

**A Civil Rights Guide  
For  
The Special Nutrition Programs**

**Self-study Edition**

**Texas Health and Human Services Commission**

The Special Nutrition Programs are a division of  
and are administered by

The Texas Health and Human Services  
Commission



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**Acknowledgements**

Special Nutrition Programs Training Division  
Deborah F. Simpson, Training Coordinator

# **Civil Rights Self-study Guide For The Special Nutrition Programs**

## **Curriculum Development**

### **Original Concept**

Many thanks to Celeste B. Stanton for her original concept and version of this guide. The current project manager has incorporated many of the original elements into this newly redesigned workbook.

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#### **USING THIS MATERIAL:**

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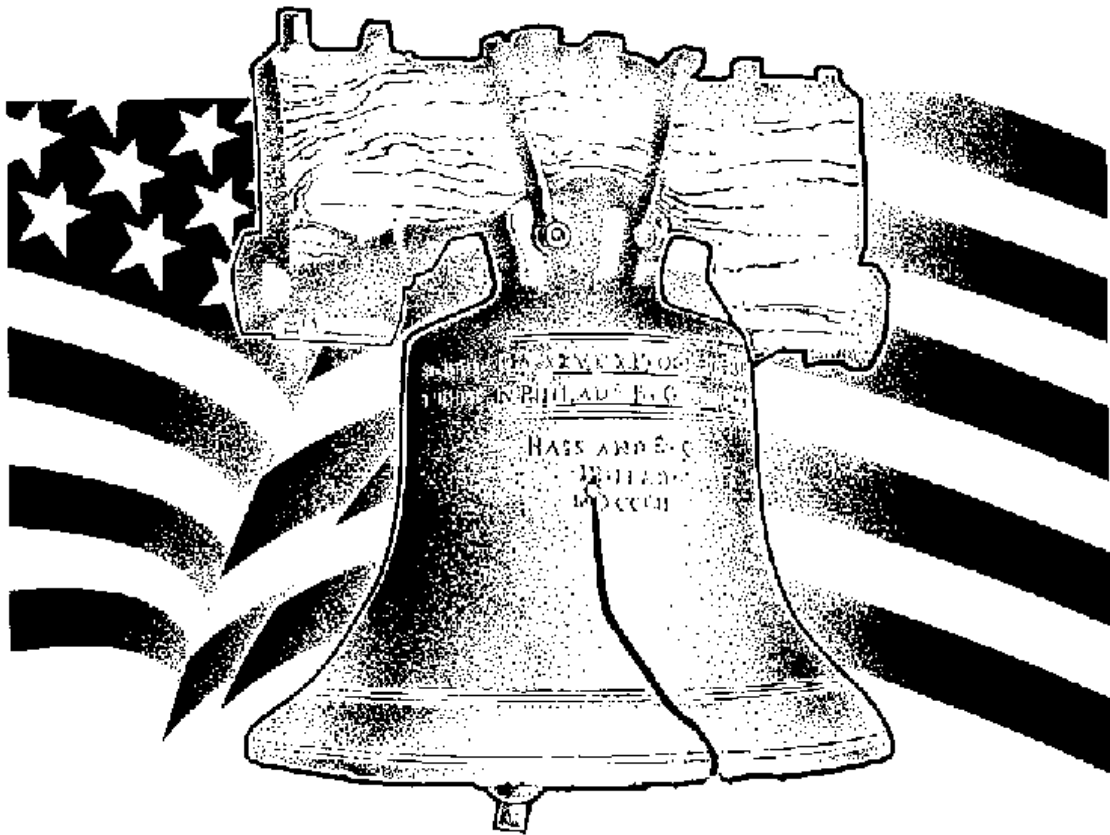
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**Special Nutrition Programs**

## Part One



## Civil Rights and Your Program



# Civil Rights and the Special Nutrition Programs

A Self-study Guide for SNP Contractors

## Part One – Civil Rights and Your Program



### The Workbook's Concept and Purpose

This workbook has been developed to provide contractors operating one or more United States Department of Agriculture's (USDA) "Special Nutrition Programs" (SNP), with basic guidance and information on civil rights issues inherent in the food service portion of these programs.

This workbook is prepared as a self-study course or a trainer's guide and meets the basic requirements for Civil Rights Training in the Special Nutrition Programs.

### Equal Access to the Programs

As an administrator of one or more SNP programs, you are responsible for ensuring that everyone has equal access to the program.

You may not discriminate in program participation based on:

- Race,
- Color,
- National origin,
- Sex,
- Age, or
- Disability.

**Organizations MUST strictly adhere to and enforce the provisions of the Civil Rights laws and regulations contained and described in this workbook.**



## **Civil Rights and the Special Nutrition Programs**

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### **Training Your Staff**

**You must give civil rights training to all levels of staff involved in any aspect of the SNP program you operate!** This training must be given to all new staff before they begin working in the program and training must be given annually to all tenured staff.

In addition, **you must document your training efforts** as part of the documentation and record-keeping requirements.

### **Recommended Training Format**

It is highly recommended that you conduct civil rights training as a group process. Facilitation of this material in a group setting increases the likelihood of group discussion and enhanced understanding of the material.

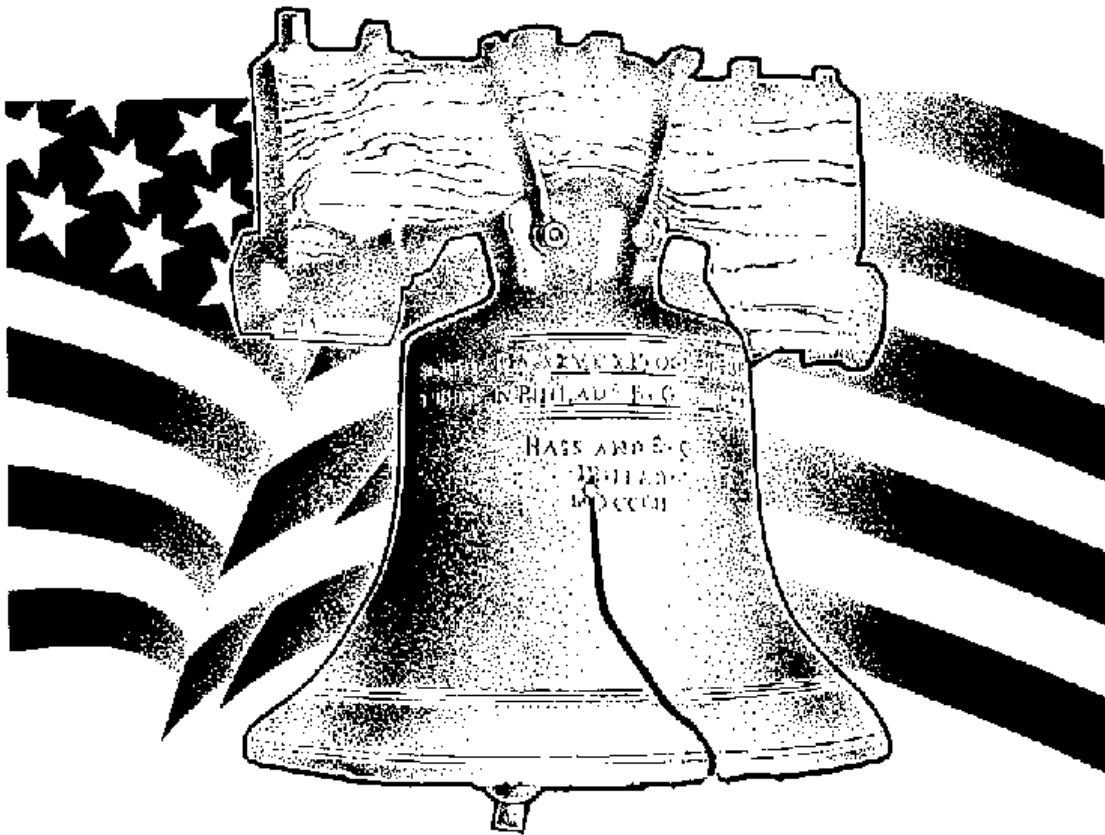
### **Civil Rights Questions and Resources**

There may be occasions when you are unsure about a certain situation and how that situation relates to your program compliance with civil rights.

