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Appellate Case No. 78133-2-I

SUPREME COURT
OF THE STATE OF WASHINGTON

BELLEVUE ATHLETES ALUMNI GROUP, An Association of Members,

APPELLANT/PETITIONER

v.

BELLEVUE SCHOOL DISTRICT NO. 405, a public school district; and WASHINGTON INTERSCHOLASTIC ACTIVITIES ASSOCIATION, a Washington nonprofit corporation,

RESPONDENTS.

PETITION FOR REVIEW TO SUPREME COURT

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I. IDENTITY OF PETITIONER

Pursuant to RAP 13.4(c)(3), the Petitioner is Bellevue Athletes Alumni Group, An Association of Members ("BAAG"). The Respondents are Bellevue School District No. 405, a public school district ("BSD"); and Washington Interscholastic Activities Association, a Washington nonprofit corporation ("WIAA").

II. CITATION TO COURT OF APPEALS DECISION

Pursuant to RAP 13.4(b)(1) and RAP 13.4(c)(4), BAAG seeks review of the Unpublished Opinion filed on September 3, 2019, affirming dismissal of BAAG's complaint. (Appendix 1)

III. ISSUES PRESENTED FOR REVIEW

Pursuant to RAP 13.4(c)(5), the issues presented for review are as follows:

(1) Whether the decision of the Court of Appeals is in conflict with another decision of the Supreme Court.

(2) Whether the decision of the Court of Appeals is in conflict with RCW 28A.600.200-205 and RCW 28A.645.010-030.

(3) Whether there is any ambiguity in the statute that allowed the Court of Appeals to interpret the statute to omit parties who are statutorily intended to be entitled to an appeal.

IV. STATEMENT OF THE CASE

BAAG is a group of individual students whose achievements were diminished by the actions of the Bellevue School District ("BSD") and Washington Interscholastic Activities Association ("WIAA") by a decision which resulted in a penalty. Coaches and students were was initially penalized by the WIAA including but not limited to removal of the head coach and assistant head coach, the denial of participation for all students in more than half of the 2016 season, and denial of participation for all students in the 2017 post season. Two times in the next year BSD asked (not appealed) the WIAA to reduce one of the sanctions that directly affected students, namely the ability to enter the playoffs for the 2017 season. Each time BSD was denied

by the WIAA and the sanctions remained unchanged. More than a year after the original very serious sanctions were imposed, accepted by BSD, initially served by BSD, and not appealed to the WIAA by BSD, BSD again sought to allow the current students to enter the playoffs for the 2017 season. The WIAA granted BSD's request, this third time asking and in doing so added an additional sanction of revoking the football playoff finishes for 2012, 2013, and 2014. In rendering this decision and issuing this additional sanction, the WIAA executive board failed to review the matter *de novo*, failed to create any kind of record, and failed to consider old evidence and new evidence that should have been considered to reduce penalties. The basis for this new penalty was stated as "lack of institutional control by BSD." *Appendix 1*. In making this new decision, the WIAA punished the students of 2012-14 in exchange for granting the students of 2017 access to the post season. BAAG is comprised of the 2012-14 students whose achievements as students were diminished when the WIAA made this new decision.

The trial court dismissed BAAG's timely appeal of the WIAA executive board decision. This petition argues under a *de novo* review standard that this appeal is appropriate to go to hearing at the trial court level in that BAAG's members are the parties which the legislature intended to be entitled to an appeal under the statute. There is no ambiguity in the statute as to who has standing to appeal. The Court of Appeals however read the word "aggrieved" from RCW 28A.645.010 which is referred to in RCW 28A.600.200 ("the Knight Act) to be ambiguous. This decision thereby gave the Court of Appeals the authority to interpret the word "aggrieved" to be defined as the courts have interpreted it. When the Court of Appeals did that it eliminated the persons who by the clear language of the statute should have standing under the Knight Act. The court reasoned that BAAG had not adequately established sufficient harm to be considered aggrieved. However, the intent of the Knight Act is to ensure that students whose

achievements are diminished have a right to appeal. BAAG plead that its members' achievements had been diminished by the removal of the play off finishes.

