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SAN ANTONIO, Texas — At 10 a.m., CST, on Monday, December 17, 2012, attorneys for The Rutherford Institute will appear before the United States District Court for the Western District of Texas in San Antonio to argue for a preliminary injunction preventing school officials from expelling Andrea Hernandez until the case is decided. Hernandez, a sophomore in a science and engineering magnet school housed in John Jay High School, has refused to wear a school-mandated RFID tracking badge based on her sincere religious objections. The badges, part of the school's "Student Locator Project," include tiny Radio Frequency Identification ("RFID") chips that produce a radio signal, enabling school officials to track students' location on school property. School officials' initial attempt to kick Andrea out of the magnet school was thwarted when the Bexar County District Court granted a 14-day temporary restraining order, enabling Andrea to remain in school. After the case was moved to federal court at the urging of school officials, the Western District of Texas, San Antonio division, extended the TRO by another 14 days. In coming to Andrea's defense, Rutherford attorneys have alleged that the school's attempts to penalize, discriminate and retaliate against Andrea violate her rights under Texas' Religious Freedom Act and the First and Fourteenth Amendments to the U.S. Constitution.

"Oblivious to the impact on students' fundamental rights, school officials have embarked upon a crusade to achieve full student compliance with the profit-driven Student Locator Project by stigmatizing students who disapprove of the program and rewarding students who submit to it," said John W. Whitehead, president of The Rutherford Institute. "Students have actually been offered gifts and pizza parties in exchange for submitting to the program, while students who refuse to wear the SmartID badge are forced to stand in separate lunch lines, denied participation in student government and activities, and prohibited from making certain commercial exchanges at school."

The Northside Independent School District in San Antonio, Texas, has launched a program, the "Student Locator Project," aimed ostensibly at increasing public funding for the district by increasing student attendance rates. As part of the pilot program, roughly 4,200 students at Jay High School and Jones Middle School are being required to wear "SmartID" card badges embedded with an RFID tracking chip which will make it possible for school officials to track

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students' whereabouts on campus at all times. School officials hope that by expanding the program to the district's 112 schools, they can secure up to \$1.7 million in funding from the state government. Fifteen-year-old Andrea Hernandez has been penalized, discriminated against, and retaliated against by school officials for objecting to being forced to participate in the RFID program. For Hernandez, a Christian, the badges pose a significant religious freedom concern in addition to the obvious privacy issues. Andrea's religious objection derives from biblical teachings that equate accepting a personalized code—as a sign of submission to government authority and as a means of obtaining certain privileges from a secular ruling authority—with a form of idolatry or submission to a false god. Hernandez was informed that "there will be consequences for refusal to wear an ID card." For example, students who refuse to take part in the ID program won't be able to access essential services like the cafeteria and library, nor will they be able to purchase tickets to extracurricular activities. According to Hernandez, teachers are even requiring students to wear the IDs to use the bathroom. School officials offered to quietly remove the tracking chip from Andrea's card if the sophomore would agree to wear the new badge without the embedded RFID chip so as to give the appearance of participation in the Student Locator Project. Andrea refused the offer, believing that to wear the "mark" of the program would still compromise her religious beliefs. Affiliate attorney Jerri Lynn Ward is assisting The Rutherford Institute with Andrea's defense