IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

WASHINGTON EDUCATION ASSOCIATION, et al., *Plaintiffs*, vs. STATE OF WASHINGTON, *Defendant*, and FEMALE ATHLETES UNITED, *Proposed Intervenor-Defendant*.	CASE NO. 26-2-36880-5 SEA DECLARATION OF ELISE BIERER IN SUPPORT OF PROPOSED INTERVENOR-DEFENDANT FEMALE ATHLETES UNITED'S MOTION TO INTERVENE

I, Elise Bierer, declare as follows:

1. I am a 15-year-old resident of Yacolt, Washington, in Clark County, and I have personal knowledge of the information below. I am competent to make this declaration.

2. I am a sophomore at Battle Ground High School in Battle Ground, Washington, where I am a member of the girls' cross country team.

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3. Battle Ground High School is a public school within the Battle Ground School District and is a member of the Washington Interscholastic Activities Association ("WIAA"). It is my understanding that, as a member, Battle Ground High School is required to comply with the WIAA's policies.

4. I am a member of Female Athletes United ("FAU").

5. I believe girls' sports are important because boys are biologically different than girls, and girls' sports give girls a chance to be able to succeed in athletics.

Running cross country

6. I have been running cross country competitively since the sixth grade.

7. During my freshman year at Battle Ground High School, I competed on the junior varsity cross country team.

8. I spent the spring and summer after my freshman year training hard. I was motivated to make varsity.

9. Then this year, as a sophomore, I made the varsity cross country team. I was so proud.

Pressure to compete against a biological male in girls' cross country

10. The 2026 cross country season began, and I enjoyed training and competing in meets with the other girls on my team.

11. I worked hard with the goal of being the second-fastest runner from Battle Ground for the district meet. I was consistently running the second-fastest times at practice.

12. During a race at one meet, my nose started to bleed, but I continued to run through it because I didn't want to stop. I didn't stop until my coach told me to.

13. While I was working hard to improve, I learned that a biologically male athlete who identifies as female was competing in girls' cross country meets.

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This athlete, a junior at Camas High School, moved from the Camas boys' cross country team to the girls' team this season.

14. I was scheduled to run against this athlete in a meet on October 13, 2026. Many of my teammates and I felt uncomfortable racing against the biologically male athlete. I knew I needed to stand up for what was right by not competing in it.

15. But we felt a lot of pressure to run the race. On the day before the meet, my cross country coaches called our team together and told us that walking off the starting line was "not something we were going to do" as a team. They told us that if we wanted to go to the meet, we had to run in the race.

16. Distraught, I had to choose between racing a biologically male athlete and giving up the chance to compete at a varsity meet in the sport that I loved—a spot I worked so hard for. Feeling pressured and shamed, I decided not to go to the meet.

17. I later learned that many of the runners on the Camas girls' cross country team walked off the line at the October 13 meet rather than compete with the biologically male athlete.

18. My team and I then set our sights on regionals. Our eligibility would be based on our score as a team.

19. I was told that because our team needed five runners to qualify for regionals, if I wanted to compete in the upcoming district meet, I needed to compete and agree to run at all levels. They did not tell us what would happen if we walked off the line or did not go to the meet.

20. We were told that if we did not want to compete at all levels, we could run in the junior varsity race instead.

21. But my teammates and I felt pressure to compete in varsity so that our team would qualify for regionals. And I felt I had earned my varsity spot.

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Walking off the line at the district meet

22. I went to the Greater St. Helens League District Meet in Camas, Washington, intending to walk off the starting line rather than race against the biologically male athlete from Camas High School in the varsity race. I decided to walk off the line because it is unfair for me to have to compete against a biologically male athlete.

23. The meet was chaotic, with protests, signs, and television cameras. I felt very nervous and scared. Some of my teammates had planned to walk off with me, but that changed before the race.

24. When the starting gun went off for the varsity race, I walked off the line with tears in my eyes.

25. I was the only runner who did.

26. I felt alone and very sad knowing that I wasn't going to be able to compete at regionals.

27. I walked toward my mom, who hugged me as I cried.

28. My mom was proud of me for standing up for what is right, even when everybody else was walking away from what's right and choosing to buckle under pressure.

29. My mom and I stayed at the meet to support my team and to be there for the awards.

30. My stand for fairness cost me my chance at regionals—and my championship hopes.

31. The biologically male athlete finished in second place at that district meet, ahead of many girl athletes.

32. Based on my prior race times, I likely would have advanced to the regional meet if I had run the race. But I lost my shot to compete at regionals.

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Title IX complaint

33. My mom and I have submitted a Title IX complaint to the Battle Ground School District, and the administrative process has begun.

34. I understand that the U.S. Department of Education has also opened a Title IX investigation into the Camas High School cross country team.

Initiative 638

35. It is my understanding that Initiative 638 requires that girls' sports in Washington schools be reserved for female students and takes effect on December 3, 2026.

36. My story was widely shared in the media as a ground for voters to pass Initiative 638. See, for example, Lee Weeks, *High School Runner Forfeits Her Championship Hopes to Protest Male Competitor*, Decision Mag. (Oct. 22, 2026), https://billygraham.org/decision-magazine/articles/high-school-runner-forfeits-her-championship-hopes-to-protest-male-competitor.

37. My mother attended a Battle Ground School District school board meeting and presented a proposed resolution that the district follow the requirements of Initiative 638.

38. I will run next year if the initiative is implemented.

39. I will not return to the team next year if I must race against the biologically male Camas runner.

40. If Initiative 638 is not implemented, and I have to keep racing against biologically male athletes, I will not return to the cross country team next year.

41. I love this sport, but I know I cannot compete against a biological male.

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DECLARATION UNDER PENALTY OF PERJURY

I, Elise Bierer, declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed on November 13, 2026, in Battle Ground, Washington.

ELISE BIERER

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