In these instances, you should contact:

- USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (800) 795-3272 or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.
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## Part Two



## The Special Nutrition Programs

# Civil Rights and the Special Nutrition Programs

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## Part Two – The Special Nutrition Programs

### The Eight Food Service Programs



There are eight unique food service programs that comprise the Health and Human Services Commission (HHSC) Special Nutrition Programs.

SNP contracts with primarily public and private nonprofit organizations to operate the programs. These contractors either operate the program(s) directly or “sponsor” the programs in qualifying facilities.

#### ➤ **Child and Adult Care Food Programs (CACFP)**

Three separate programs that provide reimbursements for meals served in certain child care centers, adult day care centers, and meals served to children in day homes.

#### ➤ **National School Lunch/School Breakfast Programs (NSLP/SBP)**

Two programs that provide reimbursement for meals served in certain private education institutions and residential child care institutions (RCCIs).

#### ➤ **Summer Food Service Program (SFSP)**

One program that provides reimbursement for meals served to children at specific sites during summer months and when normal school sessions are not in operation.

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## The Eight Food Service Programs (contd.)

### ➤ **Food Distribution Programs (FDP)**

A group of programs (**Food Distribution Program**, the **Texas Commodity Assistance Program**, and the **Commodity Supplemental Food Program**) that provide USDA-donated commodities to low-income individuals and families, public and private schools, summer food service programs, food banks, and soup kitchens.

### ➤ **Special Milk Program (SMP)**

A single program that provides cash assistance to contractors to encourage the consumption of milk by children.

These programs are administered in Texas by the Health and Human Services Commission (HHSC) and play a vital role in providing good nutrition for eligible children and adults.

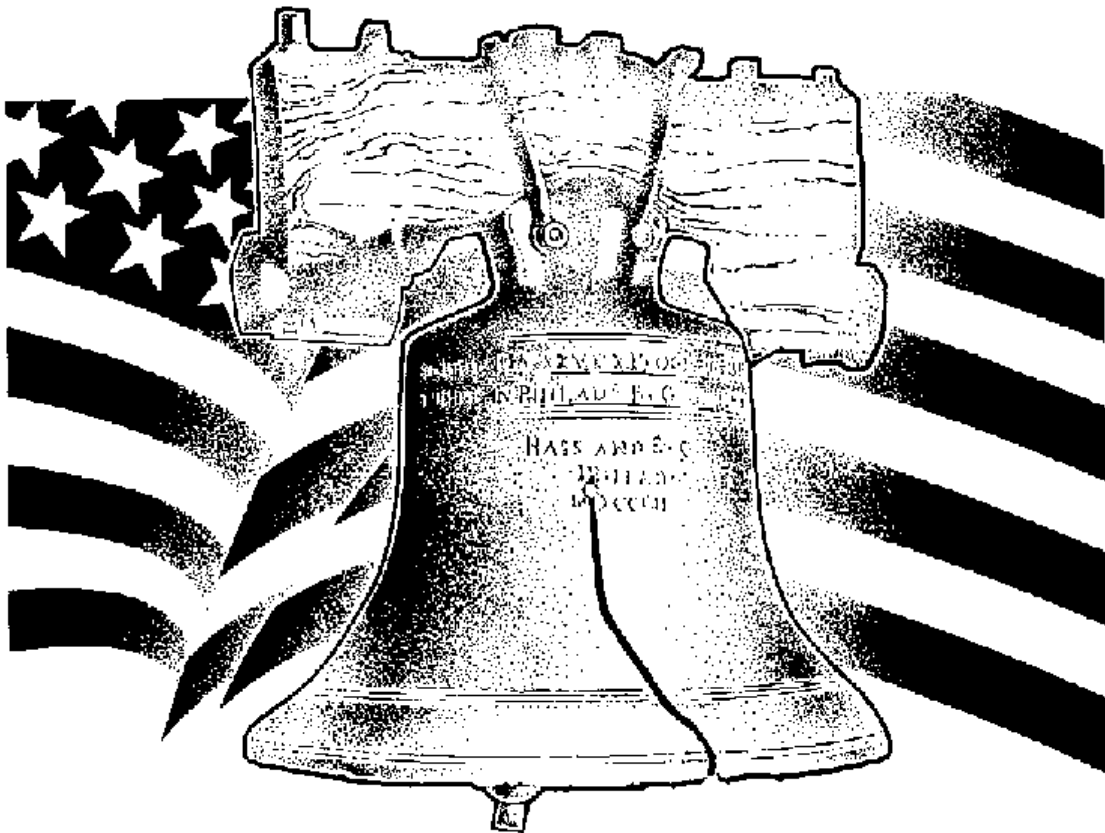
### **Important Point!**

**Because of the variety of programs and facilities that receive this training, not all examples in this workbook apply to all facilities.**

**If you have questions about whether a specific example applies to your facility, contract your SNP contract manager or Area Program Manager.**

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## Part Three



## Civil Rights Compliance in the SNP

# Civil Rights and the Special Nutrition Programs

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## Part Three – Civil Rights Compliance in the SNP

### Why SNP Requires Civil Rights Training



You might wonder why there are regulations governing Civil Rights in the Special Nutrition Programs.

Civil Rights laws were enacted to remedy certain basic inequities in the legal, political and social systems of our nation. In addition, these laws clarify the forms in which Civil Rights violations occur and spell out the penalties and sanctions for failure to provide all affected persons with “Equal justice under the law...”

The Special Nutrition Programs are funded by federal dollars with USDA serving as the “pass-through” agency. Since these dollars are drawn from taxpayers across the nation, taxpayers are entitled to equal use of the programs. In essence, the tax dollars are to be used for the benefit of ALL eligible persons.

### The Importance of “Equity”

Equity, in the form of services to all qualified persons, is so important that broad-ranging federal and state laws have been enacted over the years to ensure that...

*“No person in the United States shall, on the ground of race, color, sex, age, disability, religion, national origin or political belief, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”*

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## The Importance of "Equity" (contd.)

Please note, however, **The Americans With Disabilities Act** (which forbids discrimination against persons with disabilities) applies to **ALL** service providers **whether or not they receive any federal financial assistance**.

## Prejudice and Discrimination... Two Critical Terms

Before we learn about the individual laws, let's define the two terms... "prejudice" and "discrimination".

Consider and answer the following questions:

### **Issue #1.**

**Which of the following is a correct definition for prejudice?**

- A. An unjustified and unreasonable bias.
- B. A preconceived opinion about someone or something, usually unfavorable.
- C. A feeling or attitude that almost all of us have about something.
- D. All of the above.
- E. None of the above.

Your answer: \_\_\_\_\_

### **Issue #2:**

**Which of the following is a correct definition for discrimination?**

- A. To make distinctions
- B. Good taste, discernment
- C. The use of good judgment
- D. All of the above
- E. None of the above

Your answer: \_\_\_\_\_

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*Got your answer yet? Then  
turn the page...*



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## Answers to Issues 1. and 2.

