



How Can Philanthropy Help Community Partners Weigh In on Proposed Changes to Federal Child Care Rules?

The Early Childhood Funder Collaborative (ECFC) is committed to supporting our members in making positive policy changes for children, families, and those that serve them. **As part of our commitment, we are providing information and suggestions for our members and other foundations to take part in an opportunity to improve the nation's current system of child care.**

The federal government is proposing regulatory changes to the Child Care and Development Block Grant (CCDBG), also known in Federal regulations as the Child Care and Development Fund (CCDF). CCDF is the biggest source of federal funding to states, territories, and Tribes to help families pay for child care and to improve the quality of care. **The Office of Child Care (OCC), Administration for Children and Families (ACF), Department of Health and Human Services (HHS) oversees the CCDF and recently released a Notice of Proposed Rulemaking (NPRM) which consists of key proposed changes to the regulations.** It is important that the agency hear from many stakeholders during the 45 day comment period. [Public comment is due by August 28, 2023.](#)

The CCDBG law needs a major overhaul to realize the vision of an equitable child care system that provides affordable, high quality care for children and their families, as well as good compensation and working conditions for early educators. While Congress has not acted to transform the legislation, these proposed regulatory changes **represent a strong effort by the administration to push for changes that are possible within the current federal law. The NPRM has the following goals: lower families' costs for child care, improve parent choice of care, strengthen payment practices with child care providers who care for eligible children, and reduce bureaucracy in implementation.**

Public comment is an opportunity to shore up the resolve of the federal agency to make positive changes and to demonstrate how those changes will help children, families, and providers. Every comment must be considered and made part of the public record. It is important for HHS to receive comments on things that can be strengthened AND affirmative comments about things that people appreciate about the proposals. Those who are opposed to positive changes will comment, and it is important to provide as many positive comments as possible to show the strength of support for provisions that the field welcomes. .

Foundations may be concerned about whether they are allowed to comment as a public charity and whether their grantee partners who are non-profit agencies are allowed to comment. **Foundations are allowed to support and conduct administrative advocacy, because it is not considered lobbying according to the IRS.** According to the Alliance for Justice, lobbying is narrowly defined as attempting to influence legislation. Note that 501(c)(3) public charities may lobby so long as they adhere to federal IRS reporting rules. Administrative advocacy does not count as lobbying, because it is not focused on

members of the legislature.¹ State rules may differ, and foundations may want to consult state experts or the [Alliance for Justice state resources library](#).

Here are some ideas for foundations interested in supporting grantee partners to take some time before **August 28th** to submit comments:

- Share information with your networks about the NPRM, how to comment, why commenting is important to making the proposed changes happen, and when comments are due. Many national organizations will likely publish summaries and explainers. . Send reminders as the deadline approaches.
- Provide funding support or hire translators and interpreters for your grantees seeking to engage those who do not speak English as a first language.
- Offer mini-grants to grantee partners who plan to offer education, hold events to gather input from families and providers, and provide technical support for those interested in submitting comments.
- Offer stipends for those with lived experience who want to comment, and any staff of grantees with the capacity to support the process.
- Host a comment writing event with food, child care, and helpers available to support those who are writing.

¹ Alliance for Justice (2020). **Administrative Advocacy: Influencing Rules, Regulations, Agency Policies, and Executive Orders**, found at <https://bolderadvocacy.org/resource/administrative-advocacy/>.