

**North Clackamas School District**

**MILWAUKIE HIGH SCHOOL**

Mark Pinder  
*Principal*

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March 1, 2011

Mr. Rueck:

On behalf of the North Clackamas School District and after conferring with Superintendent Mills, I would like to address the concerns you brought to our attention.

You contacted us about wearing an “I Love Boobies” wristband from the “Keep A Breast” Foundation to increase the awareness of breast cancer. The District recognizes the free speech rights in support of the breast cancer awareness and prevention campaign which is promoted by organizations like the “Keep A Breast Foundation” and the “Komen Foundation”, among others. My communication to students and staff in October referred to the “Keep A Breast” mission of educating young people about breast cancer, and also provided information from a news story from an NBC news affiliate in Texas on the sale of wristbands to generate funds. My statement was one view on this matter, and was not intended to call into question the good work that the Keep A Breast Foundation does in promoting awareness of breast cancer.

Wearing the wristband and displaying its message in support of this cause at school and school sponsored events is a matter of free speech which is addressed under the First Amendment of the U.S. Constitution and the Oregon Constitution. The District may regulate disruptive speech, but does not regulate speech that is not disruptive. The school has had concerns about the nature of this speech on the wristbands, because it is language designed to heighten awareness by the use of the term “boobies”. So far, the display of this wristband has not been disruptive to the school environment, and we have agreed that you and other students may continue to wear these wristbands in support of the cause of breast cancer awareness. If we see that there is some disruption, then we will have to balance the free speech rights with what the school needs to ensure an appropriate learning environment.

To the extent that you or others were discouraged from wearing the wristbands in support of the breast cancer awareness, we apologize. The District does not want to censor or discourage speech that is not disruptive to the school environment. You, as a student, have a First Amendment right to non-disruptive speech which we want to honor. We assure you that there has been no discipline imposed on any student for wearing the wristband, failing to remove the wristband, failure to conceal the language on the wristband or to advocate for wearing the wristband in support of this cause. In addition, the District will ensure that there is no retaliation against any student for wearing the wristband, failing to remove the wristband, failure to conceal the language on the



wristband or to advocate for wearing the wristband in support of that cause, and this includes not using the wristband as an excuse for discipline.

You reported that an administrator threatened to have you arrested because you were wearing this wristband. Based on the investigation so far, the District cannot confirm this occurred. However, it would be inappropriate for staff to threaten a student with arrest based on protected speech. It would be unacceptable for a staff member to threaten a student with arrest for engaging in non-disruptive speech. We would regret any staff member taking action against a student's free speech rights by saying that a student would be arrested if the wristband with the non-disruptive speech was not removed or concealed.

I understand that you agree with the District that the school is a place where all students are entitled to a learning environment free from sexual harassment. Conduct resulting in sexual harassment would clearly not be part of the purpose of wearing the wristband to support the breast cancer awareness cause, and the wearing of the wristband will not be treated as sexual harassment. However, conduct resulting in sexual harassment will continue to be dealt with in accordance with the existing discipline policy.

Thank you,

A handwritten signature in black ink that reads "Mark Pinder". The signature is written in a cursive style with a large, stylized "M" and "P".

Mark Pinder

c: Superintendent Mills