### **Issue #1. All of the above**

If we are honest with ourselves, almost all of us have one or more prejudices. Some people have preconceived notions about rich people; that they are heartless and selfish. Other people have preconceived notions about poor people; that they are lazy and actually enjoy being without certain advantages.

Both of these sets of notions reflect unfavorable and faulty reasoning. To classify persons or things which appear alike is to stereotype them...that is...to attribute certain characteristics to all of them without regard to the individuality and uniqueness of each.

### **Issue #2. All of the above**

Have you ever heard of a person with “discriminating taste”? This person uses good judgment in the selection of clothes, furnishings, associates, etc. Using this definition of discrimination, is discrimination in and of itself bad?

**No! Absolutely Not!**

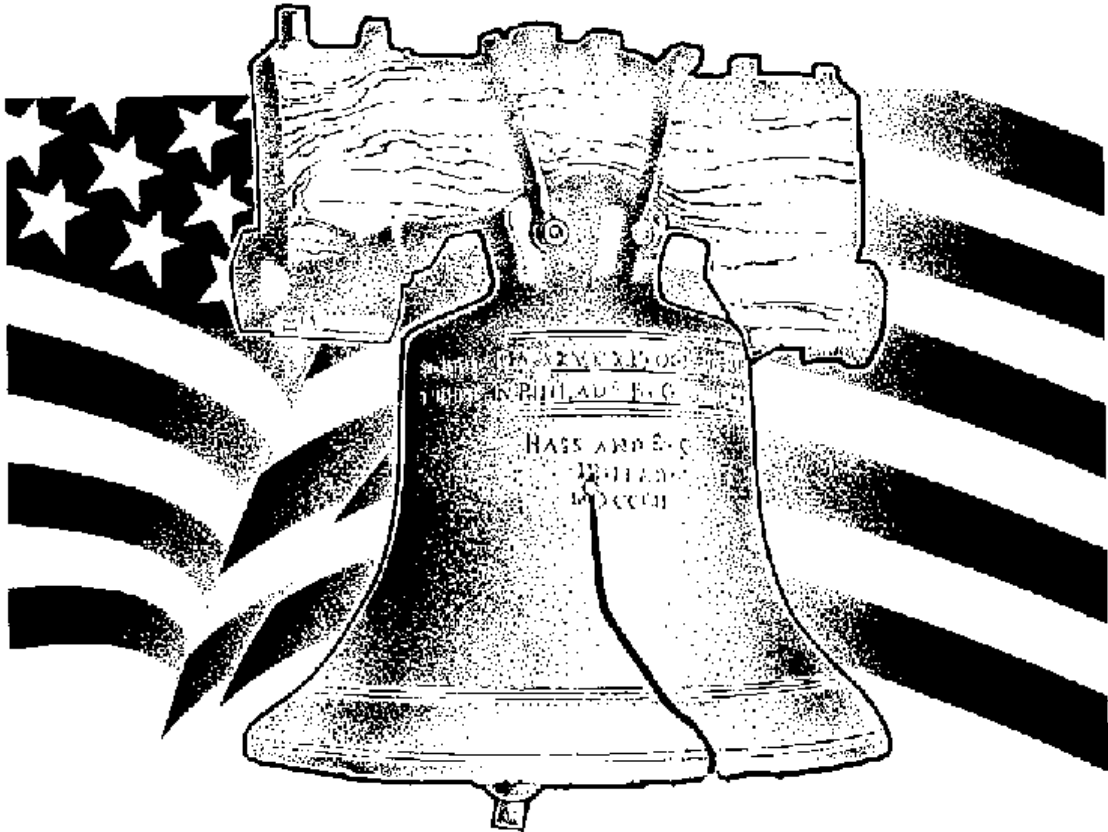
But, there is a second part to the definition: “a showing of difference or favoritism in treatment”. Is there a problem with this definition?

**Absolutely!**

Used in this context, discrimination means: “to treat someone differently than others; to deny persons access to facilities based on race, color, national origin, age, sex, religion, disability, or political belief.

**This context or form of discrimination is against the law!**

## Part Four



**The Basis of Civil Rights Today**

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## Part Four – The Basis of Civil Rights Today



### The Beginning of Today's Civil Rights Laws

The following civil rights acts, enacted to protect all Americans, form the basis or foundation for all civil rights legislation in America today.

### Title VI of the Civil Rights Act of 1964

This act established the concept of protecting certain classes of persons defined as "protected classes". This act states in part...

*"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

Title VI also established the requirement for public notification of non-discriminatory services as well as written complaint procedures and other regulations aimed at eliminating discrimination.

### Title VII of the Civil Rights Act of 1964

Title VI relates mainly to protecting persons from discrimination in programs receiving federal financial assistance.

Title VII defines additional classes of persons who are protected from discriminatory employment practices. Specifically, discrimination based on **race, color, religion** and adds **sex** and **national origin**.

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### **Title IX of the Education Act of 1972**

This act prohibits discrimination on the basis of sex by any educational program or activity that receives or benefits from federal financial assistance.

### **Section 504 of the Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 protects qualified persons with disabilities from discriminatory employment practices.

Additionally, Section 504 established requirements for 504 compliance coordination and put into place complaint and compliance requirements similar to Title VI of the Civil Rights Act of 1964.

### **The Age Discrimination Act of 1975**

The Age Discrimination Act prohibits on the basis of age in programs and activities receiving federal financial assistance.

### **The Americans With Disabilities Act of 1990**

This act prohibits discrimination on the basis of disability by both public and private entities, whether or not they receive federal financial assistance.

Also referred to as the "ADA", this act addresses such issues as access to facilities and/or services provided.

### **Requirements for You**

These laws and regulations require you to perform and/or maintain certain procedures in the operation of the Special Nutrition Programs.

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## **Requirements for You (contd.)**

These requirements include:

- Public notification
- Data collection, maintenance and reporting
- Compliance reviews
- Civil rights training of staff
- Complaint resolution
- Resolution of complaint non-compliances
- Informational materials in accessible formats

Now let's look in more detail what the above list entails.

## **Requirement Specifics**

### **Public Notification**

Some of these laws and regulations pertain specifically to persons with physical or mental difficulties; others deal with any person whether disabled or not.

Combined, these laws require you to do the following:

- ✓ Display the official USDA poster entitled "And Justice For All" in prominent places in facilities.
- ✓ Display the two state civil rights posters (one in English; the other in Spanish) in prominent places in facilities.
- ✓ Provide non-discriminatory assurance on all applications and informational materials available from your organization.

# Civil Rights and the Special Nutrition Programs

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## Requirement Specifics (contd.)

