



# UPDATE: Supreme Court Declines to Hear Appeal Regarding Breast Cancer Awareness Bracelets and the First Amendment

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Over the last few years, this blog has followed a 2011 case that erupted when junior high school students wore breast cancer awareness bracelets with the slogan “I (Heart) Boobies.” School officials quickly banned the bracelets on the grounds that the slogan caused a substantial disruption to classroom activity. Students argued that the ban amounted to a violation of their First Amendment rights to freedom of speech.

The United States District Court for the Eastern District of Pennsylvania held that the bracelets were merely a means of raising breast cancer awareness among the younger generations and cannot reasonably be considered lewd or vulgar. The Pennsylvania School Board appealed this decision to the Third Circuit, which affirmed the lower court’s ruling, reasoning that the School Board failed to prove that the bracelets were disruptive. The School Board decided to appeal once again, this time to the U.S. Supreme Court. To review our analysis of these two prior decisions, please visit the following links: [UPDATE: Breast Cancer Awareness Bracelets and the First Amendment Possibly Headed to Supreme Court](#); [Breast Cancer Awareness Bracelets and the First Amendment - Revisited](#)

Unfortunately for the Pennsylvania School Board, this week, the Supreme Court decided that it would not hear the appeal, effectively validating the Third Circuit’s ruling in favor of the students. While school boards are still entitled to censor certain student speech, the Supreme Court’s decision limits such school board censorship. Moving forward, school boards may want to seek legal advice before restricting or banning student speech so as to ensure that no student’s First Amendment right is violated. If you or your institution would like more information regarding education related issues, please email James G. Ryan at [jryan@cullenanddykman.com](mailto:jryan@cullenanddykman.com) or call him at [516-357-3750](tel:516-357-3750).

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