BAAG shows the merit to its appeal, the case be remanded for hearing. BAAG requests that this court accept the petition for review, reverse the Court of Appeal decision that the statute is ambiguous and hold that the members of BAAG are included in the persons that the statute intended be provided an appeal.

V. ARGUMENT

A. Summary of Argument

The legislature enacted "The Knight Act" to "ensure that… arbitrary sanctions that result in students unfairly being denied to participate or cause students' achievements to be diminished do not occur. It is the intent of the legislature to impact the association's current processes for establishing penalties for rules violations and to redefine the scope of penalties that are permitted to be imposed. RCW 28A.600.200 Finding-Intent-2012c 155.

BAAG appealed from the WIAA's decision because it failed to follow the legislature's statutory requirements for penalties toward students. The students appealed but both the trial court and the appellate court determined that the students failed to have standing. The appellate court determined that the statute was ambiguous and as a result the court's determination prior to the current modifications to the statute govern the determination of an aggrieved person and that definition does not apply to BAAG.

The statute is not ambiguous as to who has standing to appeal. That is determined prior to the statute referencing RCW 28A.645.010. The Knight Act at RCW 28A.600.200(3)(b) states that any decision resulting in a penalty…may be appealed. It makes sense that the students' whose achievements were diminished by the penalty and decision have standing and therefore the right to appeal.

B. This Petition For Discretionary Review Should Be Accepted Because The Court Of Appeals Decision Conflicts With Another Decision of the Supreme Court And Conflicts With The Wording Of RCW 28A.600.200-205.

The Supreme Court reviews summary judgment rulings *de novo*. *Pendergrast v. Matichuk,* 186 Wn.2d 556, 563-64, 379 P.3d 96 (2016) (citing *Becerra Becerra v. Expert Janitorial, LLC*, 181 Wn.2d 186, 194, 332 P.3d 415 (2014)). The Supreme Court also reviews questions of statutory interpretation including the meaning of a statute de novo. *Dep't of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 9, 43 P.3d 4 (2002). When reviewing summary judgment rulings, we "consider 'facts and reasonable inferences from the facts . . . in the light most favorable to the nonmoving party.'" *Harper v. Dep 't of Corr.*, 192 Wn.2d 328, 340, 429 P.3d 1071 (2018) (alteration in original) (quoting *Hertog v. City of Seattle*, 138 Wn.2d 265, 275, 979 P.2d 400 (1999)).

The Court of Appeals decision turns on this one conclusion by the court, "Because it is unclear which parties the legislature intended to be entitled to a remedy" The Court of Appeals decision should be reversed because the statute is not ambiguous and the Court of Appeal's decision thereby will deprive interscholastic student athletes who seek to participate or who have participated in interscholastic activities of the right to appeal prescribed by the statute. RCW 28A.600.200(3)(d) provides: "Any decision resulting in a penalty shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.600.205 and 28A.645.010 through 28A.645.030." The statutory language provides that a "decision resulting in a penalty" is necessary for an appeal. In this case there was a clear decision resulting in a penalty that the Court of Appeals recognized. RCW 28A.600.205 which is referred to in RCW 28A.600.200(3)(d), includes "penalty or sanction" and provides additional legislative requirements on the public school board or executive board's decision to consider on appeal.

BAAG in its appeal argues that the executive board violated RCW 28A.600.205 in its decision making process.

Here, BAAG's merits on appeal were not considered because the Court of Appeals determined that RCW 28A.645.010 was ambiguous as to whether the students were "aggrieved" and therefore the proper parties to appeal. Statutory interpretation is a question of law, which this court reviews *de novo*. Courts should assume the legislature means exactly what it says. Plain words do not require construction. The courts do not engage in statutory interpretation of a statute that is not ambiguous. If a statute is plain and unambiguous, its meaning must be derived from the wording of the statute itself. A statute is ambiguous if it can reasonably be interpreted in two or more ways, but it is not ambiguous simply because different interpretations are conceivable. The courts are not "obliged to discern any ambiguity by imagining a variety of alternative interpretations." *State v. Keller*, 143 Wn.2d 267, 276-77, 19 P.3d 1030, 1035 (2001).

