

CIVIL RIGHTS IN THE CACFP

Introduction

Civil rights are an integral component to child nutrition programs to ensure non-discrimination based on the six classes of race, sex, age, color, national origin and disability. Civil rights certifications are made upon application and assured during participation in the Child and Adult Care Food Program. This module provides a history including Montana's role in the Civil Rights Act of 1964 and civil rights in child nutrition programs.

Reference Material:

1. [FNS-113-1: Civil Rights Compliance and Enforcement](#)

1963 Year in Review-Part 1 – Civil Rights Bill United Press International

2. [Civil Rights Policy Statement -Letter From Secretary of Agriculture Tom Vilsack](#)

Brief History of Civil Rights

Civil rights are defined as; the nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and by acts of Congress. The summer of 2014 marked the 50th anniversary of the passage of the Civil Rights Act. Signed into law by President Lyndon B. Johnson on July 2, 1964 the Civil Rights Act of 1964 outlawed discrimination based on national origin, race, and color. Unequal application of voter registration requirements and racial segregation practices in employment, schools and by facilities that serve the general public were also banned. The civil rights movement took roots in the south when a 15 year old young black woman, Claudette Colvin, refused to give her seat to a white passenger. She became the first person arrested for resisting bus segregation. Over the next ten years the momentum for equality grew with influence from Dr. Martin Luther King Jr.

When John F. Kennedy was elected president of the United States in 1960, civil rights was a crucial issue. A civil rights bill was called for by President John F. Kennedy in his civil rights speech of June 11, 1963 in which he asked for legislation "giving all Americans the right to be served in facilities which are open to the public." In the fall of 1963 a civil rights bill was out of the Judiciary Committee and on its way to the Rules Committee when President Kennedy was assassinated. Lyndon Johnson, Kennedy's successor told a joint session of congress that "No memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill for which he fought so long."



President Lyndon B. Johnson with members of congress signs the Civil Rights Act on July 2, 1964

Montana's Role In The Civil Rights Act

Two Senators from Montana; Mike Mansfield and Lee Metcalf were instrumental in moving the civil rights bill forward to passage by the U.S. Senate. Majority leader of the Senate, Mike Mansfield, appointed Lee Metcalf to serve as temporary president (pro tempore) of the Senate. Instead of allowing the bill to go to special committee chaired by a civil rights opponent, Senator Mansfield brought the bill to the Senate floor for debate. Mansfield knew he would need Metcalf's knowledge of parliamentary procedures to outmaneuver civil rights opponents. Metcalf presided over all of the important Senate votes and debate on civil rights. He judiciously steered the debate around every attempted delay. After 75 days of filibustering by anti-civil rights senators (the longest filibuster in Senate history) Metcalf with his booming voice, presence and knowledge of senate procedures ended the filibuster using one of the Senate's parliamentary procedures. Mansfield forced a vote for cloture, to limit each senator to speak for only one more hour. Although southern senators attempted to reject the cloture vote, Metcalf overruled them using a Senate parliamentary rule. Few knew it existed except Metcalf. Afterwards, one frustrated opposition senator proclaimed that "Metcalf has stripped us of any parliamentary strategy. That man was the Civil Rights Bill's secret weapon." On June 19, before a packed gallery the bill passed 73 – 27. The efforts of Mansfield and Metcalf led to President Lyndon B. Johnson signing the bill into law on July 2, 1964. The Civil Rights Act guarantees 'Justice for All' and prohibits discrimination.



Rep. Lee Metcalf meets with Senate Democratic leaders in the U.S. Senate, August 1960.

Pictured (left to right): Senator John F. Kennedy; Senator Henry M. Jackson; Senator Lee Metcalf, Senator Lyndon B. Johnson and Senator Mike Mansfield.

