phoenix - but she has never fought as hard as she has in the past few years for a group of poor American Indian high school students.

All Loretta Avent wanted in the fall of 2003 was for her granddaughter, Brittany, to go to a good high school with "positive black role models." She found the perfect fit near her Ahwatukee home.

She had no idea her life's work for civil rights and justice would come to a head at this beautiful school, and that she'd risk everything for nine poor American Indian children.

Desert Vista High School, located in the Ahwatukee Foothills area of Phoenix, is not only the newest high school in the Tempe Union High School District, but perhaps the best. Every year, close to a dozen seniors earn perfect SAT scores, the dropout rate is low and the college-bound rate is extremely high. Its athletic teams are the pride of the area. This is where engineers from Intel and other high-tech firms send their children. Most interesting to Loretta, the school was then headed by a black man, principal Joe McDonald, and black people held several other administrative and teaching positions. If parents were looking for role models of color, Desert Vista was their destination.

But Loretta and her husband, Jacques, a former assistant to the city manager of Phoenix, lived outside the boundary lines of Desert Vista. So Loretta used the one loophole that would let Brittany enroll: Children of school employees automatically are accepted. So Loretta got a job as a school security guard.

She started at \$10 an hour, which eventually rose to \$10.10 an hour. And there would be nothing remarkable about a doting grandmother getting a job to help her granddaughter, except for who this grandmother is and what happened next.

Loretta came to her security guard job fresh from the White House. Under President Bill Clinton, she was a deputy assistant and White House liaison to the American Indian community and one of the record numbers of black people Clinton appointed. The Phoenix Business Journal credited her with being one of the Arizona contacts that prompted President Clinton to visit the Valley in June 1999.

She is not only a friend of Bill's but a friend of Hillary's, too. Hillary, who calls Loretta her "friend from Arizona," even made a special trip to Loretta's home to "hang out" in early 2004. Long before her White House stint, however, Loretta was a follower of Martin Luther King Jr. and worked for Reverend Jesse Jackson's 1988 presidential bid.

For those who know Loretta, there was nothing strange in the former high-powered Washington operative and civil rights leader becoming a high school security guard. They knew that Loretta, who was 62 when she took the security guard job, considers all work honorable, and they knew she'd do just about anything to be sure her precious grandchildren got every possible chance to succeed. (She and Jacques - "Nonna and Poppie" - took over raising their grandchildren, Brittany and Bryant, when their son's marriage fell apart.)

And there's a third thing her friends say is very predictable about Loretta: If she sees injustice, if she sees prejudice and discrimination, she attacks like a mama lion. It's like it's in her DNA and she can't help herself.

Today, Loretta and the Tempe Union High School District are embroiled in a messy lawsuit. She claims the district fired her in 2005 because she exposed and tried to end its long-standing discrimination against American Indian students from the nearby town of Lone Butte in the Gila River Indian Community. The district says it fired her because she was vindictive and disruptive, acting "squirrely" and "bizarrely."

So far, a federal judge has sided with the district, summarily dismissing Loretta's lawsuit in May 2008. She has appealed to the Ninth Circuit Court of Appeals, and attorneys on both sides appear confident their clients will prevail: School district attorney Georgia Staton says the evidence is clear that the district did nothing wrong; Loretta's attorney, Bill Hobson, says the evidence is clear that the district illegally fired Loretta for her advocacy.

"This isn't about me," Loretta says. "It's about those nine kids from Lone Butte. For me, it's like the Little Rock Nine." She is referring to a group of students whose civil rights fight led to the historic desegregation of Little Rock Central High School in Arkansas in 1957. Loretta says she can't believe that kind of discrimination still exists.

When she first put on her guard's uniform and reported to duty at Desert Vista High School in the fall of 2003, Loretta Avent didn't even know Lone Butte existed.

However, she did know that members of the American Indian community lived on reservation lands that lay within the boundaries of Desert Vista's enrollment area. She had been longtime friends with former Tribal Governor Mary Thomas, who then was the Gila River Indian Community's lieutenant governor.

But Loretta had no knowledge of the desolate pocket of poverty among the 21 tract homes that make up Lone Butte. Nor did she know a single student who came from that community. But she did notice something unusual about the American Indian students.

"At first I thought there must be a lot of Indian kids in this school, because when I'd fill in for 'in-school suspension,' there were always a lot of Indian kids there," she recalls.

This is where "problem" students end up to cool their heels for one infraction or another.

Loretta, meanwhile, was using her breezy chat, quick wit and fast smile to get to know students at the school. (Principal Joe McDonald would introduce her as "The Pied Piper.")

"There was one Indian girl I only saw in the courtyard, and we'd visit. And one day, when Antonia [Mendez] felt comfortable with me, she looked at me and said, 'Please help us,'" Loretta recalls. "She asked me to look out for the kids from Lone Butte. I didn't know who those kids were."

But she started paying more attention and asked to be assigned to lunch duties so she could watch the kids outside of their classroom settings. She says she was disturbed by what she saw.

"I saw kids throw bottles and cans at these Indian children and pour stuff in their food, and every day there'd be a physical fight," she recalls. "I heard kids yell, 'Go back where you came from, you dirty, nasty savages.' And I saw that whenever there was a fight, it was the Indian kids who were hauled in for punishment."

She went into the office and finally asked the question that would change her life: How many kids from Lone Butte were students here? She was shocked to discover there were only nine in a school of about 3,000.

That information prompted her to explore more school records, and everything she uncovered raised unsettling recurrences: Most of those nine kids were always in detention. Most of those nine kids were always being punished. Most of those kids were assigned to "special education" classes that imply they're mentally impaired. None of the students who ever came to this school from Lone Butte had ever graduated, while most had dropped out of high school.

None of this made sense to Loretta, and she learned even more from the American Indian students, who finally started opening up. "They were having a miserable experience at this school," she recalls. "Everything about it said they weren't welcome."

She learned that the school bus delivered the Lone Butte kids to campus at 6 a.m. every day, meaning the students had to wake up at 4 a.m. to make the bus. The bus then departed to take them home immediately after classes, preventing them from participating in any extra-curricular activities.

While on campus, the American Indian students told Loretta they felt like constant targets of both teachers and students, and Loretta saw with her own eyes that they weren't making it up.

"They got blamed for everything," Loretta says. "If something was stolen, they got blamed. If there was a fight, they were blamed. One girl was jumped by three white girls, and it was the Indian girl [who was] hauled in. Another day at lunch, somebody had stolen something and they searched an Indian girl's stuff - they claimed they had a video of her stealing, but they didn't. It was humiliating. I had never seen kids so mistreated in my life."

She says she was certain that school officials simply didn't realize what was happening. Surely they would do something once they saw that the deck was stacked against these students because of their race. After all, the principal himself was a minority and almost exactly Loretta's age, she thought. Certainly he would be an ally. She found the perfect opportunity to get everyone together for a discussion of the problem in hopes of resolving it: She used the celebrity status of her friend Hillary Clinton to bring everyone together in early 2004.

"Hillary was coming to town for a book signing and said she'd love to come hang out at the house," Loretta says, "so I put together a little party." Officials at the school were anxious to meet Senator Clinton and were happy to get an invitation. So was the district's new superintendent, Shirley Miles, a black and Asian woman who had instantly befriended Loretta. Mary Thomas from the Gila River Indian Community was attending, as were other community friends, such as business leader Jack Pfister, who headed the Salt River Project for 20 years and later became vice president of Institutional Advancement at Arizona State University until 2002.

"This was a very Loretta thing to do," Pfister recalls. "Her style is to have people buying into each other - here's a problem and here's what we can do."

