

# **EXHIBIT 2**

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(motions for admission *pro hac vice* pending)  
3 Heather L. Weaver (motion for admission to the Bar of this court pending)  
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13 HURST et al.

14 **UNITED STATES DISTRICT COURT**  
15 **EASTERN DISTRICT OF CALIFORNIA**

16 KENNETH HURST, JOAN BALCOME, ) NO. \_\_\_\_\_  
17 KIRK ROGER TINGBLAD, PHILIP JONES- )  
THOMAS, BARRY S. GOLDBERG, SOPHIE )  
18 GOLDBERG, JEANNIE PARENT, KEN and ) **DECLARATION OF JOAN BALCOME**  
JODY VALMASSY, and ANN and RICHARD ) **AND KIRK ROGER TINGBLAD IN**  
HOWARD, ) **SUPPORT OF PLAINTIFFS' MOTION**  
19 ) **FOR TEMPORARY RESTRAINING**  
*Plaintiffs,* ) **ORDER AND, IF NECESSARY,**  
20 ) **PRELIMINARY INJUNCTION**  
v. )  
21 ) DATE:  
STEVE NEWMAN, individually and in his ) TIME:  
official capacity as a member of the El Tejon ) COURT:  
22 Unified School District Board of Trustees; )  
23 PAULA REGAN, individually and in her )  
official capacity as a member of the El Tejon )  
Unified School District Board of Trustees; )  
24 STACEY GUSTAFSON, individually and in )  
her official capacity as a member of the El )  
25 Tejon Unified School District Board of )  
Trustees; KITTY JO NELSON, individually )  
26 and in her official capacity as a member of the )  
El Tejon Unified School District Board of )  
27 Trustees; PHYLLIS THROCKMORTON, )  
individually and in her official capacity as a )  
28 member of the El Tejon Unified School District )  
Board of Trustees; JOHN WIGHT, individually )

1 and in his official capacity as superintendent of )  
2 the El Tejon Unified School District; DAN )  
3 PENNER, individually and in his official )  
4 capacity as principal of Frazier Mountain High )  
5 School; and SHARON LEMBURG, )  
6 individually and in her official capacity as a )  
7 teacher at Frazier Mountain High School, )  
8 )  
9 *Defendants.* )

10 Joan Balcome and Kirk Roger Tingblad hereby declare under penalty of perjury as follows:  
11

12 1. We are the parents of a ninth-grader and the foster parents of a tenth-grader at  
13 Frazier Mountain High School.

14 2. We are residents of Pine Mountain Club, California, which is located within the El  
15 Tejon Unified School District. We are married to each other (although we have different last  
16 names) and reside together with our children. We pay both State income taxes and local property  
17 taxes.

18 3. Frazier Mountain High School has three academic sessions per year: a fall  
19 semester, a winter intersession, and a winter/spring semester. The intersession is a month-long  
20 academic session during which students are required to take remedial classes, or if they do not  
21 need any remedial classes, to take elective courses. Rather than a typical seven-period school day,  
22 students are required to attend two three-hour-long classes per day during the intersession period.

23 4. Students are not permitted to withdraw from intersession classes after the third  
24 class. As of January 5, 2006, the students in the intelligent-design course can no longer withdraw  
25 from the class.

26 5. After discussing the matter with our ninth-grade son, he decided to enroll in the  
27 "Philosophy of Design" intersession course. He did so because he was interested in the issues to  
28 be covered and he was concerned that few (or none) of the enrolled students would advocate in  
favor of evolutionary principles. We concurred in our son's election because the syllabus for the

1 course, which we understand to have been subsequently revised, stated that the curriculum would  
2 include guest lectures by bona fide scientists.

3 6. Prior to the first day of class, we learned through press reports that the class was  
4 actually going to advance creationism and intelligent design, and undermine evolution; and that  
5 no bona fide scientists were going to speak as part of the course.

6 7. On the basis of this information, we became concerned that our child would be the  
7 only student, or one of very few students, in the course who would advocate evolution, and we felt  
8 that placing our son in such a position — particularly as a freshman — would be overwhelming  
9 and unfair. We decided, in consultation with our son, that he should dis-enroll from the class.

10 8. I (Joan Balcome), along with my son, met with a school guidance counselor,  
11 explained our objections to the class, and our son was allowed to drop the intelligent-design  
12 elective and to take a robotics class instead.

13 9. We are offended and upset about the school offering the Philosophy of Design  
14 course because it advocates a perspective that conflicts with our religious beliefs. I (Joan  
15 Balcome) am a Methodist; and I (Kirk Roger Tingblad) am a Congregationalist. Neither of us  
16 espouses the view that the earth is only thousands of years old or that the Bible is the literal truth.  
17 We believe that this course offering favors a pro-creationist, pro-intelligent-design view over the  
18 views that we espouse.

19 10. We are also offended and upset about the course because we believe that it reflects  
20 a preference for fundamentalist Christianity over all other religious and scientific viewpoints.

21 11. We are also offended and upset about the course because it is structured in a way  
22 that deprives our son of the opportunity to be presented with an objective education that would aid  
23 the development of his critical-thinking skills. We are also troubled because, in our view, the  
24 course undermines the tenth-grade biology curriculum of the Frazier Mountain High School  
25 science classes.

26 12. It has been our experience and observation that electives offered during the  
27 intersession period are often, if not usually, repeated in subsequent intersessions.  
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I declare under penalty of perjury that the foregoing is true and correct.

January 10, 2006  
Dated

/s/ Joan Balcome  
Joan Balcome  
(original signature retained by attorney  
Richard B. Katskee)

I declare under penalty of perjury that the foregoing is true and correct.

January 10, 2006  
Dated

/s/ Kirk Roger Tingblad  
Kirk Roger Tingblad  
(original signature retained by attorney  
Richard B. Katskee)