Civil Rights and the CACFP

The National School Lunch Act passed by Congress in 1946, is the legislative forerunner of all child nutrition programs in existence today. Congress created the National School Lunch Program (NSLP) after an investigation into the health of young men rejected in the World War II draft showed a connection between physical deficiencies and childhood malnutrition. Congress cited the



National School Lunch Act as a “measure of national security, to safeguard the health and well-being of the Nation’s children.” The act was signed into law by President Truman on June 4, 1946. On October 11, 1966, President Lyndon B. Johnson signed the Child Nutrition Act of 1966, to include nutritionally balanced, low-cost or free for children attending public or private non-profit schools and residential institutions. During the signing, President Johnson remarked that “good nutrition is essential to good learning.”

In 1968, Congress established the Child Care Food Program to ensure children in licensed or approved daycare centers, settlement houses and recreation centers were receiving nutritious meals. Originally, several Federal agencies were involved to some degree in feeding children. Congress decided that the “conduct and supervision” of food service programs for children should be assigned to the Department of Agriculture. With all food services under one Federal agency, there could be uniform standards as to nutrition, sanitation, management of funds and guidance to guarantee program continuity. Section 13 of the Child Nutrition Act provided the authority for placing all child food services under one agency.

The Food and Nutrition Service (FNS) is an agency of USDA administering fifteen unique food service programs. The mission of FNS is to increase food security and reduce hunger in partnership with cooperating organizations by providing children and low-income people access to food, a more healthful diet, and nutrition education. Food and nutrition programs are funded by federal dollars that provides grants to states to administer the programs. These federal dollars are drawn from taxpayers across the nation. Tax dollars are to be used for the benefit of all eligible persons to ensure equal access to Child Nutrition Programs. All U.S. Department of Agriculture (USDA) Child Nutrition Programs sponsoring agencies must comply with civil rights laws and regulations, such as Title VI of the Civil Rights Act of 1964 (race, color, national origin), Title IX of the Education Amendments of

1972 (sex), Section 504 of the Rehabilitation Act of 1973 (disability), Age Discrimination Act of 1975 (age) and the Americans with Disabilities Act (ADA) of 1990 (disability).

Civil Rights Assurance

The Child and Adult Care Food Program helps child, adult care facilities, and family day homes to improve the nutritional quality of the meals they provide to the individuals receiving services at their facilities. To qualify for Federal financial assistance, the program application must be accompanied by written civil rights assurance that the program will be operated in compliance with civil rights laws and implemented regulations and policies. Six certifications within the institutions agreement to meet civil rights requirements are:

1. Non-discrimination in meal service

All institutions that participate in the CACFP are non-pricing programs. Non-pricing means that institutions do not charge a separate fee for meals and must assure that there is no discrimination in the course of meal service.

2. Data Collection and Maintenance

Institutions will collect racial/ethnic data of the area it serves and of beneficiaries by racial/ethnic category initially and annually thereafter. The data must be maintained on file at the institution as well as submitted to the state agency.

3. Nondiscrimination in Program Delivery

It is necessary that institutions review and assure that program operations are non-discriminatory. This includes but is not limited to admission and recruitment policies to determine that they do not restrict deny enrollment or create a barrier to participation on the basis of the six protected classes.

4. Public Notification

Inform beneficiaries of the program availability, program rights and responsibilities, the policy of nondiscrimination and the procedure for filing a complaint.

5. Civil Rights Training

Training is required so that people involved in all levels of administration of programs that received Federal assistance understand civil rights related laws, regulations, procedures and directives.

6. Complaint Documentation

It is essential that institutions assure complaints and/or potential complaints are documented. A system must be in place to document complaints and/or potential complaints.

Some specific examples of discrimination and non-compliance are:

1. Service or delivery of foods in a place, time or manner that results in or has the effect of denying or limiting benefits of the CACFP on the basis of race, color, national origin, gender, age or disability.
2. Failure to apply the same eligibility criteria to all potential eligible individuals seeking participation in the CACFP.
3. Maintenance of a waiting list which makes distinctions on the basis of race, color, national origin, gender, age or disability.
4. Failure to use or provide material which provides non-English speaking persons full and equal opportunity to receive benefits or services under the CACFP.