So it seemed perfectly natural for Loretta to use the Hillary party to get Desert Vista principal Joe McDonald and Gila River Lieutenant Governor Mary Thomas to face each other and promise to address the issues surrounding the Lone Butte students. Loretta remembers Thomas asking McDonald if they could have a meeting at the school to expose the grievances and deal with solutions, and he reportedly replied, "Oh, sure."

But that meeting never happened.

What did happen, Loretta claims, is that McDonald started "going after" her. She felt he was trying to get her to resign and remembers warning him that he was messing with the wrong person: "You must be outside your brain," she admits telling him.

Loretta, who knows her way around federal programs and civil rights issues, began working on her own

for the Lone Butte Nine. She started an effort to develop and subsidize a breakfast fund for the American Indian students because, although federal dollars were available at the school to feed poor students, this mostly well-off school had never applied for the funds. She was working on creating or beefing up student associations for minority kids, and more than once, she helped calm down ruckuses between minority kids and other students.

After working on the problem on her own for a year, she tried another tactic: She invited Lone Butte students and their parents to a council meeting at Desert Vista on February 8, 2005. Some spoke of years of harassment and mistreatment. Minutes of the meeting reflect Loretta's efforts to set up school breakfasts and her concerns about transportation problems, and she stressed the importance of all staff members helping minority students who weren't performing well on the state-mandated AIMS test.

That meeting also brought no real response from school officials. (In a deposition from Loretta's lawsuit, McDonald claims he never heard any grievances about the Lone Butte kids until her attorney brought them up during the deposition. But the record shows he sat through two meetings and a private party at Loretta's home during which the problems were discussed.)

But other district brass attended the meeting. Steve Adolph, who was then an assistant superintendent and now leads Tempe Union High School District as superintendent, says that after the meeting, he checked to see what kind of harassment or discrimination reports had been filed from Desert Vista. He found none.

A summary of Adolph's deposition in Loretta's lawsuit favors the school. It states: "Adolph was not concerned that there were no reports of student complaints.... He stated that the entire administrative team under McDonald would have been responsible for making relevant reports, but he did not believe that the administrative team had any incentive to fail to report incidences of mistreatment, abuse, intimidation or discrimination."

Former district superintendent Miles also noted in her deposition that she didn't report any allegations of abuse, although state law demands that any incident of child abuse be reported.

But while it appears that Tempe school officials were deaf to the concerns being expressed at the meeting, one Tempe school board member heard the warnings. Board member Mary Francis Lewis sent an e-mail the day after the meeting to district superintendent Miles, noting, "We have never had a good track record with our students from the Gila River Tribal Community."

She said what she heard from the Lone Butte students was "heart-wrenching" and wrote that her own adopted son from the tribe had faced the same kind of discrimination.

Despite that plea from a governing member, district officials did not take action.

The silence from Tempe school officials didn't surprise Tribal Lieutenant Governor Mary Thomas, for the tribe has long watched promises go undelivered. Arizona officials now admit the broken promises made to the tribe when Interstate 10 was built through reservation land 40 years ago were both "embarrassing" and "wrong."

When Mary Thomas first heard about the taunting of Desert Vista's Lone Butte children, she felt a familiar sickness in her stomach.

She's in her 60s now and has long been recognized as a leader among the Gila River people. Besides being an elected leader, she's also close friends with Arizona's first female governor, Rose Mofford. But the news about those children made her feel like a little girl again.

"I was hearing the same kind of attacks I got when I went to school in Coolidge in the 1950s," she says with a soft voice. "Kids would yell at me, 'Stay on the reservation,' and call me a 'savage' and say we were lazy and drunks and a nuisance. I was always on the honor roll, but one girl kept telling everyone I was 'nothing but a dumb Indian' and I must be cheating."

She remembers being spit on and having rocks thrown at the bus that brought her and other students from the reservation to her public school. She remembers waiting and waiting for that bus to arrive. "Sometimes it was so cold by the road, we'd build a fire to stay warm, and then the kids would say we smelled like smoke and call it 'Indian perfume,'" she recalls.

She eventually left Coolidge and graduated from St. John's Indian Mission School in 1963. She was valedictorian of her class.

And now, in the spring of 2004, she got that familiar sick feeling as her old friend Loretta Avent told her what was happening at Desert Vista High School. "It's still going on?" she wondered with shock. "This is wrong. I felt it in here [pointing to her heart], because I knew what they were going through."

Thomas vowed to do something about it and, as is her way, went first to officials at the Tempe Union High School District.

When she got no response from the school's principal, she turned to the district's superintendent, Shirley Miles, who not only came from two minority groups - black and Asian - but also was becoming a personal friend with the one woman pushing hardest for changes, Loretta. Miles had spent personal time during Thanksgiving and Christmas at Loretta's home, and Thomas found her to be friendly.

"I wanted her to call a public meeting - a 'listening session' - to let the children talk about what they were facing," Thomas recalls. But when Miles didn't call a meeting, Thomas called it herself.

That meeting was set for April 26, 2005, in a room on the Gila River reservation. The audience started filling up with parents and grandparents of the American Indian students, then with concerned community members like Jack Pfister. Then the bus from the school arrived. It brought only administrators and teachers - no American Indian students.

"Where are the children?" Thomas asked, and she was told they weren't coming. "This meeting is for the children," she informed everyone. "Send the buses back to pick them up."

She remembers school officials seemed shocked that she'd hold up an entire meeting to wait for the children, and she recalls Miles sitting behind her, "poking me in the back, telling me she wanted to speak. I told her, 'This meeting is for the children to speak. This is a listening meeting for you to listen.'"

She wouldn't let anyone speak. "We just sat there and waited," she says. "I'm a very patient person."

Finally, the bus returned with the American Indian students, and they started telling their stories.

They told of being taunted and bullied. They told of being the first to be accused of any misbehavior. They told of being the first ones suspended or dropped from school. They told of being accused of wrongdoing when they were the ones being attacked, and that the offending white students received no punishment at all. They told of being reported as 'loitering' when their bus brought them to school early and they had no choice but to wait outside before school started.

And many students echoed something along these lines: "I asked for help many times, but nobody wanted to help me."

Several parents and grandparents spoke about how they had tried to raise these concerns but nobody would listen. One grandmother, Coreene Hart, said she sat in the school office for most of one day to discuss the problems but said she was ignored, like she was "invisible" to the staff.

The first person who listened, they said, was Loretta.

Loretta hadn't been invited to the meeting (although the district would later claim in court that she had set it up) and wasn't expected to attend. But she took a personal day off work to be there, and when Thomas called on her to speak, she got up and spoke without holding anything back.

Miles would later call her speech a "rant." Others would say she was "attacking" school principal McDonald. Court records show he was so upset he threatened to sue Loretta, and several witnesses overheard him saying he was "going to get her black ass."

Assistant Superintendent Steve Adolph took copious notes during the meeting, some of which detailed stories of kids being grabbed and thrown up against a wall and of constant harassment. But his focus was more on the "responses" being whispered in his ear during the meeting to excuse or explain the complaints. (Later, he was asked why he didn't file a report when he heard the testimony about abuse and harassment, and he responded that he thought somebody else was taking care of it. State law, by the way, does not allow a "pass the buck" defense in the failure to report abuse cases.)

Jack Pfister, one of the most respected businessmen and community leaders in Arizona, sat in that meeting and had a very different reaction than the school officials. He tells PHOENIX magazine he didn't hear a "rant." He didn't hear an attack. What he heard, he says, was Loretta fighting for children and "speaking truth to power."

"I know Loretta very well," he says. "She's very passionate, but she's not disrespectful. She was just pleading for someone to pay attention to these problems."

Her pleas didn't surprise him, because as he sat in that meeting, it seemed to him the focus was not on the children at all.

"They paid very little attention to the arguments and concerns of the kids," he says about the Tempe school officials. "They offered no solutions to the problem. Shirley Miles, the principal and his staff were really more concerned with their own backsides than to find a solution for the problems. They didn't seem interested to work on it. Loretta became impassioned by their insensitivity."

