



Written by [Brian Koenig](#) on January 9, 2013

Judge Approves Texas School District's Student ID Tracking System

A student in a Texas public school district who called her student identification card the "Mark of the Beast" lost her federal court case Tuesday challenging her suspension for rejecting the radio-frequency identification chip implanted in the card she is forced to wear around her neck.

U.S. District Judge Orlando Garcia ruled that the San Antonio Northside School District had the legal authority to expel 15-year-old sophomore Andrea Hernandez because she refused to wear the identification card, which is required of all students when on the school premises. Garcia also dismissed Hernandez's request to prevent the district from expelling her from school while the case filters through the federal courts.



[Radio-Frequency Identification](#) (RFID) devices have become a familiar component of today's electronic age, now found in passports, library cards, and various types of payment cards. In addition to an expectation that they'll eventually replace barcode labels on consumer goods, schools across the country are beginning to utilize them as well, sparking protests from students and parents who reject the practice as an intrusion of privacy.

The identification tags used in the San Antonio district emit a radio signal that links to the students' Social Security numbers, allowing the wearer's precise location to be tracked throughout the day. Despite the 290 surveillance cameras already installed at Jay High School and Jones Middle School, the RFID cards will grant school officials the ability to track students' whereabouts at all times, even when they want to use the restroom.

When the Northside School District had initially introduced the system, officials cited their state-financed budgets, and how they are tied to average daily attendance. If a student is not seated in class during morning roll call, the district does not receive daily funding for that student, because the school has no way to verify that the student is in the building. But with RFID tracking, pupils not at their desk, but tracked on campus, are pinpointed as being in school that day, allowing the district to incur its daily allotment for that student.

"What we have found, they are there, they're in the building and not in their chairs. They are in the cafeteria, with counselors, in stairwells or a variety of places, some legitimately and some not," district spokesman Pascual Gonzalez said at the time of the program's introduction. "If they are on campus, we can legally count them present."

Wired.com [reports](#) on other districts across the nation that have implemented the policy:

Tagging school children with RFID chips is uncommon, but not new. A federally funded preschool



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in Richmond, California, began embedding RFID chips in students' clothing in 2010. And an elementary school outside of Sacramento, California, scrubbed a plan in 2005 amid a parental uproar. And a Houston, Texas, school district began using the chips to monitor students on 13 campuses in 2004 for the same reasons the Northside Independent School District implemented the program. Northside is mulling adopting the program for its other 110 schools.

The practice has drawn scrutiny among both liberal and conservative groups, along with a number of civil liberties organizations. The American Civil Liberties Union (ACLU) is one group to oppose the school district's use of RFID technology. "We don't want to see this kind of intrusive surveillance infrastructure gain inroads into our culture," ACLU senior policy analyst Jay Stanley said of the practice. "We should not be teaching our children to accept such an intrusive surveillance technology."

Conservative groups have branded the intrusive RFID chip as an example of "big government" surveillance, as it monitors individuals while eroding their freedom and right to privacy. The Rutherford Institute, a conservative policy outlet in Virginia, represented Hernandez in her federal case, and promised to appeal the decision, claiming it usurped the student's constitutional right to privacy.

Annette Fuentes, author of [Lockdown High: When the Schoolhouse Becomes a Jail House](#), described the increasing use of RFID technology in schools as an affront to liberty, claiming the practice is diverting from the task at hand — that is, for schools to educate:

I would say there is a school-to-prison pipeline, but there is also a prison-to-school pipeline. [The use of security hardware (cameras, metal detectors and retina detectors) and the practice of treating students as suspects are strategies of the criminal justice system, and they have been flowing into the schools.] It's like a two-way street, a two-way system that mixes the educational and criminal justice systems. The end result is that we have schools in which the learning environment has been degraded and undermined because we are teaching kids to fear and feel that they are suspects at any particular time. Educators talk about the teachable moments.

Unfortunately, public fear of kids, public hysteria around another Columbine, has prevented people from remembering that the mission of public schools is to educate.

Civil libertarian critics have underscored the more grave potential consequences of the RFID "tag and track" system, noting specifically how the practice introduces a despotic technology of control. "[A]n RFID chip allows for far more than that minimal record-keeping. Instead, it provides the potential for nearly constant monitoring of a child's physical location," The Electronic Frontier Foundation [warns](#).

Indeed, the system introduces a Big-Brother style tracking scheme that could single out students for arbitrary behavior, the group explains: "If RFID records show a child moving around a lot, could she be tagged as hyperactive? If he doesn't move around a lot, could he get a reputation for laziness?"



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