### Public Notification (contd.)

Additional requirements regarding public notification are:

- ✓ Being capable of providing informational materials on programs in languages other than English if the need exists, or in other accessible formats, such as Braille or American Sign Language. ***Note! At a minimum, providers of services must provide notices or information in a native language when or where it is known that a significant number of persons in that community use that language and are limited in their English proficiency.***
- ✓ Assure that when human likenesses are used in program materials, reasonable efforts are made to depict an ethnic balance.
- ✓ Have written complaint procedures in place which include the following statement:

***"In accordance with federal law, U.S. Department of Agriculture policy, and Texas Health and Human Services Policy, Special Nutrition Programs is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, political belief or religion. Any person who believes that he or she has been discriminated against based on religion or political belief, should immediately contact the Health and Human Services Commission, Civil Rights Office, 701 W. 51<sup>st</sup> St., Austin, TX 78751-9030, MC W-206. All other discrimination complaints should be directed to USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."***

# Civil Rights and the Special Nutrition Programs

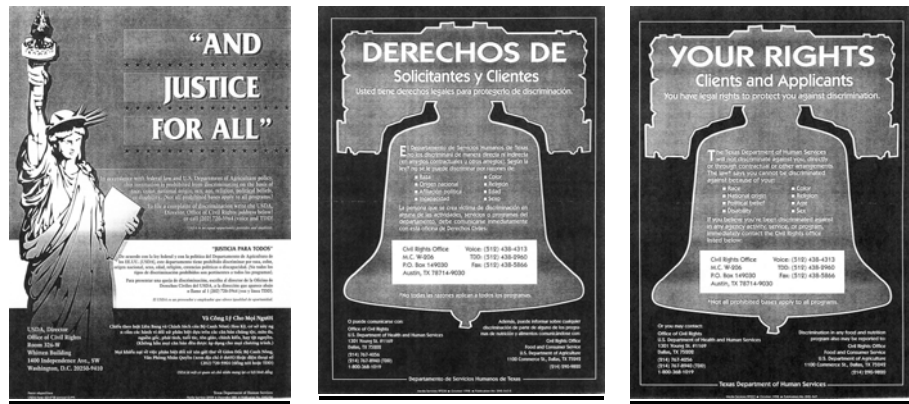
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## Requirement Specifics (contd.)

### Public Notification (contd.)

Public notification also includes the posting of civil rights poster. These include, as mentioned earlier, the USDA "And Justice For All" poster along with the two "state" posters entitled "Your Rights"... one in English; the other in Spanish.

Examples of the three posters are shown below.



### Data Collection and Maintenance

Special Nutrition Programs contractors must collect and maintain racial/ethnic data as part of the federal requirements for operating child nutrition programs. Contractor must:

- determine the estimated number of potentially eligible beneficiaries in their service area (census tract) by racial/ethnic category.
- determine the number of actual beneficiaries enrolled in their programs.

# Civil Rights and the Special Nutrition Programs

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## Requirement Specifics (contd.)

### Data Collection and Maintenance (contd.)

Contractor must also:

- keep the original data (by site and date of session) with documentation of source and method used to collect the data.
- Establish safeguards to ensure that confidentiality of all collected racial/ethnic data

**Important!** Contractors sometimes have problems identifying a child's racial/ethnic category when the child is of mixed racial background. In these instances, the child should be categorized according to their appearance...or... in the group with which the child or the child's family identifies.

***For example:** Brandon is very light-skinned with light brown straight hair. His mother is Hispanic and his father's appearance is such that he could be categorized in one of several different ethnic groups. In this instance, the contractor could categorize Brandon as Hispanic since his mother is identifiable, although his father is not.*

### Civil Rights Training

The Health and Human Services Commission/SNP will provide civil rights training materials to all contractor administrative staff with the express expectation that SNP contractors provide training to any/all staff that work in one or more of the child nutrition programs.

**This requirement extends to subcontractors of the SNP contractor as well.**



# Civil Rights and the Special Nutrition Programs

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## **Requirement Specifics (contd.)**

### **Civil Rights Training (contd.)**

The extension of civil rights training also applies to the following persons/organizations:

- Day home providers (in the CACFP Day Home Program),
- Organizations that provide direct services to any SNP programs (such as food service management companies and caterers), and
- Organizations that provide feeding sites to SNP contractors.

### **Civil Rights Training Documentation**

SNP contractors are required to document all civil rights training efforts. The following data elements related to civil rights training must be documented:

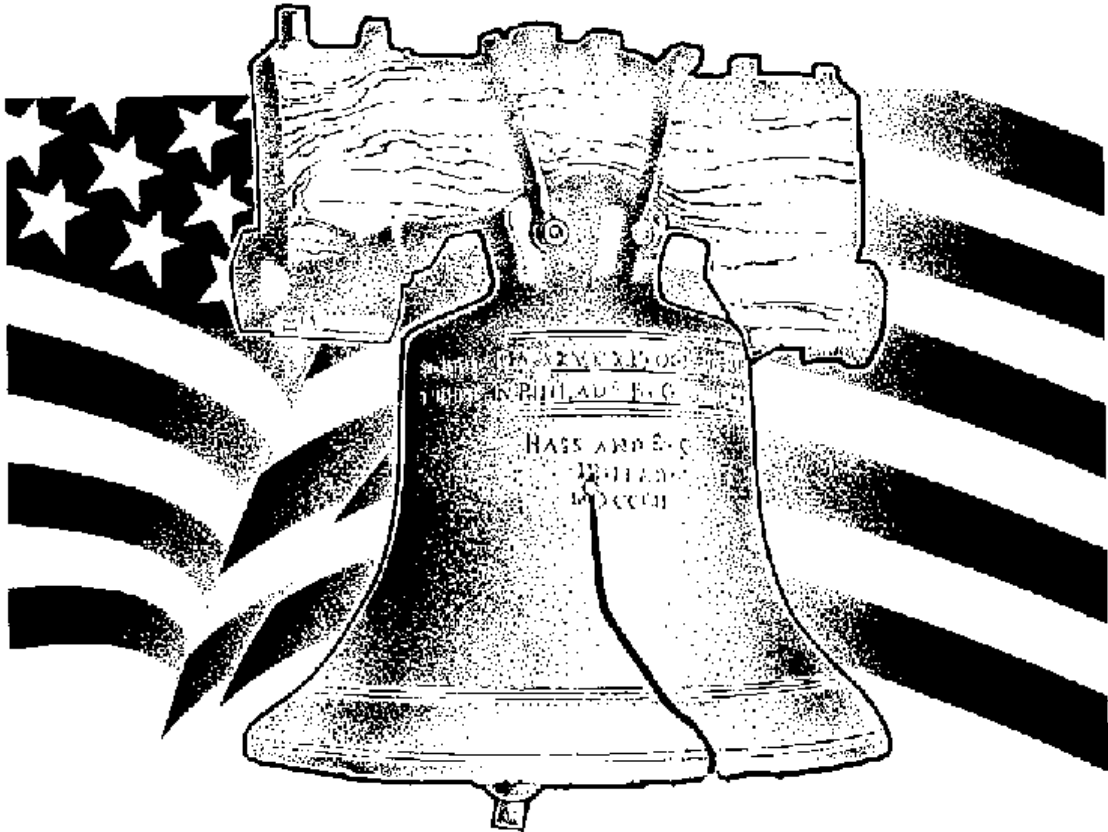
- The name of the person giving the training,
- The date the training was provided,
- The topics that were covered in the training, and
- The name of all attendee recipients of the training.

Documentation of training can be accomplished by the use of simple sign-in sheets which all participants sign at the end of the training session.

Keep your sign-in sheets in your files (along with a copy of this civil rights guide).

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## Part Five



## Title IX of the Educational Amendments of 1972

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### Part Five – Title IX of the Education Amendments of 1972



#### Information About Title IX – Education Amendments of 1972

Title IX prohibits discrimination on the basis of sex in educational programs and activities that receive or benefit from federal financial assistance. **A provider may not exclude, deny or provide different or lesser services to applicants or beneficiaries on the basis of sex.**

#### Examples to Consider

Troc Nguyen operates an adult day care center. He contracts with a company, Senior Workers, Inc., to provide computer training and job placement to his seniors in care. Senior Works, Inc. will only accept senior males as part of its training and placement program although it does offer basic computer skills training to the elderly women as well.