Pfister says he watched the drama unfold after that meeting and was dismayed to see that the district didn't do anything for the children. "They did one thing," he says. "They fired Loretta to get her out of the way."

Loretta Avent was, according to performance evaluations administered by the district, an exemplary employee. But that's not a surprise to anyone who's ever worked with her.

Born on April 21, 1942, she was raised by a single father in Washington, D.C., in the days of segregated schools.

"We were raised to believe all children are created equal," she stresses, and has carried that belief with her through a lifetime of civil rights work.

Along the way, she's worked with groups like the National Governor's Association, the National Conference of Black State Legislators, the National Committee Against Discrimination, and Phoenix-based Harmony, a group that worked to get a Martin Luther King Jr. holiday in Arizona and end racial discrimination in the state.

She is known to believe passionately in equality and to work tirelessly on any task. Her energy level wears most people out, and she seems to juggle so many balls at once that some admirers joke she invented the art of multi-tasking.

Loretta brought all of that to her job as security guard at Desert Vista High School. In her first review on April 29, 2004, she got the highest possible marks on everything: "job knowledge, quality of work, attitude/interpersonal skills, productivity, attendance/punctuality, communication, job safety, personal/performance growth and appearance."

Furthermore, Desert Vista's assistant principal, Roseyn Hood, wrote this about Avent: "Her keen awareness of situations in need of attention makes her presence powerful and positive. Students are intrigued by her direct and purposeful conversations, as her ultimate goal is to assist students in maximizing their potential through behavior and thoughtful choices. Loretta's thoughts and ideas are far reaching, involving long-term change as opposed to merely placing a bandage temporarily on a problem.... Desert Vista has gained a new level of insight with the addition of Loretta Avent."

The second evaluation is dated January 27, 2005, and this time, instead of one "x" next to each category, there are three, demonstrating the enthusiasm of this review. Hood's written words are just as effusive as the year before: "I believe her contributions to the Desert Vista campus have been far reaching and will have a long-lasting impact. We are fortunate to have an individual with her passion and commitment, working to ensure the best possible future for all students that she encounters."

"In addition to her security assignment, Loretta has spent a great deal of her own time establishing the first Native American Student Union, assisting in the reorganization of the Black Student Union and several other cultural groups. She has worked to assist the Native American students with better transportation options, conflict resolution, greater levels of parental involvement and creating a positive and productive space for these individuals at Desert Vista."

Hood strongly recommended Avent's continued employment. Principal Joe McDonald signed the evaluation.

But things changed dramatically after that April 2005 "listening meeting." On May 2, 2005, Loretta notified the district board that she feared retaliation for her activism on behalf of the Lone Butte students. On May 10, McDonald called the district's human resources director, asking if he could "amend" his recommendation on Loretta's contract. The director said that he could, and he also launched an "investigation" into Loretta's activities.

On May 11, this long-time principal - a former athlete who sources say demanded that his staff act like "team players" and left no doubt he was in charge of this school - wrote a most remarkable letter:

"I was informed that I had to sign off on Loretta Avent's evaluation," he wrote. "I want to make it clear that I do not agree with the evaluation that was given of Loretta's performance. Ms. Avent has been disruptive to the educational process at our school. She does not follow direction of authority. Ms. Avent does not stay with her assignment. She has been insubordinate and disrespectful. I'm not sure what my signature meant. I signed to acknowledge that I had read and not necessarily agreed with it."

Loretta's attorney doesn't hide his disbelief at this letter, calling it "self-serving, certainly, but mostly comical." When he deposed McDonald for the lawsuit, he asked if there were any policies or procedures that would allow a principal to redo a performance evaluation, and McDonald admitted he didn't know of any.

The timing of that letter is important. Attorney Hobson says it shows what was really going on in the saga of Loretta, as across town, the Tempe School Board was routinely going about its business.

"Loretta Avent claims her employment contract was not renewed because she was a champion for Indian kids," notes attorney Georgia Staton, who is representing the district in the lawsuit. "But it had nothing to do with it. It was only because she started acting squirrely."

As proof, Staton stresses that Loretta has a history of disputes with the district. For instance, on March 25, 2005, she filed a discrimination complaint with the Equal Employment Opportunity Commission, alleging both her fear that McDonald was trying to force her to resign due to her age, and that he made her employment difficult since her granddaughter had been cut from the volleyball team.

Then, on March 31, 2005, she filed another discrimination charge with the EEOC, alleging that McDonald was retaliating against her for "continuing to oppose the school's pattern and practice of abandoning the educational mission of the students of color and by exercising the protection of Native American students."

On May 8, 2005, she filed a third charge with the EEOC, charging that McDonald had hired an investigator to dig up dirt on her because of her activism for American Indian students.

Despite all this, Staton says, the Tempe district voted to renew Loretta's contract on May 11, 2005 - the same day McDonald was penning his letter.

"The board was fully aware of her claims, but they still offered her a new contract," Staton says. "I think it shows incredible restraint." (Avent's attorney, on the other hand, notes that it is illegal for anyone to fire someone because they have filed a discrimination complaint.)

And then Staton points to what happened next.

On May 12, 2005, Loretta began filing pleadings in justice court for injunctions against McDonald and others at the school, alleging harassment. Staton says that in order to comply with the court order, the two must not be in proximity of each other. The school told Loretta to park elsewhere and to not come to the office, among other restrictions. She says Loretta refused to follow these restrictions, didn't show up for work, and when she was there, she followed McDonald around, threatening him.

"She began acting bizarrely. She wouldn't take direction. What do you do?" Staton asks.

Staton stresses the district not only was within its rights, but had no choice, to rescind Loretta's contract on June 8, 2005, because she "was becoming an incredibly difficult employee."

Staton says she knew from "the first day" her firm got this case that she would win. "The claim was so wanting it didn't even go to a jury," she says.

On May 13, 2008, a federal court said the district had done nothing wrong. A judge ruled in favor of the district, saying Loretta had been fired because of her actions, not her activism.

But Avent's attorney sounds just as confident that the Ninth Circuit Court of Appeals will see things very differently. The appeal was filed June 10. Hobson says the May 11 contract renewal wasn't as bold a move as district officials say it was.

"It was a consent motion with hundreds of people on the list," he says. "I think they were clueless that she was on it." After all, Hobson adds, why would McDonald have written a letter protesting Avent's

contract renewal if he and district officials already knew her contract was on the agenda to be approved along with several others?

Hobson chides the federal court judge for not looking at all the evidence. He says he believes a thorough review will show Loretta was "set up" by the district to force her out. Among the documents he points to is a statement from Hood, the former assistant principal who was in charge of evaluating Loretta's job performance: "I am aware that after she spoke at the April 26, 2005, meeting, Loretta was subjected to hyper-scrutiny for her workplace conduct by members of the administrative team since her comments were critical of the district's and Desert Vista's failure to address racially hostile treatment being reported by Lone Butte... students."

Hobson argues that, after the April 26 meeting, actions were focused on getting rid of Loretta and sweeping the problem under the rug: "The District did nothing to investigate the complaints that were reported at that meeting by Lone Butte students or their families. Their evident hostility to Loretta Avent in Senior administration's refusal to hear her comments as anything other than a 'rant' is a reflection of their hostility. The District through its head of Human Resources begins an 'investigation' of Loretta Avent based, in part, on claims of Joe McDonald's assertions that it was 'disrespectful' and 'insubordinate' for Loretta Avent to complain at the April 26 meeting about the failure of leadership in a school that tolerates mistreatment, abuse and discrimination."

At press time, the Ninth Circuit Court of Appeals had yet to rule on this case.

Tempe Union High School officials are not anxious to talk about this case. Through attorney Staton, PHOENIX magazine requested interviews with all the officials spotlighted in this story. None wanted to talk.