In this case, the Court of Appeals decision conflicts with *State v. Keller*. The statutory reference to RCW 28A.645.010 is not to determine whether the persons are the proper parties with standing under RCW 28A.645.010. Standing was already determined by RCW 28A.600.200(3)(d) when the Knight Act calls out students who seek to participate or who were participating and indicating any decision resulting in a penalty may be appealed. Here, the members of BAAG were the students who were participating and their participation was penalized by a decision. BAAG's standing was established by the statute enabling the appeal and the reference to RCW 28A.645.010 within RCW 28A.600.200(3)(d) cannot eliminate the standing afforded by the original more specific statute.

A portion of the legislative intent of RCW 28A.600.200 states:

> It is further the intent of the legislature to build protections into state law so that punishment, when necessary, is meted out to the appropriate party and in a proportional manner. The legislature further intends to ensure that state and local rules relating to interschool extracurricular activities be consistent with one another, promote fairness, and allow for a clear process of appeal.

The question is who are the persons that the legislature intended to give the clear process of appeal to? In this case it has to be the person who were determined to be the "appropriate party" receiving the punishment. The record is clear that members of BAAG had their play-off finishes voided which constitutes receiving a punishment. It is not unclear which parties the legislature intended to be entitled to a remedy or an appeal. The students whose play off finishes were voided are certainly a group of persons intended by the legislature to have the right to appeal.

The Court of Appeals has mandated that "aggrieved" means personal, pecuniary, or property rights have been adversely affected. However, the statutes which proscribe the right to appeal first identified the aggrieved appellants as those where a decision resulting in a penalty regarding an activity where a student was participating and who had their achievements diminished. Those are the exact appellants in this case, yet the Court of Appeals determined BAAG has no standing because the general statute incorporated by the specific statute is ambiguous. The court further determined "aggrieved" requires an adverse effect to rights which are not present in interscholastic activities because the right to participate in interscholastic activities is a privilege and not a right. Washington courts have recognized that participation in interscholastic sports is not a fundamental right or a constitutionally protected property interest. *Taylor v. Enumclaw School Dist. No. 216*, 132 Wn. App. 688, 697, 133 P.3d 492 (2006).

If the legislature uses "specific language in one instance and dissimilar language in another, a difference in legislative intent may be inferred." When the legislature uses different words in the same statute, it usually means it intended the words to have different meanings. However, the courts must look at the entire statute and interpret the provisions to give

meaning to all parts of it. *State v. Keller*, 143 Wn.2d 267, 287, 19 P.3d 1030, 1040 (2001)

The Court of Appeals decision fails to give meaning to RCW 28A.600.200(3)(d) by completely circumventing the purpose of the statute and denying students who were participating the right to appeal a decision resulting in a penalty. The legislature had a different legislative intent than to require the members of BAAG to fit the legal definition of "aggrieved" as determined by the courts. The intent of the legislature is spelled out very clearly in RCW 28A.600.200, to ensure that arbitrary sanctions that cause students' achievements to be diminished does not occur. As a result of the Court of Appeals engaging in statutory interpretation when it was not necessary and applying it to only one part of a multiple statutes referred to and failing to give meaning to all parts of the statute, the Supreme Court should accept discretionary review and determine whether students who participated in interscholastic activities and who wish to appeal a decision resulting in a penalty have standing.

C. There Is No Ambiguity In The Knight Act As To Who Has Standing To Appeal And The Language In The Statute For The Appeal Process Should Not Create Ambiguity In The Knight Act That Is Otherwise Unambiguous.

