

1971 O. A. G.

OFFICIAL OPINION NO. 8

May 20, 1971

Hon. Michael K. Rogers
2709 East Fair Oaks Drive
New Castle, Indiana 47362

Dear Representative Rogers :

This is in response to your request for my Official Opinion as to the following question :

“Does a school board or school corporation, or school administrative authorities have the right to impose restrictions upon the students who drive automobiles to and from school utilizing school premises, such as by requiring proof of liability insurance?”

ANALYSIS

The powers given to school corporations and school administrative authorities in the establishment and implementation of rules and regulations are set out in the Indiana General School Powers Act. Specifically, Burns' (1970 Repl.), Section 28-1710 (17) grants the following powers :

“To prepare, make, enforce, amend and/or repeal rules, regulations and procedures for the government and management of the schools, property, facilities and activities of the school corporation, its agents, employees, and pupils and for the operation of its governing body, which rules, regulations and procedures may be designated by any appropriate title, such as ‘policy handbook,’ ‘by-laws,’ ‘Rules and Regulations.’” (Acts of 1965, Ch. 307, Sec. 202, IC 1971 20-5-2-2.

The school system, therefore, certainly has the power and authority to regulate its parking facilities, and it therefore follows that such school board or other school administrative authority may set certain standards or rules which must be met as a precondition to the student using parking facilities. One of these standards could be proof of liability insurance.

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The school parking facilities are a part of the school property. School officials have the same right and indeed the duty in the interest of safety and avoiding personal injury and property damage, to impose valid reasonable restrictions on the use of school parking facilities as they do to impose reasonable regulations on all school properties.

CONCLUSION

It is, therefore, my official opinion that public school administrative officials have the right to impose reasonable restrictions, such as proof of liability insurance, upon the students who drive to and from school and who use the school parking facilities in so-doing.