We also asked for examples of specific actions the district has taken to address the concerns of the Lone Butte students and their families, but no specifics were offered

Mary Thomas says she has seen no improvements and no response. It's like the tribe and these students are still invisible to the school district, she says: "It's sad. It's not on anybody's radar screen anymore."

Lisa Blackhorse, a past president of the district's Native American Education Parent Committee, filed her own complaint against the district with state and federal officials, accusing it of ignoring Indian parents and concerns about their children. Her complaint was filed in July 2006, more than a year after Loretta was fired.

When Blackhorse spoke with PHOENIX magazine in 2008, she said none of the news from the district was encouraging.

"I don't think they understand how they failed these kids, and they don't care," she says. "But these kids are entitled to the same opportunity as any child that walks in the door."

She notes Desert Vista has lots of bragging rights and has done many outstanding things that mark it as a fine school. "The students took on a village in Africa - they're always doing this kind of thing," she notes. "Yet, in their own backyard...."

Meanwhile, Loretta Avent was busy working on last November's election - she originally was a Clinton supporter, but when Barack Obama got the Democratic nomination, she volunteered for his campaign. And, of course, she and Jacques are still busy being "Nonna and Poppie," raising their "grandwonders."

It's amazing to watch the smile on Loretta's face grow when she talks of her grandchildren, Brittany and Bryant. Brittany is working on a career in music; Bryant is on an athletic scholarship at a college on the East Coast. But when she talks about the Lone Butte Nine, tears start to well up.

The particular children she tried to help have dropped out of school or have moved on to other schools. A couple of the students have since died in car accidents, and she grieves for them as though they were her own. She can't mention them without crying, and she talks through a wavering voice, unabashedly wiping away the tears: "There's nothing so important as saving a child," she says.

Besides spending a fortune on the lawsuit, she's taken a lot of flack for her outspoken advocacy on behalf of these children.

"There are a lot of people in the black community mad at me. They say I took a brother down," she says, referring to Joe McDonald, who has since retired from the school district. She says she doesn't see it that way. "Prejudice isn't about color, it's about your soul," she insists.

The Tempe school district seems to think it's winning in court and that, eventually, Loretta will go away.

But her attorney echoes what many of Loretta's allies seem to know about her: "Loretta can be pretty fierce. She has no fear when she knows she's right, and in this case, she's right."

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Principal's reviews by district positive

Allegations at Desert Vista barely mentioned

By DARYL JAMES

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Desert Vista High School principal Joe McDonald has consistently received sterling performance evaluations that make little mention of misconduct allegations that have troubled the Ahwatukee Foothills campus.

The Tempe Union High School District released records this week — including McDonald's latest employment evaluation dated May 26 — that show satisfaction with the principal's performance despite a long list of allegations ranging from workplace harassment to lax discipline of student-athletes.

A 2000 evaluation warned McDonald to expect complaints such as these from "small-minded people."

Former Superintendent James Buchanan wrote in that evaluation that grumbling is inevitable at Desert Vista because the affluent neighborhoods around the campus produce parents with "extremely high expectations."

"There are those who will attack your staff, students and your school given even the smallest opportunity," Buchanan wrote. "It seems that some people have to build themselves up by tearing others down."

But not all complaints against McDonald have come from affluent neighborhoods.

Families from the Gila River Indian Community accused McDonald in May of fostering a hostile school environment for reservation students.

Black families and others from the community also accused McDonald in May of discrimination against low-income students, and two employees filed federal complaints against McDonald this year with the Equal Employment Opportunity Commission.

The governing board fired one of those employees, security officer Loretta Avent, on June 8 for insubordination.

As early as 1998, former Desert Vista assistant principal Jane Jones accused McDonald of illegal hiring practices. McDonald's evaluation in March 1999 indicates that Buchanan knew about this accusation and concluded that the problem was Jones' attitude — not McDonald's failure to consider an internal job candidate, as district policy requires, before hiring an out-of-district teacher with a son who played football.

"I caution you," Buchanan wrote, "that you will need to remain vigilant of her attitude and performance in the future."

Jones later accused **McDonald** of temper tantrums, violation of special education laws and coerced grade changes and lax discipline for student-athletes. The governing board fired Jones in 2002 for not being a team player, and a wrongful termination lawsuit is pending in Maricopa County Superior Court.

Evaluations in 2002 and 2003, however, credit **McDonald** for an overall reduction in community complaints.

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October 22, 2004

Principal to be deposed in lawsuit

By Daryl James
Tribune

October 22, 2004

Desert Vista High School principal Joe McDonald will be deposed today in a whistleblower lawsuit filed by a former assistant principal at the Ahwatukee Foothills school.

The Tempe Union High School District governing board fired assistant principal Jane Jones in 2002 after McDonald gave her a poor evaluation and recommended the district not renew her \$75,000 per year contract.

Jones claims in her lawsuit that the poor evaluation - the first in her career - came in retaliation after she raised concerns about coerced grade changes for an all-state softball player who graduated from the school in 2001.

Without the grade changes, which Jones said came two months after the student's graduation, the softball player would have been academically ineligible to accept an athletic scholarship at an NCAA Division I school in Texas.

"We want to get (Mc-Donald) on record as to what he believes he was doing when the grade changes occurred," said Jones' attorney, Bill Hobson.

Maricopa County Superior Court Judge Anna M. Baca rejected a request this summer from the school district to disallow depositions in the case. Attorney Steven D. Leach, who represents the district, did not respond Thursday to requests for comment.

Further depositions are scheduled next month with district administrators Steve Adolph and Janet Seegren. Based on the results of these initial interviews, Hobson said he also may request an opportunity to depose former Superintendent James Buchanan.

Jones and McDonald worked together at Mountain Pointe High School in the 1990s and then transferred together to Desert Vista in 1996 to help open the new school.

Hobson said Jones has done well as a mortgage broker since leaving Desert Vista, but she wants her old job back as a school administrator.

"All she's ever wanted to do is work with kids at school," Hobson said.



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June 20, 2005

Desert Vista parents call administration

By Daryl James
Tribune

Ahwatukee Foothills parents frustrated with management at Desert Vista High School have started purchasing advertising space in a community newspaper to vent their concerns.

Quarter-page advertisements that cost about \$400 each appeared June 10 and Friday in the Ahwatukee Foothills News. And Desert Vista parent Ken Altman said more ads are planned.

"Our goal is to run these all summer, and longer if necessary," Altman said.

Friday's ad reads, in part, "Join us and other parents and taxpayers and demand that TUHSD and Desert Vista High School be held accountable for its irresponsible actions toward some of our children, staff and faculty."

The ad invites community members to send comments to parentswhocare@cox.net [parentswhocare@cox.net].

Altman accuses Desert Vista principal Joe McDonald of retaliating against Altman's daughter after the family complained in September about a hostile environment in a math class.

Altman tried to obtain a transfer for his daughter to another classroom, and he became more assertive when Desert Vista administrators did not return his phone calls.

Altman said McDonald told him during a Sept. 17 conference, "Things might have gone a little differently had you not been so aggressive." McDonald has declined to comment on any of the allegations against him.

Other parents have accused McDonald of discrimination, violation of special education laws, selective enforcement of attendance policies and giving special treatment to student athletes.

Desert Vista security officer Loretta Avent filed multiple harassment and discrimination complaints against McDonald before the Tempe Union High School District governing board voted to fire her June 8.

Phoenix police officer Melina Walker, who was assigned full time at Desert Vista until May 13, also accuses McDonald in a formal police grievance of retaliating against her after she befriended Avent.

The Ahwatukee Foothills police precinct gave Walker an involuntary transfer one day after she served McDonald with an injunction on behalf of Avent.