*Mr. Nguyen should not knowingly subcontract with Senior Workers, Inc. considering that they may be in violation of Title IX. In addition, if Senior Workers, Inc. receives any type of federal funding, they may be in direct violation based on their exclusion of females from job placement and the receipt of federal funds.*

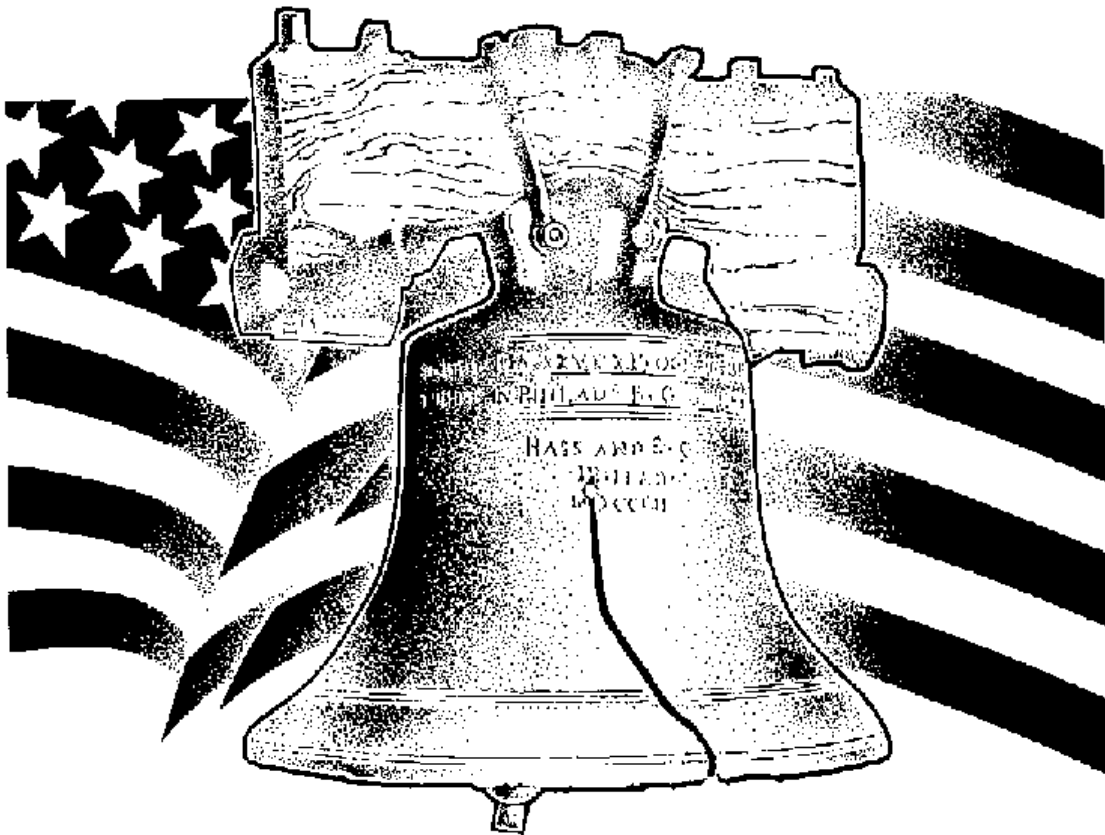
Advance Schools is a residential child care institution for older adolescents operating the NSLP. Part of the school's curricula is a training program in food preparation. The older boys are taught food preparation by chefs while the older girls are placed in meal planning and serving classes taught by less qualified teachers.

*Clearly, the boys in this instance are being treated preferentially over the girls. Both groups should be offered classes taught by the chefs and/or the other teaching staff on an equal basis.*

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## Part Six



## Section 504 of the Rehabilitation Act of 1973

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### Part Six – Section 504 of the Rehabilitation Act of 1973



#### **Information About Section 504 of the Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 specifically prohibits discrimination on the basis of disability by recipients of federal financial assistance.

Providers covered by Section 504 may not deny benefits or services to qualified individuals with disabilities or provide lesser benefits than they provide to others.

In general, a person with disabilities (physical or mental) is “qualified” if that person meets the essential eligibility requirements for receipt of services, or participation in the program or activity, with or without reasonable modification to rules, policies or practices.

**The purpose of this law is to ensure that covered programs (programs receiving federal funding) are as accessible to persons with disabilities as they are to non-disabled individuals.**

#### **Examples to Consider**

Janice is legally blind and wishes to enroll her child in the child care center. However, all material relative to admissions policies are not in Braille.

*In this instance, the child care center administrator should provide Janice with admission materials such as audiotapes or in Braille so that she has a level of information equal to that of any other new enrollee.*

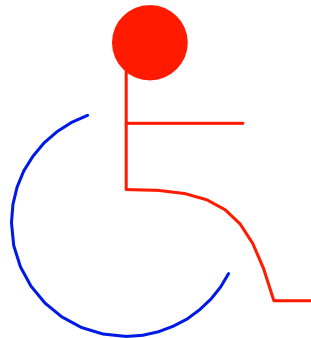
## Civil Rights and the Special Nutrition Programs

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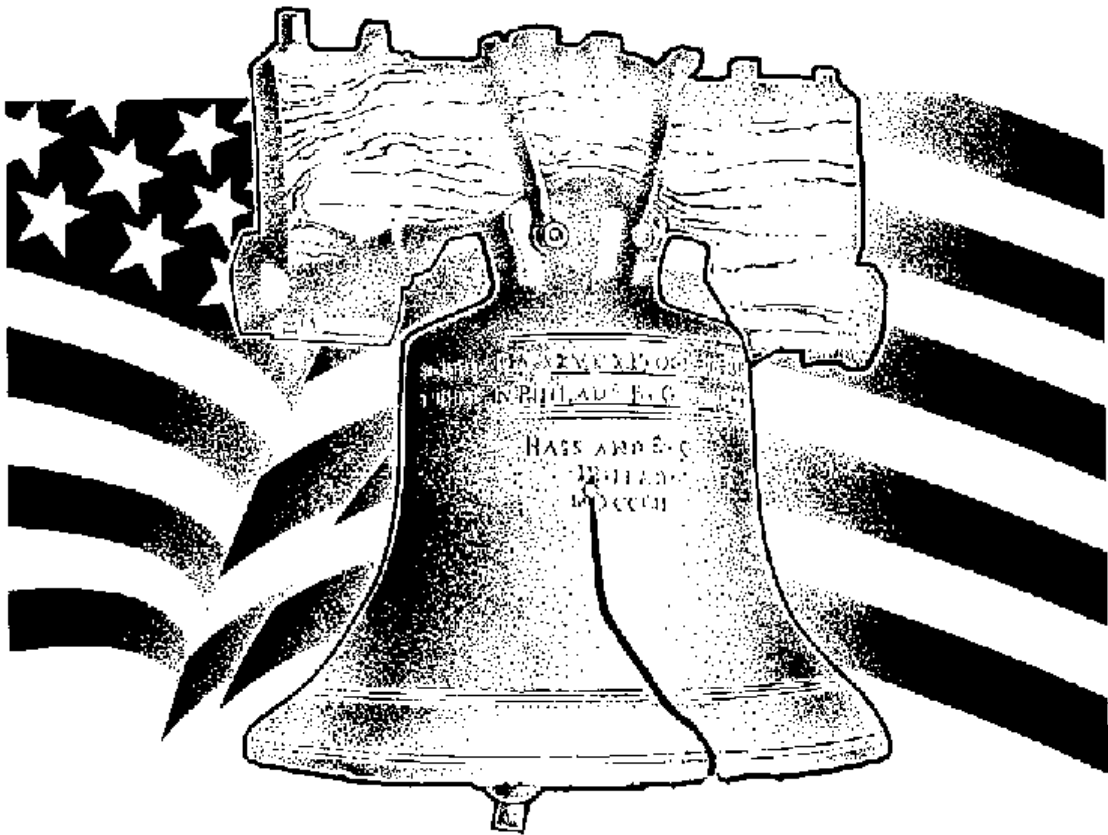
### Examples to Consider (contd.)

