Giving Working Parents the Opportunity to be the MVP of an IEP Team

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On August 8, 2019, the United States Department of Labor (?DOL?) issued three opinion letters, which are official, written opinions composed by the Wage and Hour Division of the DOL, that interpret ?how a particular law applies in specific circumstances presented by the individual person or entity that requested the letter.? Two of the letters released in August 2019 addressed compliance issues related to the Fair Labor Standards Act (?FLSA?), and the third letter addressed a compliance issue related to the Family and Medical Leave Act (?FMLA?). FMLA2019-2-A, the letter regarding compliance with the FMLA, responded to an employee's request for an opinion on ?whether an employee may take leave under the Family and Medical Leave Act (FMLA) to attend a Committee on Special Education (CSE) meeting to discuss the Individualized Education Program (IEP) of the employee's son or daughter.? Based on the facts presented by the requesting employee, the Wage and Hour Division concluded that attendance at such meetings is indeed a qualifying reason to take intermittent leave under the FMLA.

This paper analyzes the conclusion presented in the above-detailed opinion letter and explores why a parent should undoubtedly be able to take leave under the FMLA to attend meetings concerning their child's educational and special medical needs. Further, this paper seeks to explore why a parent's attendance at such meetings constitutes essential care for a family member with a serious health condition within the meaning of the FMLA. Finally, this paper seeks to explain the implications of FMLA2019-2-A on employers. Although DOL opinion letters are not binding, it is essential for employers to treat this opinion as if it were in order to promote the well-being of employees with children who are entitled to special education services in public schools.

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