Former Desert Vista assistant principal Jane Jones also accuses McDonald of illegal hiring practices and grade changes in a wrongful-termination lawsuit pending in Maricopa County Superior Court.

And former Desert Vista football coach Jim Rattay, who still teaches physical education at the school, has filed a notice of claim against the Tempe district for reasons he declined to specify last week.


One concern expressed by the parents behind the paid ads is that the district's support of McDonald puts taxpayers at risk of increased attorney fees to fend off lawsuits.

Records that the Tempe district released last week show that the district's attorney fees more than doubled in four years - although lawsuits and allegations at Desert Vista were only part of the reason.

The district paid about \$120,000 to law firms in fiscal 2000-01 and \$261,000 in fiscal 2003-04.

The district also joined the Arizona School Risk Retention Trust in 2003-04 and paid \$640,000 the first year for liability insurance.



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Desert Vista High principal to retire

School leader has drawn parent, staff complaints

By SHANNA HOGAN

FOR THE TRIBUNE

-

Embattled **Desert Vista High** School **principal** Joe McDonald will retire at the completion of his contract in June, according to a statement released Friday by the Tempe Union **High** School District.

McDonald worked as an assistant dean of students and associate athletic director at Arizona State University before becoming **principal** of **Desert Vista** when the school opened in 1996.

Throughout his time as **principal**, he has received positive performance evaluations.

But **Desert Vista** parents and former faculty members and staff have accused McDonald of discrimination, violation of special education laws, selective enforcement of attendance policies, giving preferential treatment to student athletes, wrongful termination and harassment. Complaints first surfaced in 2001.

Frustrated Ahwatukee Foothills parents began purchasing advertisements this summer for \$400 apiece in a community newspaper to vent their concerns.

Ken Altman, one of the parents who funded the ad campaign, said he believes McDonald's decision to retire was "helped along by the district" due to the various allegations.

"Concerned parents have not let up," he said. "This has caused a lot of distraction in the school district."

Altman removed his daughter from the school after a dispute last school year with **Desert Vista** administrators, but he has remained active in the campaign against the district. He said McDonald's retirement will not stop his crusade.

"This is the first step," he said. "The next step is replacement of the entire district."

In 2001, **Desert Vista** assistant **principal** Jane Jones accused McDonald of fixing grades for a student athlete so she could qualify for an NCAA scholarship.

A year after Jones complained, McDonald gave her the first negative evaluation of her career. She was subsequently fired on McDonald's recommendation for not being a "team player."

While Jones said she was glad to hear of McDonald's retirement, she said "it has taken too long for the board to take action."

"He has consistently displayed unethical leadership," Jones said. "His tenure at **Desert Vista** will be forever tainted."

Jones has a wrongful termination lawsuit pending in Maricopa County Superior Court.

McDonald also said in the statement: "It is now time for new challenges and greater opportunities." He did not return phone calls for further comment.



Joe McDonald

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THE LONE BUTTE NINE

Author: Jana Bommersbach
Issue: February, 2009, Page 118
LORETTA AVENT HAS HAD AN INTERESTING AND CHALLENGING CAREER – FROM THE WHITE HOUSE TO PHOENIX – BUT SHE HAS NEVER FOUGHT AS HARD AS SHE HAS IN THE PAST FEW YEARS FOR A GROUP OF POOR AMERICAN INDIAN HIGH SCHOOL STUDENTS.

She had no idea her life's work for civil rights and justice would come to a head at this beautiful school, and that she'd risk everything for nine poor American Indian children.

Desert Vista High School, located in the Ahwatukee Foothills area of Phoenix, is not only the newest high school in the Tempe Union High School District, but perhaps the best. Every year, close to a dozen seniors earn perfect SAT scores, the dropout rate is low and the college-bound rate is extremely high. Its athletic teams are the pride of the area. This is where engineers from Intel and other high-tech firms send their children. Most interesting to Loretta, the school was then headed by a black man, principal Joe McDonald, and black people held several other administrative and teaching positions. If parents were looking for role models of color, Desert Vista was their destination.

But Loretta and her husband, Jacques, a former assistant to the city manager of Phoenix, lived outside the boundary lines of Desert Vista. So Loretta used the one loophole that would let Brittany enroll: Children of school employees automatically are accepted. So Loretta got a job as a school security guard.

She started at \$10 an hour, which eventually rose to \$10.10 an hour. And there would be nothing remarkable about a doting grandmother getting a job to help her granddaughter, except for who this grandmother is and what happened next.

Loretta came to her security guard job fresh from the White House. Under President Bill Clinton, she was a deputy assistant and White House liaison to the American Indian community and one of the record numbers of black people Clinton appointed. The Phoenix Business Journal credited her with being one of the Arizona contacts that prompted President Clinton to visit the Valley in June 1999.



The town of Lone Butte in the Gila River Indian Community is made up of 21 tract homes and sits within the enrollment boundaries of Ahwatukee's Desert Vista High School.

Photography by Brian Goddard



Loretta Avent became a Desert Vista High School security guard so her granddaughter could enroll there.

She is not only a friend of Bill's but a friend of Hillary's, too. Hillary, who calls Loretta her "friend from Arizona," even made a special trip to Loretta's home to "hang out" in early 2004. Long before her White House stint, however, Loretta was a follower of Martin Luther King Jr. and worked for Reverend Jesse Jackson's 1988 presidential bid.

For those who know Loretta, there was nothing strange in the former high-powered Washington operative and civil rights leader becoming a high school security guard. They knew that Loretta, who was 62 when she took the security guard job, considers all work honorable, and they knew she'd do just about anything to be sure her precious grandchildren got every possible chance to succeed. (She and Jacques – "Nonna and Poppie" – took over raising their grandchildren, Brittany and Bryant, when their son's marriage fell apart.) And there's a third thing her friends say is very predictable about Loretta: If she sees injustice, if she sees prejudice and

discrimination, she attacks like a mama lion. It's like it's in her DNA and she can't help herself.

Today, Loretta and the Tempe Union High School District are embroiled in a messy lawsuit. She claims the district fired her in 2005 because she exposed and tried to end its long-standing discrimination against American Indian students from the nearby town of Lone Butte in the Gila River Indian Community. The district says it fired her because she was vindictive and disruptive, acting "squirrelly" and "bizarrely." So far, a federal judge has sided with the district, summarily dismissing Loretta's lawsuit in May

2008. She has appealed to the Ninth Circuit Court of Appeals, and attorneys on both sides appear confident their clients will prevail: School district attorney Georgia Staton says the evidence is clear that the district did nothing wrong; Loretta's attorney, Bill Hobson, says the evidence is clear that the district illegally fired Loretta for her advocacy. "This isn't about me," Loretta says. "It's about those nine kids from Lone Butte. For me, it's like the Little Rock Nine." She is referring to a group of students whose civil rights fight led to the historic desegregation of Little Rock Central High School in Arkansas in 1957. Loretta says she can't believe that kind of discrimination still exists.

"I saw kids throw bottles and cans at these Indian children and pour stuff in their food, and every day there'd be a physical fight. I heard kids yell, 'Go back where you came from, you dirty, nasty savages.' And I saw that whenever there was a fight, it was



Some of the children of Lone Butte gather for a birthday celebration in late December. Right: Loretta Avent embraces Martin Lopez, who attended Desert Vista but did not graduate.



the Indian kids who were hauled in for punishment."

— Loretta Avent, former security guard at Desert Vista High School and civil rights activist

When she first put on her guard's uniform and reported to duty at Desert Vista High School in the fall of 2003, Loretta Avent didn't even know Lone Butte existed. However, she did know that members of the American Indian community lived on reservation lands that lay within the boundaries of Desert Vista's enrollment area. She had been longtime friends with former Tribal Governor Mary Thomas, who then was the Gila River Indian Community's lieutenant governor. But Loretta had no knowledge of the desolate pocket of poverty among the 21 tract homes that make up Lone Butte. Nor did she know a single student who came from that community. But she did notice something unusual about the American

Indian students.

