

MAINE STATE LEGISLATURE

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April 14, 2023

Hon. James Libby, Senator
Hon. Gary Drinkwater, Representative
Hon. Sheila Lyman, Representative
Hon. Heidi Sampson, Representative
Hon. Barbara Bagshaw, Representative
Hon. Edward Polewarczyk, Representative
Maine State Legislature
2 State House Station
Augusta, ME 04333-0002

Greetings Senator and Representatives,

You have asked for a legal opinion on whether *Plyler v. Doe*, 457 U.S. 202 (1982) proscribes the Legislature's elimination of non-medical exemptions to mandatory immunizations for students in elementary and secondary schools. See P.L. 2019, ch. 154, §§ 1, 12 (eff. Sep. 1, 2021).

In *Plyler*, the United States Supreme Court held that if a State denies a discrete group of children the free public education that it offers to other children residing within its borders, it must be able to show that doing so furthers a substantial state interest. *Id.* at 230. The Court concluded that there was no evidence that a Texas law excluding children solely on the basis of their legal status as undocumented immigrants was rationally related to any state interest. *Id.* at 227-230.

Nothing in *Plyler* precludes states from imposing reasonable school entrance requirements, such as proof of immunizations. The Legislature's repeal of non-medical exemptions to those vaccination requirements was rationally related to the goals of increasing overall school vaccination rates and protecting students who are unable to be vaccinated for medical reasons.

Sincerely,

Aaron M. Frey
Attorney General