Mario is a thirty five year old male who has mild mental retardation and is applying for an educational program offered by an organization receiving federal funding. The organization's program has two educational tracks; one for people with a diagnosis of mental retardation and another for people who do not have a diagnosis of mental retardation. This program will only accept Mario into their program if he enrolls in the "retarded" program.

*If Mario is able to participate in the "non-retarded" program, he cannot be required to attend the "retarded" program. Programs that provide special benefits to people with disabilities are permitted, but, people with disabilities cannot be compelled to participate in these programs. And, even if separate programs are provided for persons with disabilities, the regular program may still be required to provide reasonable modifications.*



## Part Seven



## The Age Discrimination Act of 1975



## Civil Rights and the Special Nutrition Programs

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# Part Seven – The Age Discrimination Act of 1975



### Information About The Age Discrimination Act of 1975

The **Age Discrimination Act of 1975** states that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program activity receiving federal financial assistance.

#### **Examples to Consider**

Ellen is a spry, healthy, fully-functioning woman of 84. She walks daily to the Senior Citizen's Center for the adult day care luncheon. Recently, some of the "younger" seniors decided that Ellen and all those in her age bracket are just too old to fit into their "modern" conversational group. They pressure the food service director to find somewhere else for the "oldsters" to eat. Bowing to their pressure, the director establishes a policy that all persons over age 80 will be served in a separate dining room.

*If true, this is clearly a case of discrimination based on age.*

Marty supervises the food preparation facility in the Summer Food Service Program that operates in conjunction with a senior adults activity program. Marty will not, however, utilize the senior adults as SFSP program volunteers to work in the kitchen using the rationale that older workers tend to tire quickly and are not as productive as younger workers. If Marty used the seniors in this capacity, their status as program adults would enable them to receive free SFSP meals.

*Again, if true, this is another clear example of discrimination based on assumptions about age. Marty should consider the senior volunteers' experience and capability to do the job and not his own subjective, preconceived generalizations about "over 40" applicants.*

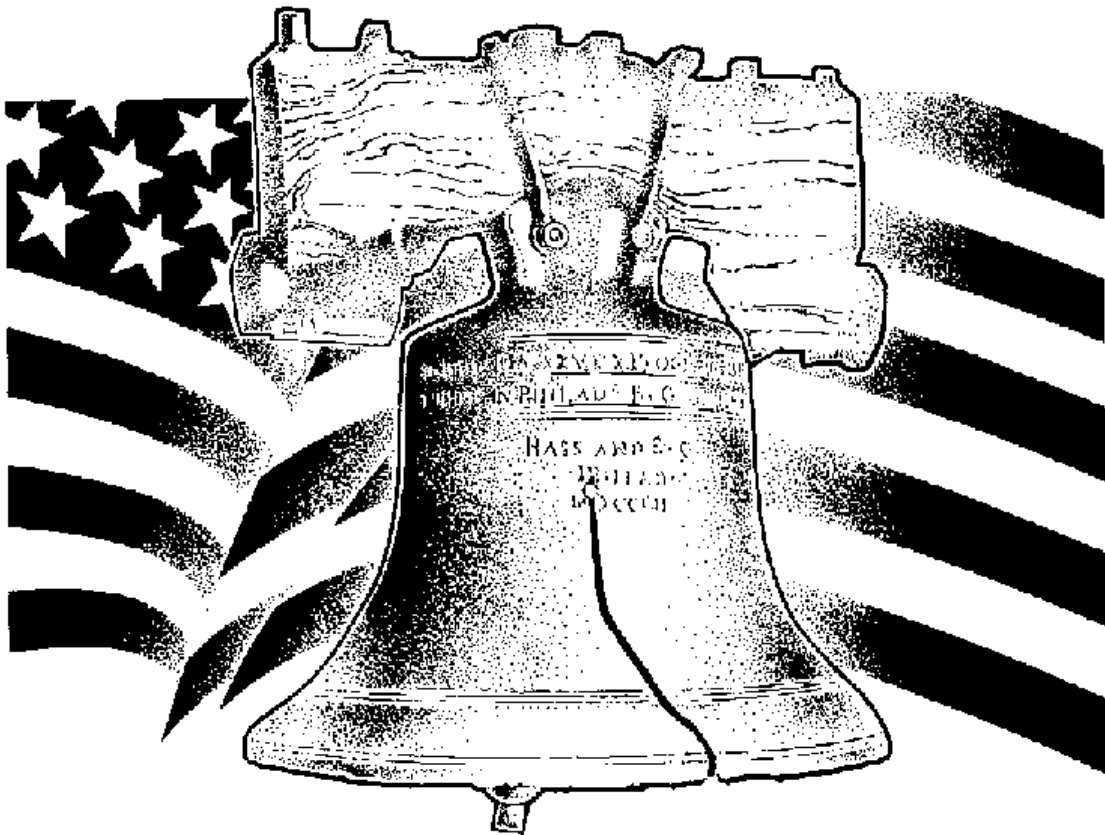
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### **The Age Discrimination Act of 1975**

# **Civil Rights and the Special Nutrition Programs**

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## Part Eight



## The Americans With Disabilities Act (ADA)

# Civil Rights and the Special Nutrition Programs

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## Part Eight – The Americans With Disabilities Act (ADA)



### Information About The Americans With Disabilities Act (ADA)

The Americans With Disabilities Act (ADA), which became effective on January 26, 1992, prohibits discrimination on the basis of disability by both public and private entities, **regardless of whether they receive federal financial assistance.**

The ADA prohibits discrimination in the full range of employment and personnel practices, such as recruiting, hiring, rates of pay, upgrading, and section for training. To be protected, an individual must have a disability as defined by the ADA and the individual must be qualified to perform the essential functions of the position, with or without a reasonable accommodation by the employer.

**In the global sense, this law prohibits discrimination against qualified disabled persons in achieving access to employment, services and/or facilities.**

### Different Sections, Different Protections

The ADA is broken up into three different protection areas that apply to SNP programs.

**Title I** deals with discrimination against persons with disabilities during the hiring process as well as after those persons become employed.

**Title II** covers public services provided by state and local governments and prohibits the exclusion of people with disabilities from participation in benefits, services, and activities offered by government entities.

## Civil Rights and the Special Nutrition Programs

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### **Different Sections, Different Protections**

**Title III** mandates access to privately operated places at public accommodations such as restaurants, banks, stores, and social service agencies, which would include all SNP sponsors and providers.

Title III also affects how business is conducted in that physical barriers to access must be removed to ensure that the businesses are physically accessible to persons with disabilities.

### **Examples to Consider (Hiring and Employment)**

Martin owns a small day care center and is hiring new caregivers. Maria, an applicant for one of these positions uses a wheelchair, but has an excellent history of care giving and a degree in early childhood development. Martin is concerned that Maria cannot do the job since she is not completely mobile.

