

## **RFID Chip in ID Badge Does Not Infringe on Religious Freedom**

Requiring a high school student to carry an identification card with an RFID chip does not violate the student's First Amendment religious and free speech rights.

The Northside Independent School District in San Antonio started a pilot program at two schools that requires students to carry an identification badge. The badge displays the student's name and photograph and contains a radio frequency identification (RFID) chip. The schools are equipped with sensors, which allow the school staff to read the chip and determine the general location of a student. The school district claims the readers cannot pinpoint a student's exact location but show only in which wing of the school the student is located. The chips are not tracked off campus.

One student's parent objected to the use of the RFID chip, not on privacy grounds, but rather on religious grounds, contending that wearing of the Smart ID badge was against the student's "religious belief that the technology in the card was akin to her wearing the 'mark of the beast.'" In an attempt to resolve the dispute, the school district offered to remove the RFID chip from the student's badge. However, the parent refused the offer because he contended the mere wearing of the badge communicated support of the RFID program and violated the student's First Amendment speech rights.

The court found that requiring the ID badge did not interfere with the student's free exercise of religion. The court wrote that the rule is "neutral in both purpose and application." Furthermore, the requirement to wear the badge "serves many purposes that have nothing to do with religion, religious beliefs, or religious practices. The District has a legitimate need to easily identify its students for purposes of safety, security, attendance and funding, and the requirement that all students carry a Smart ID badge is certainly a rational means to meet such needs."

The court found that even if the ID badge placed a burden on a religious belief, the district has a compelling interest to protect students that outweighs such burden. "In today's climate, one would be hard pressed to argue that the safety and security of the children and educators in our public school system is not a compelling governmental interest. Mandatory identification badges issued to all students, staff, and visitors further the school's interest in providing a safe and secure environment for everyone on campus. One could envision many different methods of ensuring safety and security in schools, and the requirements that high school students carry a uniform ID badge issued for those attending classes on campus is clearly one of the least restrictive means available."

The court also dismissed the plaintiff's argument that merely wearing the badge without the RFID chip communicates support for the RFID chip, thereby denying the student's freedom of speech rights. "Even if Plaintiff subjectively believes that she will be conveying a message of support by wearing the student ID badge, it is highly unlikely that such a message would be understood by others who viewed it," the court wrote. "Wearing a student ID badge is not expressive conduct that implicates the First Amendment. It is simply a means of identifying the person wearing it, and nothing more."

*A.H. v. Northside Independent School District*, W.D. Texas, San Antonio Division No. SA-12-CA-1113, issued January 8, 2013.