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Honorable Kenneth E. Davis
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Russell County Courthouse
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Schools - Students - Parking -
Licenses and Permits

School boards and officials
have comprehensive authority
within constitutional bounds to
maintain order and discipline
in schools.

School officials have the
authority to enforce parking
regulations and issue parking
permits.

School officials may require a
student or faculty member to
have insurance as a condition
to obtaining a parking permit
authorizing them to park a
motor vehicle on school
property.

Dear Mr. Davis:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

May a public school which issues parking permits to students allowing them to park in the school's parking lots refuse to issue such a permit until the student has provided proof of insurance?

FACTS AND ANALYSIS

Schools have the duty to and responsibility of regulating traffic and parking on school property. School boards and officials have comprehensive authority within constitutional bounds to maintain order and discipline in schools; inherent in this authority is the power to keep order on the streets. Parking regulations and requirements have been upheld in the court systems throughout the nation, as have the school's authority to issue parking permits. Molony-Vierstra v. Michigan State University, 301 N.W.2d 18 (Mich.App. 1980) (where car owners were forced to pay towing and administrative costs as condition to reclaiming vehicles impounded for parking violations); Brooks v. Board of Trustees of University of Illinois, 413 N.E.2d 513 (Ill.App. 1980) (where student was required by court to pay 66 university-issued parking tickets).

Great discretion is afforded school officials in determining school policy and parking regulations. School authorities may establish and enforce regulations which are not arbitrary or unreasonable. Davenport v. Randolph Co. Bd. of Education, 730 F.2d 1395 (C.A. Ala. 1984). While Alabama's Motor Vehicle Safety Responsibility Act, Code of Alabama 1975, § 32-7-1, et seq., does not require insurance for all Alabama drivers, we cannot say that it is arbitrary or unreasonable for school officials to require a student or faculty member to have insurance as a condition of parking on school property. Thus, school officials may require proof of insurance as a condition to issuing a school parking permit authorizing a student or faculty member to park a motor vehicle on school property.

CONCLUSION

It is within the discretion of school officials to require insurance as a condition to obtaining a school parking permit.

Honorable Kenneth E. Davis
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I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General

By:



JAMES R. SOLOMON, JR.
Chief, Opinions Division

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