

**Congress of the United States**  
**Washington, DC 20515**

June 12, 2013

The Honorable Kathleen Sebelius  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

The Honorable Jack Lew  
Secretary of the Treasury  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220

Dear Secretary Sebelius and Secretary Lew:

We write to draw your attention to the recent hardships endured by educators across Indiana struggling under the weight of the Affordable Care Act (ACA) that will begin next year. Educators should be focused on meeting the needs of students, not navigating the unintended consequences of federal regulations imposed by this new mandate.

As you are aware, the ACA mandates that employers, including schools, with fifty or more full-time employees must offer health insurance to employees who work at least thirty hours a week. In January, the IRS changed the rules to prohibit schools from taking summer break and other school holiday breaks into account when calculating their employees' weekly hours, driving their averages above the law's 30-hour threshold.

For this reason, schools are cutting back the hours of educators, bus drivers, cafeteria workers, and other hardworking Hoosiers. The largest school district in Indiana, Fort Wayne Community Schools, announced in May that they would be forced to cut the hours of 610 part-time cafeteria workers and teachers' aides after estimating a \$10 million cost of compliance with the ACA. The Shelbyville Central School System is cutting the hours of substitute teachers, bus drivers, and athletic coaches. Likewise, the Lafayette School Corporation is cutting hours for 150 employees. Other schools such as Zionsville Community Schools face the inevitability of having to make similar cuts very shortly.

Secretary Sebelius, as a former Governor, we are sure you can appreciate the difficult choices being made in the heartland to deal with decisions handed down from Washington, D.C. Hundreds of middle class Hoosiers working in schools will now suffer the consequences of a law you told the American people would serve as a solution to making health care affordable for the middle class. Approximately 9.9 million Americans work 30-34 hours per week. Hoosiers and Americans across the country deserve to know how their federal government expected this law would impact their jobs. Specifically, we would appreciate your agencies providing responses to the following questions:

1. Have you provided projections of the ACA's impact on school employees' hours by state? If so, please provide your underlying assumptions.
2. Please provide a complete list of hours cut by schools across the country so far this year, including the number of hours and jobs impacted.
3. Please describe how you expect the number of people working 30-34 hours per week across the country to change in 2013 and 2014 as a result of the ACA.

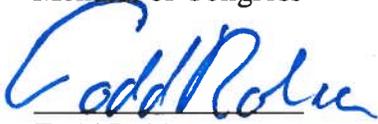
We agree with the Indiana State Teachers Association president-elect who, in a recent media report, noted that these cutbacks burden many single parents and Hoosiers depending on these jobs as secondary sources of income. Most importantly, decisions forced by the ACA's callous calculations put students at a disadvantage.

Because we agree with your May 5, 2011 testimony before the House Committee on Education and the Workforce that a child "needs quality teachers, a safe environment, healthy food, and activities that fosters her social, emotional, physical, and cognitive development," we are greatly troubled by the recent cutbacks across our state and ask that your office study these dangerous consequences. We look forward to your timely response.

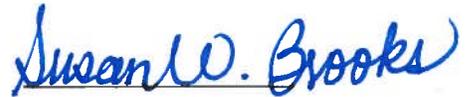
Sincerely,

  
Marlin Stutzman  
Member of Congress

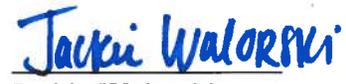
  
Larry Bucshon  
Member of Congress

  
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Todd Young  
Member of Congress

  
Susan Brooks  
Member of Congress

  
Luke Messer  
Member of Congress

  
Jackie Walorski  
Member of Congress

Cc: The Honorable Sarah Hall Ingram, Director, Affordable Care Act Office, Internal Revenue Service