Lacking an explicit statutory or case law definition, we turn to the principles of statutory interpretation for guidance. *Money Mailer, LLC v. Brewer*, No. 96304-5, 2019 Wash. LEXIS 585 (Sep. 19, 2019). The goal of statutory interpretation is ascertaining and carrying out the intent of the legislature. *Dep't of Ecology v. Campbell & Gwinn, L.L.C.,* 146 Wn.2d 1, 9-10, 43 P.3d 4 (2002). We first look to the plain meaning of the statutory language. Id. at 10. Plain meaning comes from the statutory text itself as well as related statutes. Id. at 11-12. We employ legislative history to clarify any ambiguity of the plain meaning of the language. Id. at 12. Here, both the plain language and the legislative history support the conclusion that students have standing to appeal any decision resulting in a penalty that diminishes an accomplishment of the student who participated. The language "diminishes an accomplishment" comes from the legislature's stated

intent in RCW 28A.600.200, the Knight Act. The language “student who participated” is derived directly from the Knight Act. The language “any decision resulting in a penalty” comes directly from the Knight Act.

The Knight Act cites to the process for appeal in RCW 28A.645.010-030 which also includes language as to who may appeal and it refers to “aggrieved” persons. However, RCW 28A.645.010-030 are processes for all appeals related to school boards decisions, not only appeals that are referred to in the Knight Act. In this instance, there is no ambiguity in who has standing to appeal under the Knight Act. The students who participated and whose achievements were diminished by a decision of the board resulting in a penalty. That description is specific, unambiguous, easily ascertained, and intended by the words of the legislature in the Knight Act and its stated intent. The Knight Act is the more specific statute in this case referring to interscholastic activities and decisions regarding penalties in those instances. The right to appeal is derived from RCW 28A.600.200 and should not be precluded by the court’s determination of the definition of “aggrieved” under RCW 29A.645.010 simply because the legislature chose RCW 29A.645.010 for the process of appeal. The process can not eliminate the standing made clear in the Knight Act.

VI. CONCLUSION

The Court of Appeals errored in determining that RCW 28A.645.010-030 created ambiguity as to who has standing in RCW 28A.600.200-205. The decision failed to look at the entire Knight Act and interpret the provisions to give meaning to all parts of it. In failing to do so the Court of Appeals decision is in conflict with cases such as *State v. Keller*, 143 Wn.2d 267, 287, 19 P.3d 1030, 1040 (2001). As a result, the Supreme Court of Washington should accept this case on review.

RESPECTFULLY SUBMITTED this 2nd day of October, 2019.

JONES LAW GROUP, P.L.L.C.

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PROOF OF SERVICE

I HEREBY CERTIFY, under the penalty of perjury under the laws of the State of Washington, that on October 2, 2019, I caused a true and correct copy of the foregoing PETITION FOR REVIEW to be served upon counsel of record listed below in the manner shown:

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Appellate Case No. 78133-2-I

COURT OF APPEALS,
DIVISION I OF THE STATE OF WASHINGTON

BELLEVUE ATHLETES ALUMNI GROUP, An Association of Members,

Appellant,

v.

BELLEVUE SCHOOL DISTRICT NO. 405, a public school district; and WASHINGTON INTERSCHOLASTIC ACTIVITIES ASSOCIATION, a Washington nonprofit corporation,

Respondents.

APPENDIX TO BAAG'S PETITION FOR REVIEW TO SUPREME COURT

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

BELLEVUE ATHLETES ALUMNI GROUP, An Association of Members, Appellant, v. BELLEVUE SCHOOL DISTRICT NO. 405, a public school district; and WASHINGTON INTERSCHOLASTIC ACTIVITIES ASSOCIATION, a Washington nonprofit corporation, Respondents.	)	No. 78133-2-I DIVISION ONE UNPUBLISHED OPINION FILED: September 3, 2019

HAZELRIGG-HERNANDEZ, J. — Bellevue Athletes Alumni Group seeks reversal of a dismissal for failure to state a claim upon which relief could be granted. Dismissal is appropriate under CR 12(b)(6) when an "insuperable bar to relief" is evident from the pleadings. Because Bellevue Athletes Alumni Group was not an aggrieved party, the members lack standing to appeal the Washington Interscholastic Activities Association's decision. We affirm.

