

Senate Bill 211 would have prohibited the technology's use to track the locations of students in the state's schools, while also limiting the way in which information from vehicle RFID programs, such as toll collection, is used.

By Claire Swedberg

Nov. 12, 2009—Rhode Island's governor, Donald Carcieri (R), has vetoed the latest effort by the state's legislature to pass a bill limiting how RFID technology would be employed to track students at schools and school functions, as well as vehicles as they are tracked by E-ZPass or other toll-collection systems. With his veto of Senate Bill 211 (S. 211) on Monday, Carcieri stated that local school and community officials should be allowed to decide if they need to use RFID to track students. He cited the potential for weather-related natural disasters, terrorist attacks or crimes that might prompt a school district to want to do so.

This is the third time the governor has vetoed a bill from the state's general assembly that would restrict the use of RFID technology. He vetoed a similar bill in 2006, then again in July 2008—in the latter case, arguing that the bill went too far by not allowing school districts or communities to make their own decisions related to the use of RFID. Carcieri also referred to the shooting incidents at Columbine High School and Virginia Tech, which he said illustrated that schools face safety issues and should be permitted to respond to these concerns with RFID, if they so choose.

Several Rhode Island senators cited RFID's value for tracking students with special needs, noting that kids prone to wandering were sometimes tracked with the technology. In response to that concern, the language in the most recent bill was modified to exclude special-needs students from the restrictions. In a message to the state's legislators, Carcieri explained the reasons for his veto, stating, "S 211, as amended, recognizes the potential value of RFID for students with special needs. Why would the General Assembly therefore place restrictions on the use of this technology as an option for all students?"

State senator Frank Ciccone (D) introduced S. 211 in February 2009 with the modifications intended to address all of the governor's concerns regarding the previous bills. Those concerns focused on the prior bills being too general and thus creating too many restrictions on RFID's use. For example, the 2006 bill included language prohibiting the state or local government from tracking people with RFID, but Carcieri stated in his veto that the restrictions could make it impossible for such activities as tracking tools or other items on a construction site. For that reason, Ciccone says, S. 211 addresses only the monitoring of students, and allows for the tracking of equipment or vehicles being used by state or local employees.

The bill also addressed the use of RFID for toll collection. In December 2008, the state of Rhode Island began utilizing the E-ZPass toll-collection system (also in place throughout much of northeastern United States), whereby vehicles are fitted with active RFID transponders made by [Mark IV Industries](#). The bill would have required that personally identifiable information related to individuals' toll collections not be

used for purposes other than toll collection (such as tracking a person's movements based on the tolls he or she paid), and would require a court order for use by law enforcement. Carcieri did not address the vehicle-tracking portion of the bill in his veto, and his office did not respond to phone calls requesting comment.

The state's efforts to restrict the use of RFID in schools began approximately five years ago, with recommendations to legislators by the [Rhode Island American Civil Liberties Union \(ACLU\)](#) in response to similar legislative issues being discussed in California. In 2005, Brittan Elementary School, in Sutter, Calif., launched a program requiring students to wear RFID tags in the school itself (link <http://www.rfidjournal.com/article/articleview/1408/> RFID Takes Attendance—and Heat>), but the district dropped the program after an outcry from the public and parents. In 2007, in response to that program, the California Senate attempted to pass a bill restricting RFID's use in schools, but failed to earn sufficient votes in the state's legislature. A subsequent version of the bill passed the senate and house, but was then rejected by the governor (see [Schwarzenegger Signs Anti-Skimming RFID Measure But Vetoes Bill on School IDs](#)).

In Rhode Island, concern over the tracking of students with RFID became more galvanized in winter 2008, following a proposed pilot of RFID technology at the Middletown School District, in January of that year. The school district launched the pilot of an RFID-GPS system to address concerns raised by parents after a bad snowstorm in December 2007. At that time, inclement weather had tied up traffic one afternoon and evening, leading school buses to deliver students to their homes many hours late. The concern raised at that time was that parents simply did not know if the bus had picked up their children, if the kids were still on the bus, and where the vehicle was.

The pilot project was intended to address that issue. For the pilot, about 80 Aquidneck Elementary School students were provided with passive RFID tags, to carry in their book bags. An RFID interrogator was installed on a single school bus to capture the tags' ID numbers as the students entered and left the vehicle. The goal was to eventually provide every bus with an RFID reader containing a GPS receiver, so that the system could identify the bus' location in real time. Parents or school officials would then be able to log onto a school Web site in order to determine whether and when a particular child had entered or exited a bus, and to view that vehicle's present location. The system was never deployed beyond the pilot stage, however, due to budgetary concerns.

That pilot raised both privacy and safety concerns, says Amy Vitale, Rhode Island ACLU's program coordinator. "This is not a failsafe technology," she explains, noting that individuals could purchase RFID readers online, and potentially use them to capture children's ID numbers and track them—for example, in the case of a predator stalking a child. What's more, she notes, the use of RFID might be a privacy concern, since it allows school districts to monitor the movements of individual children.

The use of RFID in a system like the one piloted (but not permanently deployed) by Middletown could also lead to a sense of complacency, Ciccone says. If the tag is in a student's book bag—if that child leaves the book bag behind on a bus, for example—parents and the school district would be misled

regarding their assumption that the student were on the bus.

Despite lawmakers' attempts to address each of the governor's previous concerns, Ciccone argues that Carcieri vetoed the most recent bill without clearly stating his objection. The governor did not mention the issue of tracking data from vehicle toll collection at all, Ciccone notes, adding, "I wonder if he even read the entire bill."

Ciccone says he will meet with the ACLU before planning when or if the bill will be reintroduced. Carcieri's term as governor ends in January 2011. At that time, Vitale says, the legislature might have more success in reintroducing the bill.