

**FLSA-341**

March 26, 1973

This is in reply to your letter of March 8, 1973, concerning the possibility of teachers in a head start program being exempt under section 13(a)(1) of the Fair Labor Standards Act.

As set out in your letter and further explained in a telephone contact on Friday, March 16, the teachers you have in mind have at most 2 years of college and no previous experience as teachers in any school system.

The professional exemption as defined in Regulations, Part 541, contemplates an employee with a high level of education and experience as distinguished from a general academic education which would enable the employee to exercise discretion and judgment in matters of substantial importance. It is apparent that the employee about whom you inquire would not meet these conditions for exemption from the Act's monetary provisions.

Enclosed is a copy of WH Publication No. 1364 on Preschools which you may find of interest.

Sincerely,

Joseph P. McAuliffe, Chief  
Division of Minimum Wage  
and Hour Standards  
Wage and Hour Division

Enclosure