

BILL ANALYSIS

C.S.H.B. 101
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Radio frequency identification (ID) chips are wireless chips that emit a radio signal, allowing the chip to be tracked in real time at a variable range. Among other purposes, this technology has been used to monitor cattle, prison inmates, and warehouse goods, and recent advances in technology and reductions in price have prompted the public and private sectors to begin integrating it into ID cards. Several schools across Texas have implemented radio frequency ID devices into student ID badges.

Interested parties note that radio frequency ID chips have been shown to be vulnerable to security breaches and that the broadcast component of such a chip means a radio frequency ID-equipped student badge will be a security and privacy risk wherever it goes. There are additional concerns that based on the transmission or storage of data on a radio frequency ID chip, the data can be read by any compatible reader, intercepted by unauthorized devices, or accessed by unauthorized users. The interested parties contend that Texas Education Agency policy allows for individual school districts to determine ID card policy but that for students in districts that require ID cards, radio frequency ID-enabled or otherwise, there is no guaranteed parental opt-out clause or requirement that elected school board members be involved in the decision.

C.S.H.B. 101 seeks to protect parents and their children from mandatory radio frequency ID tracking by requiring district board approval before a district may require students to use a device with this technology and by implementing a parental opt-out clause.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 101 amends the Education Code to authorize a school district to require a student to use an identification device that uses radio frequency identification technology or similar technology to identify the student, transmit information regarding the student, or track the location of the student only if authorized by resolution adopted by the board of trustees of the district. The bill requires a school district, on the timely written request of a student's parent or guardian, to permit the student to opt out of use of such an identification device. The bill requires the district, if a student's parent or guardian requests that the student opt out, to provide an alternative method of identification for the student. The bill prohibits a school district from penalizing a student using an alternative method of identification, including restricting or prohibiting the student from participating in school or district activities. The bill's provisions apply beginning with the 2013-2014 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 101 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.902 to read as follows:

Sec. 25.902. CERTAIN MANDATORY STUDENT IDENTIFICATION METHODS PROHIBITED. (a) In this section, "radio frequency identification technology" means a wireless identification system that uses an electromagnetic radio frequency signal to transmit data without physical contact between a card, badge, or tag and another device.

(b) A school district may not require a student to use an identification device that uses radio frequency identification technology or similar technology to identify the student, transmit information regarding the student, or track the location of the student.

(c) A school district may allow the voluntary use of a student identification device described by Subsection (b) only if authorized by resolution adopted by the board of trustees of the district. A district that allows the voluntary use of a student identification device described by Subsection (b) shall provide an alternative method of identification for a student on the timely written request of a student's parent or guardian.

(d) A school district may not penalize a student using an alternative method of identification under Subsection (c), including restricting or prohibiting the student from participating in school or district activities.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.902 to read as follows:

Sec. 25.902. CERTAIN MANDATORY STUDENT IDENTIFICATION METHODS PROHIBITED. (a) In this section, "radio frequency identification technology" means a wireless identification system that uses a battery or other active power source to broadcast a constant electromagnetic radio frequency signal to transmit data without physical contact between a card, badge, or tag and another device.

(b) Except as provided by Subsection (c), a school district may require a student to use an identification device that uses radio frequency identification technology or similar technology to identify the student, transmit information regarding the student, or track the location of the student only if authorized by resolution adopted by the board of trustees of the district.

(c) On the timely written request of a student's parent or guardian, a school district shall permit the student to opt out of use of an identification device described by Subsection (b). If a student's parent or guardian requests that the student opt out of the use of the device, the district shall provide an alternative method of identification for the student.

(d) A school district may not penalize a student using an alternative method of identification under Subsection (c), including restricting or prohibiting the student from participating in school or district activities.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.