*In this instance, Martin must consider Maria strictly from the viewpoint of whether she is qualified to handle the specific functions of the position without or without a reasonable accommodation. He cannot ask Maria if she is disabled or the extent of her disability. He may, however, ask Maria how she would perform the essential functions of the job in question.*

Amanda is the new in-coming food service director of a school operating the National School Lunch Program. She has "inherited" Rogelio who is legally blind but able to see and read enough to perform his job as a cook. Amanda decides to reassign Rogelio to kitchen maintenance as she feels he is too disabled to perform as a cook.

*Amanda cannot reassign Rogelio if his past and current performance meets the requirements set forth in the job description. In this instance, she is assuming he cannot do the job based on her incorrect perception that "legally blind" makes him unable to prepare meals adequately.*

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### Examples to Consider (Access and Services)

Joseph, who is in a wheelchair, cannot enter the main entrance to the building where the food service is located because the metal threshold at the bottom of that doorway is too high.

*In this scenario, alteration of the threshold would need to be completed so that the entrance is accessible.*

Mai has a congenital deformity of her jawbone and cannot eat foods that are crunchy or hard in the adult day care program she attends.

*Mai's food must be softened or pureed so that she can eat provided meals. Or, medically acceptable substitutes must be provided to her.*

Jose is legally blind and cannot read the signage in the facility that outlines services available.

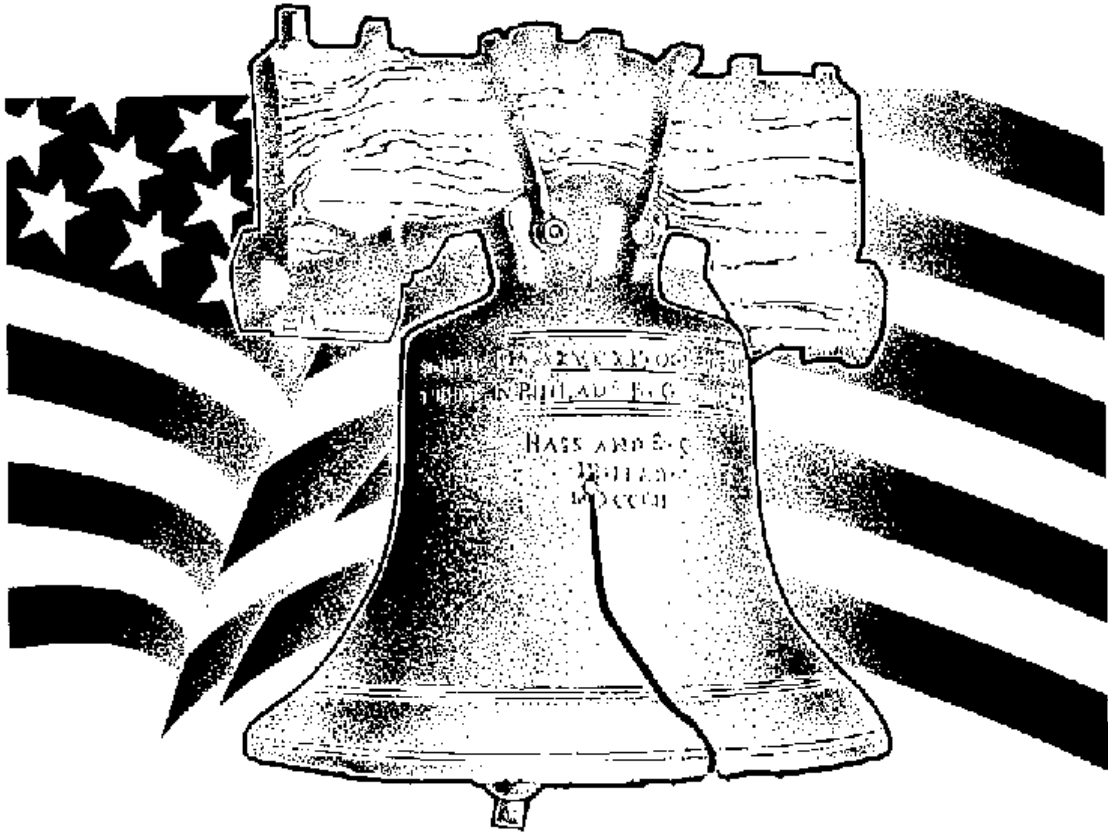
*The facility should provide someone to read to Jose, or provide a taped recording outlining available services, or have available some other means that effectively communicates the services provided.*

Martina must walk with a walker but cannot use the restroom because the stall door is not wide enough.

*Restroom facilities must be made to let persons with walkers or wheelchairs access the restroom facilities.*

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## Part Nine



**Using What You've Learned**

# Civil Rights and the Special Nutrition Programs

A Self-study Guide for SNP Contractors

## Part Nine – Using What You’ve Learned



### Accessing Our Comprehension

Now that we’ve looked at the various civil rights laws enacted to protect us all, let’s look at several scenarios to determine how much you’ve learned.

As you read through these situations, look for clues that tell you someone’s civil rights are potentially or actually being violated and underline those clues.

In addition, try to determine which of the specific laws are at issue in each scenario.

### The Scenarios

#### Scenario One

Rio Grande Academy, a Protestant private school, operates the National School Lunch Program. Mid-term, two children are suspended from the school based on the administrator learning that the parents of these children are adherents to the Muslim faith. Up to this point, the children have been excellent students.

What are the issues? What CR laws are involved?

#### Scenario Two

During an inventory review, a Summer Food Service Program contractor has noticed that large amounts of bulk foods are missing from the central kitchen. A week later, an anonymous caller reports that several older Hispanic children (volunteers in the program) are selling these foods “on the street” and are bragging that they took the food from the contractor’s operation. The caller also reports that she can identify these volunteer youths who are selling the food.

### Using What You’ve Learned



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## The Scenarios (contd.)

### Scenario Two (contd.)

The contractor then decides to photograph all the Hispanic youth volunteers while none of the white or African-American volunteers are requested to do so.

What are the issues? What CR laws are involved?

### Scenario Three

A Special Nutrition Programs contractor is very conscientious in posting the USDA "...And Justice For All" posters as well as the two state posters. She has posted them in each of her administrative offices.

What are the issues? What CR laws are involved?

### Scenario Four

Bill is an elderly owner of a child care center. He is hiring new caregivers and interviews Rosalie. Rosalie reveals to Bill during her interview that she has worked in other child care centers and has references. She also tells Bill she needs this job very much because she cannot continue to make ends meet on her TANF and Food Stamp benefits.

After the interview, Bill throws Rosalie's application away because "all people on welfare are lazy and not to be trusted."

Was Bill prejudiced against Rosalie or did he discriminate against her in his hiring practices?

What are the issues? What CR laws are involved?

## Using What You've Learned

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## The Scenarios (contd.)

### Scenario Five

Mabel works in an adult day care center as a server in the food service. She consistently gives the men larger portions than the women because "men always have bigger appetites than women."

What are the issues? What CR laws are involved?

### Scenario Six

Frankie's grandmother, May, is his caretaker. She is 87 years old and severe arthritis which prevents her from climbing stairs. On several occasions, Frankie has complained that he doesn't like the meals they serve at his school's SFSP program.

May has tried to visit the feeding area at Frankie's school on several occasions but climbing the stairs is too painful for her and on one occasion she fell.

The elevators are undergoing extensive repair and will be out of service for most of the summer. The food service manager asks Frankie's grandmother not to come back until the elevators are repaired.

What are the issues? What CR laws are involved?