FACTS

Bellevue High School (BHS) is a member of Bellevue School District, which in turn is a member of the Washington Interscholastic Athletic Association (WIAA). In response to a Seattle Times story that raised questions about the integrity of the BHS football program, the Bellevue School District requested that the WIAA

investigate the program's alleged rule violations. The investigators published a report in April 2016, in which they concluded that "the actions of BHS coaches, the deliberate ignorance of District and BHS administrators, and the complicity of the Bellevue Wolverine Football Club ('Booster Club') and its members[] have unfairly tilted the football field in favor of the Bellevue High School football program to the obvious detriment of opponents." They also found that BHS and District administrators knew or should have known of the WIAA rules violations but chose not to take appropriate action. In response to these findings, the WIAA forbade the BHS football program from participating in post-season play for two years.

In May 2017, BHS self-reported additional rules violations in the track and field program to the WIAA. As a result, the WIAA vacated the school's 2015 state track championship title. In September 2017, BHS asked the WIAA to reconsider the decision banning the football team from post-season play. The WIAA lifted the ban, making the football team eligible for the 2017 post-season, but imposed substitute penalties, including vacation of the school's 2012, 2013, and 2014 state football playoff finishes.

The Bellevue Athletes Alumni Group (collectively, the Group) appealed the WIAA's decision to the superior court under RCW 28A.645.010. The Group is composed of 12 named former students who attended BHS during the 2012, 2013, or 2014 football seasons, or the 2015 track season. Bellevue School District moved to dismiss the appeal under CR 12(b)(6), arguing that neither the Group nor the individual students qualified as aggrieved persons under RCW 28A.645.010 and therefore lacked standing to file an action under the statutory

procedure. The District also argued that the appeal of the decision vacating the 2015 state track title was untimely. The trial court dismissed all claims brought by the Group against the District and the WIAA under Chapter 28A.645 RCW with prejudice.

DISCUSSION

I. Standard of Review

A trial court may dismiss a complaint if the pleading fails to state a claim upon which relief can be granted. CR 12(b)(6). Under CR 12(b)(6), a court is justified in dismissing a complaint "if it appears beyond doubt that the plaintiffs cannot prove any set of facts that would justify recovery." Handlin v. On-Site Manager Inc., 187 Wn. App. 841, 845, 351 P.3d 226 (2015) (quoting Tenore v. AT & T Wireless Servs., 136 Wn.2d 322, 330, 962 P.2d 104 (1998), cert. denied, 525 U.S. 1171, 119 S. Ct. 1096, 143 L. Ed. 2d 95 (1999)). Dismissal is appropriate "only in the unusual case in which plaintiff includes allegations that show on the face of the complaint that there is some insuperable bar to relief." Nissen v. Pierce County, 183, Wn.2d 863, 872, 357 P.3d 45 (2015) (quoting Hoffer v. State, 110 Wn.2d 415, 420, 755 P.2d 781 (1988)).

If "matters outside the pleading are presented to and not excluded by the court" on a motion to dismiss for failure to state a claim, "the motion shall be treated as one for summary judgment." CR 12(b). However, if the contents of the additional documents are alleged in the complaint but not physically attached to that pleading or if the "'basic operative facts are undisputed and the core issue is one of law,' the motion to dismiss need not be treated as a motion for summary

judgment." Trujillo v. Northwest Trustee Services, Inc., 183 Wn.2d 820, 827 n.2, 355 P.3d 1100 (2015) (quoting Ortblad v. State, 85 Wn.2d 109, 111, 530 P.2d 635 (1975)). Because the parties do not dispute the underlying facts and the core issue is purely legal, we do not treat the motion to dismiss as a motion for summary judgment.

We review an order granting a motion to dismiss de novo. Hoffer, 110 Wn.2d at 420. On review, we presume that the factual allegations in the complaint are true, but we are not required to accept any legal conclusions as correct. Haberman v. Wash. Pub. Power Supply Sys., 109 Wn.2d 107, 120, 744 P.2d 1032 (1987).

