

By: Kolkhorst, Burnam, Burkett, Stickland,
et al.

H.B. No. 101

Substitute the following for H.B. No. 101:

By: Dutton

C.S.H.B. No. 101

A BILL TO BE ENTITLED

AN ACT

relating to the use of radio frequency identification technology to
transmit information regarding public school students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

1 method of identification for the student.

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

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

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2013.