"At first I thought there must be a lot of Indian kids in this school, because when I'd fill in for 'in-school suspension,' there were always a lot of Indian kids there," she recalls. This is where "problem" students end up to cool their heels for one infraction or another. Loretta, meanwhile, was using her breezy chat, quick wit and fast smile to get to know students at the school. (Principal Joe McDonald would introduce her as "The Pied Piper.") "There was one Indian girl I only saw in the courtyard, and we'd visit. And one day, when Antonia [Mendez] felt comfortable with me, she looked at me and said, 'Please help us,'" Loretta recalls. "She asked me to look out for the kids from Lone Butte. I didn't know who those kids were." But she started paying more attention and asked to be assigned to lunch duties so she could watch the kids outside of their classroom settings. She says she was disturbed by what she saw. "I saw kids throw bottles and cans at these Indian children and pour stuff in their food, and every day there'd be a physical fight," she recalls. "I heard kids yell, 'Go back where you came from, you dirty, nasty savages.' And I saw that whenever there was a fight, it was the Indian kids who were hauled in for punishment."

She went into the office and finally asked the question that would change her life: How many kids from Lone Butte were students here? She was shocked to discover there were only nine in a school of about 3,000.

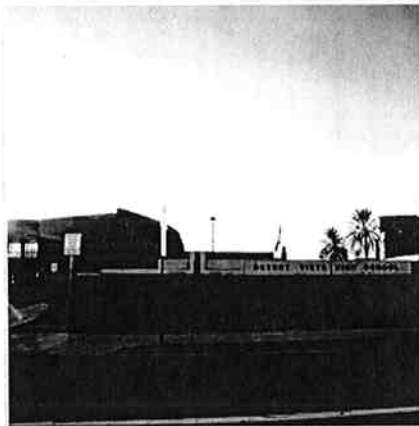
That information prompted her to explore more school records, and everything she uncovered raised unsettling recurrences: Most of those nine kids were always in detention. Most of those nine kids were always being punished. Most of those kids were assigned to "special education" classes that imply they're mentally impaired. None of the students who ever came to this school from Lone Butte had ever graduated, while most had dropped out of high school. None of this made sense to Loretta, and she learned even more from the American Indian students, who finally started opening up. "They were having a miserable experience at this school," she recalls. "Everything about it said they weren't welcome." She learned that the school bus delivered the Lone Butte kids to campus at 6 a.m. every day, meaning the students had to wake up at 4 a.m. to make the bus. The bus then departed to take them home immediately after classes, preventing them from participating in any extra-curricular activities.

While on campus, the American Indian students told Loretta they felt like constant targets of both teachers and students, and Loretta saw with her own eyes that they weren't making it up. "They got blamed for everything," Loretta says. "If something was stolen, they got blamed. If there was a fight, they were blamed. One girl was jumped by three white girls, and it was the Indian girl [who was] hauled in. Another day at lunch, somebody had stolen something and they searched an Indian girl's stuff — they claimed they had a video of her stealing, but they didn't. It was humiliating. I had never seen kids so mistreated in my life."

"Ms. Avent has been disruptive to the educational process at our school. She does not follow direction of authority. Ms. Avent does not stay with her assignment. She has been insubordinate and disrespectful."

— Joe McDonald, retired principal of Desert Vista High School, in a review of Loretta Avent's work as the school's security guard

She says she was certain that school officials simply didn't realize what was happening. Surely they would do something once they saw that the deck was stacked against these students because of their race. After all, the principal himself was a minority and almost exactly Loretta's age, she thought. Certainly he would be an ally. She found the perfect opportunity to get everyone together for a discussion of the



Joe McDonald

problem in hopes of resolving it: She used the celebrity status of her friend Hillary Clinton to bring everyone together in early 2004.

"Hillary was coming to town for a book signing and said she'd love to come hang out at the house," Loretta says, "so I put together a little party." Officials at the school were anxious to meet Senator Clinton and were happy to get an invitation. So was the district's new superintendent, Shirley Miles, a black and Asian woman who had instantly befriended Loretta. Mary Thomas from the Gila River Indian Community was attending, as were other community friends, such as business leader Jack Pfister, who headed the Salt River Project for 20 years and later became vice president of Institutional Advancement at Arizona State University until 2002.

"This was a very Loretta thing to do," Pfister recalls. "Her style is to have people buying into each other – here's a problem and here's what we can do."

So it seemed perfectly natural for Loretta to use the Hillary party to get Desert Vista principal Joe McDonald and Gila River Lieutenant Governor Mary Thomas to face each other and promise to address the issues surrounding the Lone Butte students. Loretta remembers Thomas asking McDonald if they could have a meeting at the school to expose the grievances and deal with solutions, and he reportedly replied, "Oh, sure." But that meeting never happened. What did happen, Loretta claims, is that McDonald started "going after" her. She felt he was trying to get her to resign and remembers warning him that he was messing with the wrong person: "You must be outside your brain," she admits telling him.

Loretta, who knows her way around federal programs and civil rights issues, began working on her own for the Lone Butte Nine. She started an effort to develop and subsidize a breakfast fund for the American Indian students because, although federal dollars were available at the school to feed poor students, this mostly well-off school had never applied for the funds. She was working on creating or beefing up student associations for minority kids, and more than once, she helped calm down ruckuses between minority kids and other students.

After working on the problem on her own for a year, she tried another tactic: She invited Lone Butte students and their parents to a council meeting at Desert Vista on February 8, 2005. Some spoke of years of harassment and mistreatment. Minutes of the meeting reflect Loretta's efforts to set up school breakfasts and her concerns about transportation problems, and she stressed the importance of all staff members helping minority students who weren't performing well on the state-mandated AIMS test.

That meeting also brought no real response from school officials. (In a deposition from Loretta's lawsuit, McDonald claims he never heard any grievances about the Lone Butte kids until her



Coreene Hart, grandmother to some of the Desert Vista students from Lone Butte, says she sat in the school office to discuss her concerns and was ignored.

attorney brought them up during the deposition. But the record shows he sat through two meetings and a private party at Loretta's home during which the problems were discussed.)



Carla Brown, standing with Martin Lopez, was the first student from Lone Butte ever to graduate from Desert Vista.

"Many students echoed something along these lines: "I asked for help many times, but nobody wanted to help me."

But other district brass attended the meeting. Steve Adolph, who was then an assistant superintendent and now leads Tempe Union High School District as superintendent, says that after the meeting, he checked to see what kind of harassment or discrimination reports had been filed from Desert Vista. He found none.

A summary of Adolph's deposition in Loretta's lawsuit favors the school. It states: "Adolph was not concerned that there were no reports of student complaints.... He stated that the entire administrative team under McDonald would have been responsible for making relevant reports, but he did not believe that the administrative team had any incentive to fail to report incidences of mistreatment, abuse, intimidation or discrimination."

Former district superintendent Miles also noted in her deposition that she didn't report any allegations of abuse, although state law demands that any incident of child abuse be reported. But while it appears that Tempe school officials were deaf to the concerns being expressed at the meeting, one Tempe school board member heard the warnings. Board member Mary Francis Lewis sent an e-mail the day after the meeting to district superintendent Miles, noting, "We have never had a good track record with our students from the Gila River Tribal Community." She said what she heard from the Lone Butte students was "heart-wrenching" and wrote that her own adopted son from the tribe had faced the same kind of discrimination. Despite that plea from a governing member, district officials did not take action. The silence from Tempe school officials didn't surprise Tribal Lieutenant Governor Mary Thomas, for the tribe has long watched promises go undelivered. Arizona officials now admit the broken promises made to the tribe when Interstate 10 was built through reservation land 40 years ago were both "embarrassing" and "wrong."