II. Standing

The Group contends that the trial court erred in dismissing the appeal because the members of the Group were aggrieved parties entitled to appeal under RCW 28A.645.010.

When analyzing statutory language, our objective is to ascertain and carry out the legislature's intent in enacting the statute. Dep't of Ecology v. Campbell & Gwinn, L.L.C., 146 Wn.2d 1, 9, 43 P.3d 4 (2002). If the meaning of the statute is "plain on its face, then the court must give effect to that plain meaning as an expression of legislative intent." Id. at 9-10. To determine the plain meaning of a statute, we consider "the text of the provision in question, the context of the statute in which the provision is found, related provisions, amendments to the provision, and the statutory scheme as a whole." Columbia Riverkeeper v. Port of Vancouver USA, 188 Wn.2d 421, 432, 395 P.3d 1031 (2017). If the statute remains

susceptible to more than one reasonable interpretation after we complete this inquiry, it is ambiguous, and we may turn to principles of statutory construction, legislative history, and relevant case law to determine the legislature's intent. Cockle v. Dep't of Labor and Indus., 142 Wn.2d 801, 808, 16 P.3d 583 (2001).

School district boards of directors have the authority to "control, supervise and regulate the conduct of interschool athletic activities." RCW 28A.600.200. Subject to certain conditions, a board may delegate this authority to the WIAA. Id. The WIAA may impose appropriate, proportional penalties for rules violations on coaches, district or school administrators, and students. RCW 28A.600.200(3). However, the WIAA may only impose penalties on students when the students knowingly violated the rules or when "a student gained a significant competitive advantage or materially disadvantaged another student through a rule violation." RCW 28A.600.200(3)(b). The most recent act amending this statute included a statement of intent that is now codified as an official note to the statute:

> The legislature finds that the mission of the Washington interscholastic activities association is to assist member schools in operating student programs that foster achievement, respect, equity, enthusiasm, and excellence in a safe and organized environment. The legislature intends to ensure that this mission is successfully carried out so that arbitrary sanctions that result in students unfairly being denied to participate or cause students' achievements to be diminished do not occur. It is the intent of the legislature to impact the association's current processes for establishing penalties for rules violations and to redefine the scope of penalties that are permitted to be imposed. It is further the intent of the legislature to build protections into state law so that punishment, when necessary, is meted out to the appropriate party and in a proportional manner. The legislature further intends to ensure that state and local rules relating to interschool extracurricular activities be consistent with one another, promote fairness, and allow for a clear process of appeal.

Laws of 2012, ch. 155, § 1. Any decision of the WIAA resulting in a penalty is considered a decision of the school district "conducting the activity in which the student seeks to participate or was participating" and may be appealed as such to the WIAA through RCW 28A.600.205 or to the superior court through RCW 28A.645.010. RCW 28A.600.200(3)(d).[1]

Judicial appeals of school board decisions are governed by RCW 28A.645.010, which allows "[a]ny person, or persons, either severally or collectively, aggrieved by any decision or order of any school official or board" to appeal the decision in superior court. The primary issue before us turns on the definition of the word "aggrieved" in this statute. The term is not defined in Chapter 28A.645 RCW or Chapter 28A.600 RCW. In a general legal context, an "aggrieved party" is defined as "[a] party entitled to a remedy; esp., a party whose personal, pecuniary, or property rights have been adversely affected by another person's actions or by a court's decree or judgment." Party, Black's Law Dictionary (11th ed. 2019). Because it is unclear which parties the legislature intended to be entitled to a remedy, the provision is ambiguous and we may turn to other materials to determine the legislature's intent.