Conclusion

Fifty years ago the strength, vision and hard work of United States citizens, senators and presidents led to the passage of the 1964 Civil Rights Act. Today, all eligible persons are ensured access to Child Nutrition Programs. Over three million children receive meals and snacks from the Child and Adult Care Food Program, daily.

Module 6: Quiz

1. What year was the Civil Rights Act passed?
 - A. 1956
 - B. 1966
 - C. 1964
 - D. 1948

2. Name the United States Agency that sponsors the CACFP.
 - A. Internal Revenue Service
 - B. Congress
 - C. School Lunch Program
 - D. United States Department of Agriculture

3. Name one Montana Senator instrumental in passing the Civil Rights Act.
 - A. Lyndon Johnson
 - B. Lee Metcalf
 - C. John F. Kennedy
 - D. Martin Luther King Jr.

4. The six protected classes of Child Nutrition Programs are:
 - A. Race, gender, age, national origin, disability, color
 - B. Size, race, age, national origin, disability, color
 - C. Disability, color, age, gender, race, income
 - D. Gender, race, location, color, disability, national origin

5. How is the CACFP funded?
 - A. Government money
 - B. Private industry
 - C. Tax payer dollars
 - D. State money

6. Non-discrimination means.....
 - A. Justice for All
 - B. Unequal rights
 - C. Not allowed
 - D. Segregation

7. Which of the following is NOT a civil rights certification?
 - A. The CACFP meal pattern must be posted
 - B. Civil rights complaints must be documented
 - C. Meal service must be provided equally to all participants
 - D. Civil rights training must be provided annually

8. One of the civil rights certifications is child care centers must follow the CACFP Meal Pattern.
 - A. True
 - B. False

9. This Senator from Montana was a key participant towards passage of the Civil Rights Act of 1964.

- A. Jon Tester
- B. Lyndon B. Johnson
- C. Lee Metcalf
- D. Steve Bullock

10. Any civil rights complaint must be documented?

- A. True
- B. False

Module 6: Activity

1. Read the following scenarios and circle what class the scenario is discriminating against.

Describe why the action taken is either not appropriate or discriminatory.

A. Not allowing Native American children to eat a meal if they are late to the daycare, because you are trying to get the mom to be more responsible.

Age Race Color Disability Sex National Origin or Other

B. Best Beginnings Scholarship families are required to sign their children in and out in a separate folder from other parents.

Age Race Color Disability Sex National Origin or Other

C. A parent enrolls her 3 year old child in a CACFP participating program. During the enrollment process, the parent tells the provider that her child is struggling with language development and is working with a speech therapist. The provider accepts the child only to terminate care at the end of the first week. The provider does not want to accommodate the visits from the speech therapist, who will work with the child onsite at the program.

Age Race Color Disability Sex National Origin or Other

D. A foreign exchange student applies to enroll his child in a CACFP participating childcare program and is denied. The parent is from Afghanistan and the provider is uncomfortable allowing the child into her program due to current foreign affairs.

Age Race Color Disability Sex National Origin or Other

E. A child care provider only enrolls children over the age of one, but cares for children of all ages.

Age Race Color Disability Sex National Origin or Other

2. After reading the scenarios above, provide an example of civil rights discrimination that could occur in the child care setting.

3. What procedure does your center have in place to document civil rights complaints?

Overall Conclusion

The completion of this training provided informational tools and practices to benefit your Child and Adult Care Food Program. Some information is new; some is policy, and some became refreshed information. As a director, you became aware how important your role is. You were given guidance to present the CACFP in many forms. This information will allow you to communicate better in all aspects of your program. The application of creditable foods to your menus and the knowledge of how important it is to have documented evidence of special dietary needs will provide you comfort knowing that you are providing safe and healthy meals to all children in your center. You were given policy on allowable and unallowable costs in the CACFP and a historical chronicle of civil rights in child nutrition programs was provided. Being aware of costs that are allowable and not allowable along with civil rights guidance, provide you the satisfaction of conducting business right. We hope that this learning will be applied to your everyday business practices. This concludes your FY15 Annual CACFP Director's Training.