

TO: [REDACTED]
FROM: [REDACTED], Brittan School District General Counsel
RE: Student Participation in RFID Test
Date: January 31, 2005

Dear [REDACTED]:

Due to the growing possibility of a legal dispute between you and the District, I have been asked to draft a preliminary response to your recent formal complaint against the District Superintendent and other District officials.

Pending Closed Session:

The District takes your complaints seriously and will promptly review your concerns. Your complaint will be considered by the District Board of Trustees during a special closed session currently scheduled to take place in the District office on Tuesday, February 8, 2005, at 6:00 PM after which the Board may take action if further action is warranted.

You are invited and encouraged to attend. However, your complaint is in whole or in part a complaint against District personnel. Any actions the District takes in response to your complaints -- including but not limited to possible disciplinary decisions -- are confidential and, by law, cannot be revealed. Nevertheless, I assure you that appropriate action will be taken if warranted.

Continued Participation in Testing Program:

The District Administration is required to carry out the directives of the Board until the Board instructs them otherwise. At this moment, the District Administration has been instructed to conduct a test of the RFID technology. Until the Board has an opportunity to consider your complaints and alters their instructions -- or until a court order mandates a change -- the test will continue. All students are required to participate in the test, including your [REDACTED] children, [REDACTED].

[REDACTED] participation in the test is minimal. In order to address your concerns regarding the test, [REDACTED] participation will not generate any information regarding them. All electronics have been removed from their tags. Moreover, unlike all other participants in the test, [REDACTED] tags have no name and no photograph. Their tag is, essentially, neutral and blank.

Nevertheless, [REDACTED] are required to wear their neutral tags during the test. Failure to do so will possibly result in disciplinary action against [REDACTED].

No Retaliation:

Retaliation for engaging in protected activities is against the law. For example, it is unlawful to punish someone for engaging in political speech or the exercise of religious freedoms.

It is my firm opinion that your objections to the RFID testing program do not implicate any protected activities. If your children are disciplined for failing to participate on the extremely limited basis described above, it will be because they failed to comply with District rules, procedures and policies that apply to all students equally. From what I know of this dispute, it has nothing to do with free speech. I am intimately familiar with Revelations 13:16 et seq, but I am not aware of any religious denomination that considers blank tags to be the mark of the beast that St. John warns of.

Let me repeat: until the District Trustees alter their instructions to the District Administrative staff, [REDACTED] are required to wear their neutral tags during the RFID test. Failure to do so subjects [REDACTED] to the risk of discipline.

Further Inquiries Welcomed:

I am interested in amicably resolving what appears to be an escalating dispute. I am informed that you may have retained an attorney to advise you. If so, please let me know who your attorney is. I am prohibited from directly communicating with a represented party. I welcome any communications from your attorney regarding this matter.

I will be present to advise the Board during the pending closed session to consider your recent formal complaint. I look forward to meeting you both then.

Sincerely,

[Redacted]

Davis, CA 95616

Ph:

Fax: [Redacted]