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[1] The District and WIAA contend that the language of this provision only allows judicial review under Chapter 28A.645 RCW for "an aggrieved student who has been the subject of a penalty," but not for any other penalized party or entity. Before the 2012 amendment, RCW 28A.600.200(2), which then included the language imputing decisions of WIAA to the relevant district, concerned only student participation in interschool activities and decisions to disallow such participation. Laws of 2012, ch. 155, § 2. The language to which the District and WIAA draw our attention appears to be a holdover from the prior iteration of the statute. Because the current RCW 28A.600.200(3)(a)–(c) provisions were inserted between the section regarding student participation and the provision now allowing judicial review of "[a]ny decision resulting in a penalty," we assume the legislature did not intend to restrict judicial review in this way. Laws of 2012, ch. 155, § 2.

Prior to the most recent amendments of RCW 28A.600.200, 28A.600.205, and 28A.645.010, this court imported the definition of an "aggrieved party" in the context of RAP 3.1 to define the term under RCW 28A.645.010. Briggs v. Seattle School Dist. No. 1, 165 Wn. App. 286, 294, 266 P.3d 911 (2011) (citing State v. Taylor, 150 Wn.2d 599, 603, 80 P.3d 605 (2003)). Under RAP 3.1, the Supreme Court has defined an aggrieved party as a person whose personal rights or pecuniary interests have been affected by a decision. Id. "The mere fact that one may be hurt in his feelings, or be disappointed over a certain result, or feels that he has been imposed upon . . . does not entitle him to appeal. He must be 'aggrieved' in a legal sense." State ex rel. Simeon v. Superior Court for King County, 20 Wn.2d 88, 90, 145 P.2d 1017 (1944).

Using this definition of "aggrieved," the former students' personal rights or pecuniary interests must have been affected by the vacation of the past BHS football championships to give the Group standing to appeal. Washington courts have recognized that participation in interscholastic sports is not a fundamental right or a constitutionally protected property interest. Taylor v. Enumclaw School Dist. No. 216, 132 Wn. App. 688, 697, 133 P.3d 492 (2006). The Group does not cite any authority for its assertion that "a title win, once earned, is a right to use that title that was granted by the WIAA on the night of the championship game" on a resume, on a college application, for career advancement, or "as they saw fit through the rest of their lives." "Where no authorities are cited in support of a proposition, the court is not required to search out authorities, but may assume

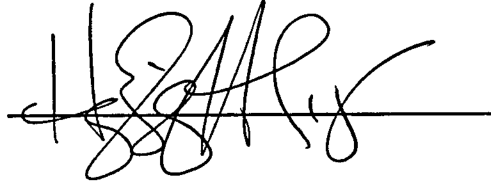
that counsel, after diligent search, has found none." DeHeer v. Seattle Post-Intelligencer, 60 Wn.2d 122, 126, 372 P.2d 193 (1962).

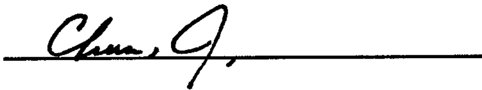
There was no testimony or documentation offered by any of the one dozen former student athletes named in the Group's pleadings identifying a personal right or pecuniary interest that was impacted by this decision to vacate the titles, apart from the unsupported claim of a "right to use" the title wins and a generalized assertion at oral argument that their "accomplishments were diminished." The record contains only a solitary declaration from an affected former athlete who listed his 2012 WIAA title win on his resume and claims to have discussed it during a 2013 interview with his current employer. The declaration does not suggest that this past title win was the basis for receiving the job offer, nor that the declarant's ongoing employment is contingent upon his status as a title holder in high school athletics. Neither does the declaration state that declarant was penalized, demoted, or terminated by his employer upon vacation of the 2012 WIAA title. The Group has not shown that any present personal rights or pecuniary interests were affected by the vacation of BHS's past football titles. Accordingly, the Group is not an aggrieved party with standing to appeal under RCW 28A.645.010. The trial court did not err in dismissing the appeal.[2]

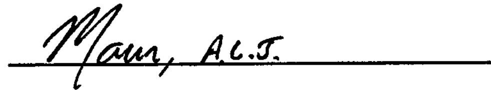
[2] Because the appellants lack standing, we need not reach the other assignments of error.

Affirmed.

WE CONCUR:







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