When Mary Thomas first heard about the taunting of Desert Vista's Lone Butte children, she felt a familiar sickness in her stomach.

She's in her 60s now and has long been recognized as a leader among the Gila River people. Besides being an elected leader, she's also close friends with Arizona's first female governor, Rose Mofford. But the news about those children made her feel like a little girl again.

"I was hearing the same kind of attacks I got when I went to school in Coolidge in the 1950s," she says with a soft voice. "Kids would yell at me, 'Stay on the reservation,' and call me a 'savage' and say we were lazy and drunks and a nuisance. I was always on the honor roll, but one girl kept telling everyone I was 'nothing but a dumb Indian' and I must be cheating."

She remembers being spit on and having rocks thrown at the bus that brought her and other students from the reservation to her public school. She remembers waiting and waiting for that bus to arrive.

"Sometimes it was so cold by the road, we'd build a fire to stay warm, and then the kids would say we smelled like smoke and call it 'Indian perfume,'" she recalls.

She eventually left Coolidge and graduated from St. John's Indian Mission School in 1963. She was valedictorian of her class.

And now, in the spring of 2004, she got that familiar sick feeling as her old friend Loretta Avent told her what was happening at Desert Vista High School. "It's still going on?" she wondered with shock. "This is wrong. I felt it in here [pointing to her heart], because I knew what they were going through."

Thomas vowed to do something about it and, as is her way, went first to officials at the Tempe Union High School District.

When she got no response from the school's principal, she turned to the district's superintendent, Shirley Miles, who not only came from two minority groups - black and Asian - but also was becoming a personal friend with the one woman pushing hardest for changes, Loretta. Miles had spent personal time during Thanksgiving and Christmas at Loretta's home, and Thomas found her to be friendly.

"Loretta can be pretty fierce. She has no fear when she knows she's right, and in this case, she's right."



Antonia Mendez asked Loretta Avent for help after she says she and other American Indian students were bullied at Desert Vista High.



Bill Hobson is defending Loretta Avent in her lawsuit against the Tempe Union High School District.

— Bill Hobson, Loretta Avent's attorney

"I wanted her to call a public meeting – a 'listening session' – to let the children talk about what they were facing," Thomas recalls. But when Miles didn't call a meeting, Thomas called it herself.

That meeting was set for April 26, 2005, in a room on the Gila River reservation. The audience started filling up with parents and grandparents of the American Indian students, then with concerned community members like Jack Pfister. Then the bus from the school arrived. It brought only administrators and teachers – no American Indian students.

"Where are the children?" Thomas asked, and she was told they weren't coming. "This meeting is for the children," she informed everyone. "Send the buses back to pick them up."

She remembers school officials seemed shocked that she'd hold up an entire meeting to wait for the children, and she recalls Miles sitting behind her, "poking me in the back, telling me she wanted to

speak. I told her, 'This meeting is for the children to speak. This is a listening meeting for you to listen.'"

She wouldn't let anyone speak. "We just sat there and waited," she says. "I'm a very patient person."

Finally, the bus returned with the American Indian students, and they started telling their stories. They told of being taunted and bullied. They told of being the first to be accused of any misbehavior. They told of being the first ones suspended or dropped from school. They told of being accused of wrongdoing when they were the ones being attacked, and that the offending white students received no punishment at all. They told of being reported as 'loitering' when their bus brought them to school early and they had no choice but to wait outside before school started.

"This is wrong. I felt it in here [pointing to her heart], because I knew what they were going through."

— Mary Thomas, former Gila River Indian Community governor

And many students echoed something along these lines: "I asked for help many times, but nobody wanted to help me." Several parents and grandparents spoke about how they had tried to raise these concerns but nobody would listen. One grandmother, Coreene Hart, said she sat in the school office for most of one day to discuss the problems but said she was ignored, like she was "invisible" to the staff.

The first person who listened, they said, was Loretta.

Loretta hadn't been invited to the meeting (although the district would later claim in court that she had set it up) and wasn't expected to attend. But she took a personal day off work to be there, and when Thomas called on her to speak, she

got up and spoke without holding anything back.

Miles would later call her speech a "rant." Others would say she was "attacking" school principal McDonald. Court records show he was so upset he threatened to sue Loretta, and several witnesses overheard him saying he was "going to get her black ass."

Assistant Superintendent Steve Adolph took copious notes during the meeting, some of which detailed stories of kids being grabbed and thrown up against a wall and of constant harassment. But his focus was more on the "responses" being whispered in his ear during the meeting to excuse or explain the complaints. (Later, he was asked why he didn't file a report when he heard the testimony about abuse and harassment, and he responded that he thought somebody else was taking care of it. State law, by the way, does not allow a "pass the buck" defense in the failure to report abuse cases.)

Jack Pfister, one of the most respected businessmen and community leaders in Arizona, sat in that meeting and had a very different reaction than the school officials. He tells PHOENIX magazine he didn't hear a "rant." He didn't hear an attack. What he heard, he says, was Loretta fighting for children and "speaking truth to power."

"I know Loretta very well," he says. "She's very passionate, but she's not disrespectful. She was just pleading for someone to pay attention to these problems."

Her pleas didn't surprise him, because as he sat in that meeting, it seemed to him the focus was not on the children at all.

"They paid very little attention to the arguments and concerns of the kids," he says about the Tempe school officials. "They offered no solutions to the problem. Shirley Miles, the principal and his staff were really more concerned with their own backsides than to find a solution for the problems. They didn't seem interested to work on it. Loretta became impassioned by their insensitivity."

Pfister says he watched the drama unfold after that meeting and was dismayed to see that the district didn't do anything for the children. "They did one thing," he says. "They fired Loretta to get her out of the way."



Mary Thomas

Loretta Avent was, according to performance evaluations administered by the district, an exemplary employee. But that's not a surprise to anyone who's ever worked with her. Born on April 21, 1942, she was raised by a single father in Washington, D.C., in the days of segregated schools. "We were raised to believe all children are created equal," she stresses, and has carried that belief with her through a lifetime of civil rights work. Along the way, she's worked with groups like the National Governor's Association, the National Conference of Black State Legislators, the National Committee Against Discrimination, and Phoenix-based Harmony, a group that worked to get a Martin Luther King Jr. holiday in Arizona and end racial discrimination in the state. She is known to believe passionately in equality and to work tirelessly on any task. Her energy level wears most people out, and she seems to juggle so many balls at once that some admirers joke she invented the art of multi-tasking. Loretta brought all of that to her job as security guard at Desert Vista High School. In her first review on April 29, 2004, she got the highest possible marks on everything: "job knowledge, quality of work, attitude/interpersonal skills, productivity, attendance/punctuality, communication, job safety, personal/performance growth and appearance." Furthermore, Desert Vista's assistant principal, Roseyn Hood, wrote this about Avent: "Her keen awareness of situations in need of attention makes her presence powerful and positive. Students are intrigued by her direct and purposeful conversations, as her ultimate goal is to assist students in maximizing their potential through behavior and thoughtful choices. Loretta's thoughts and ideas are far reaching, involving long-term change as opposed to merely placing a bandage temporarily on a problem.... Desert Vista has gained a new level of insight with the addition of Loretta Avent." The second evaluation is dated January 27, 2005, and this time, instead of one "x" next to each category, there are three, demonstrating the enthusiasm of this review. Hood's written words are just as effusive as the year before: "I believe her contributions to the Desert Vista campus have been far reaching and will have a long-lasting impact. We are fortunate to have an individual with her passion and commitment, working to ensure the best possible future for all students that she encounters. "In addition to her security assignment, Loretta has spent a great deal of her own time establishing the first Native American Student Union, assisting in the reorganization of the Black Student Union and several other cultural groups. She has worked to assist the Native American students with better transportation options, conflict resolution, greater levels of parental involvement and creating a positive and productive space for these individuals at Desert Vista." Hood strongly recommended Avent's continued employment. Principal Joe McDonald signed the evaluation.

But things changed dramatically after that April 2005 "listening meeting." On May 2, 2005, Loretta notified the district board that she feared retaliation for her activism on behalf of the Lone Butte students. On May 10, McDonald called the district's human resources director, asking if he could "amend" his recommendation on Loretta's contract. The director said that he could, and he also launched an "investigation" into Loretta's activities. On May 11, this long-time principal – a former athlete who sources say demanded that his staff act like "team players" and left no doubt he was in charge of this school – wrote a most remarkable letter: "I was informed that I had to sign off on Loretta Avent's evaluation," he wrote. "I want to make it clear that I do not agree with the evaluation that was given of Loretta's performance. Ms. Avent has been disruptive to the educational process at our school. She does not follow direction of authority. Ms. Avent does not stay with her assignment. She has been insubordinate and disrespectful. I'm not sure what my signature meant. I signed to acknowledge that I had read and not necessarily agreed with it." Loretta's attorney doesn't hide his disbelief at this letter, calling it "self-serving, certainly, but mostly comical." When he deposed McDonald for the lawsuit, he asked if there were any policies or procedures that would allow a principal to redo a performance evaluation, and McDonald admitted he didn't know of any. The timing of that letter is important. Attorney Hobson says it shows what was really going on in the saga of Loretta, as across town, the Tempe School Board was routinely going about its business. "Loretta Avent claims her employment contract was not renewed because she was a champion for Indian kids," notes attorney Georgia Staton, who is representing the district in the lawsuit. "But it had nothing to do with it. It was only because she started acting squirrely." As proof, Staton stresses that Loretta has a history of disputes with the district. For instance, on March 25, 2005, she filed a discrimination complaint with the Equal Employment Opportunity Commission, alleging both her fear that McDonald was trying to force her to resign due to her age, and that he made her employment difficult since her granddaughter had been cut from the volleyball team.

Then, on March 31, 2005, she filed another discrimination charge with the EEOC, alleging that McDonald was retaliating against her for "continuing to oppose the school's pattern and practice of abandoning the educational mission of the students of color and by exercising the protection of Native American students." On May 8, 2005, she filed a third charge with the EEOC, charging that McDonald had hired an investigator to dig up dirt on her because of her activism for American Indian students. Despite all this, Staton says, the Tempe district voted to renew Loretta's contract on May 11, 2005 – the same day McDonald was penning his letter. "The board was fully aware of her claims, but they still offered her a new contract," Staton says. "I think it shows incredible restraint." (Avent's attorney, on the other hand, notes that it is illegal for anyone to fire someone because they have filed a discrimination complaint.) And then Staton points to what happened next. On May 12, 2005, Loretta began filing pleadings in justice court for injunctions against McDonald and others at the school, alleging harassment. Staton says that in order to comply with the court

order, the two must not be in proximity of each other. The school told Loretta to park elsewhere and to not come to the office, among other restrictions. She says Loretta refused to follow these restrictions, didn't show up for work, and when she was there, she followed McDonald around, threatening him.

"She began acting bizarrely. She wouldn't take direction. What do you do?" Staton asks.

Staton stresses the district not only was within its rights, but had no choice, to rescind Loretta's contract on June 8, 2005, because she "was becoming an incredibly difficult employee."

Staton says she knew from "the first day" her firm got this case that she would win. "The claim was so wanting it didn't even go to a jury," she says.

On May 13, 2008, a federal court said the district had done nothing wrong. A judge ruled in favor of the district, saying Loretta had been fired because of her actions, not her activism.

But Avent's attorney sounds just as confident that the Ninth Circuit Court of Appeals will see things very differently. The appeal was filed June 10. Hobson says the May 11 contract renewal wasn't as bold a move as district officials say it was.

"It was a consent motion with hundreds of people on the list," he says. "I think they were clueless that she was on it." After all, Hobson adds, why would McDonald have written a letter protesting Avent's contract renewal if he and district officials already knew her contract was on the agenda to be approved along with several others?

Hobson chides the federal court judge for not looking at all the evidence. He says he believes a thorough review will show Loretta was "set up" by the district to force her out. Among the documents he points to is a statement from Hood, the former assistant principal who was in charge of evaluating Loretta's job performance: "I am aware that after she spoke at the April 26, 2005, meeting, Loretta was subjected to hyper-scrutiny for her workplace conduct by members of the administrative team since her comments were critical of the district's and Desert Vista's failure to address racially hostile treatment being reported by Lone Butte... students."

Hobson argues that, after the April 26 meeting, actions were focused on getting rid of Loretta and sweeping the problem under the rug: "The District did nothing to investigate the complaints that were reported at that meeting by Lone Butte students or their families. Their evident hostility to Loretta Avent in Senior administration's refusal to hear her comments as anything other than a 'rant' is a reflection of their hostility. The District through its head of Human Resources begins an 'investigation' of Loretta Avent based, in part, on claims of Joe McDonald's assertions that it was 'disrespectful' and 'insubordinate' for Loretta Avent to complain at the April 26 meeting about the failure of leadership in a school that tolerates mistreatment, abuse and discrimination."

At press time, the Ninth Circuit Court of Appeals had yet to rule on this case.

Tempe Union High School officials are not anxious to talk about this case. Through attorney Staton, PHOENIX magazine requested interviews with all the officials spotlighted in this story. None wanted to talk.

We also asked for examples of specific actions the district has taken to address the concerns of the Lone Butte students and their families, but no specifics were offered.

Mary Thomas says she has seen no improvements and no response. It's like the tribe and these students are still invisible to the school district, she says: "It's sad. It's not on anybody's radar screen anymore."

Lisa Blackhorse, a past president of the district's Native American Education Parent Committee, filed her own complaint against the district with state and federal officials, accusing it of ignoring Indian parents and concerns about their children. Her complaint was filed in July 2006, more than a year after Loretta was fired.

When Blackhorse spoke with PHOENIX magazine in 2008, she said none of the news from the district was encouraging.

"I don't think they understand how they failed these kids, and they don't care," she says. "But these kids are entitled to the same opportunity as any child that walks in the door."

She notes Desert Vista has lots of bragging rights and has done many outstanding things that mark it as a fine school. "The students took on a village in Africa - they're always doing this kind of thing," she notes. "Yet, in their own backyard..."

Meanwhile, Loretta Avent was busy working on last November's election - she originally was a Clinton supporter, but when Barack Obama got the Democratic nomination, she volunteered for his campaign. And, of course, she and Jacques are still busy being "Nonna and Poppie," raising their "grandwonders."

It's amazing to watch the smile on Loretta's face grow when she talks of her grandchildren, Brittany and Bryant. Brittany is working on a career in music; Bryant is on an athletic scholarship at a college on the East Coast. But when she talks about the Lone Butte Nine, tears start to well up.

The particular children she tried to help have dropped out of school or have moved on to other schools. A couple of the students have since died in car accidents, and she grieves for them as though they were her own. She can't mention them without crying, and she talks through a wavering voice, unabashedly wiping away the tears: "There's nothing so important as saving a child," she says.

Besides spending a fortune on the lawsuit, she's taken a lot of flack for her outspoken advocacy on behalf of these children.

"There are a lot of people in the black community mad at me. They say I took a brother down," she says, referring to Joe McDonald, who has since retired from the school district. She says she doesn't see it that way. "Prejudice isn't about color, it's about your soul," she insists.

The Tempe school district seems to think it's winning in court and that, eventually, Loretta will go away.

But her attorney echoes what many of Loretta's allies seem to know about her: "Loretta can be pretty fierce. She has no fear when she knows she's right, and in this case, she's right."