### Scenario Seven

Richard is a paraplegic, disabled veteran of 69 years of age. Richard would like to attend the elder adult educational programs offered by an adult day care center in his neighborhood. When he expresses his interest in being enrolled in these workshops, he is told that he can be enrolled in the group for disabled people or not at all.

## Using What You've Learned

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## The Scenarios (contd.)

### Scenario Seven (contd.)

When he questions this, he is told that his presence in the non-disabled group would be detrimental to the other participants' learning process and would slow down the instructor.

What are the issues? What CR laws are involved?

### Scenario Eight

Child Fusion Learning Academy, a school for gifted and special needs students, operate the National School Lunch Program. The building is designed to be visually appealing and stimulating to the students and is built on several elevations. The main cafeteria is located at the lowest level and is accessible only by flights of stairs.

What are the issues? What CR laws are involved?

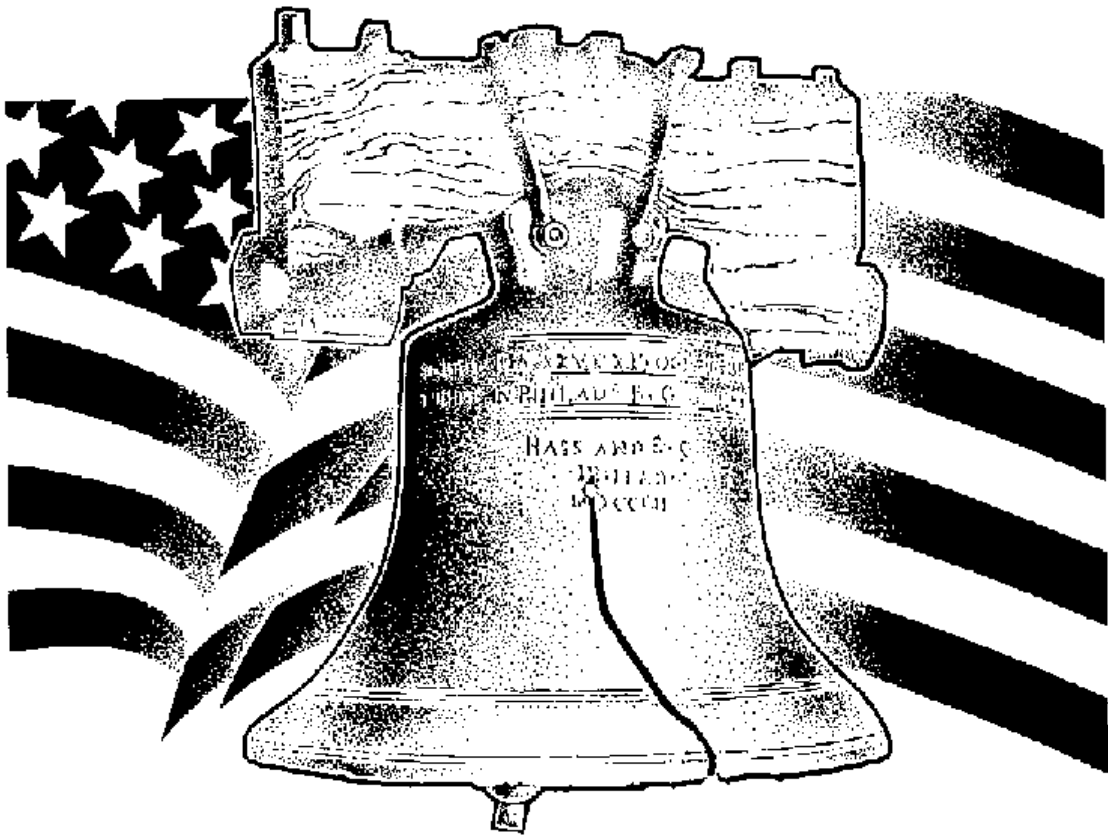
### Scenario Nine

Amie Tan is an Asian woman operating the CACFP day care home program. She will only sponsor other Asian women as day home providers because she feels she can only trust other Asians

What are the issues? What CR laws are involved?

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## Part Ten



**And Here's The Answer Key**

# Civil Rights and the Special Nutrition Programs

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## Part Ten – And Here’s The Answer Key



### The Scenarios

#### Scenario One

Rio Grande Academy, a Protestant private school, operates the National School Lunch Program. Mid-term, two children are suspended from the school based on the administrator learning that the parents of these children are adherents to the Muslim faith. Up to this point, the children have been excellent students.

*The basic issues at hand in this scenario are that these two children are being discriminated against based on their family's religion and possible political beliefs that would be violations of Title VI of the Civil Rights Act of 1964.*

#### Scenario Two

During an inventory review, a Summer Food Service Program contractor has noticed that large amounts of bulk foods are missing from the central kitchen. A week later, an anonymous caller reports that several older Hispanic children (volunteers in the program) are selling these foods “on the street” and are bragging that they took the food from the contractor’s operation. The caller also reports that she can identify these volunteer youths who are selling the food.

The contractor then decides to photograph all the Hispanic youth volunteers while none of the white or African-American youth volunteers are requested to do so.

*This practice (of photographing only one racial group of volunteers) potentially violates Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color or national origin. Also possibly violates Title VII of the Civil Rights Act of 1964.*

#### Scenario Three

A Special Nutrition Programs contractor is very conscientious in posting the USDA “...And Justice For All” posters as well as the two state posters. She has posted them in each of her administrative offices.

*The three posters must be placed in public areas such as food service areas or in areas where services are provided. Public notice is mandated by Titles VI and VII of the Civil Rights Act of 1964.*

## And Here’s The Answer Key

# Civil Rights and the Special Nutrition Programs

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## The Scenarios (contd.)

### Scenario Four

Bill is an elderly owner of a child care center. He is hiring new caregivers and interviews Rosalie. Rosalie reveals to Bill during her interview that she has worked in other child care centers and has references. She also tells Bill she needs this job very much because she cannot continue to make ends meet on her TANF and Food Stamp benefits.

After the interview, Bill throws Rosalie's application away because "all people on welfare are lazy and not to be trusted."

Was Bill prejudiced against Rosalie or did he discriminate against her in his hiring practices?

*First and foremost, Bill's prejudiced and stereotypical beliefs about welfare recipients have caused him to not consider a person who may have, in fact, been a very good employee. While no specific CR law was violated, Bill exemplifies prejudicial thinking at its worst.*

### Scenario Five

Mabel works in an adult day care center as a server in the food service. She consistently gives the men larger portions than the women because "men always have bigger appetites than women."

*In this instance, Mabel probably does not think she is discriminating against the female participants she is serving. Her thinking is most likely based on long-held stereotypical assumptions that men need larger servings/more food than women. However, she is, in fact, discriminating based on sex and is in violation of Title VI of the Civil Rights Act of 1964.*

### Scenario Six

Frankie's grandmother, May, is his caretaker. She is 87 years old and has severe arthritis which prevents her from climbing stairs. On several occasions, Frankie has complained that he doesn't like the meals they serve at his school's SFSP program.

May has tried to visit the feeding area at Frankie's school on several occasions but climbing the stairs is too painful for her and on one occasion she fell.

The elevators are undergoing extensive repair and will be out of service for most of the summer. The food service manager asks Frankie's grandmother not to come back until the elevators are repaired.

## And Here's The Answer Key

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## The Scenarios (contd.)

### Scenario Six (contd.)

*Under the civil rights laws, you may not discriminate against a person qualified for services OR the person who must seek the services on their behalf. In this scenario, Frankie's grandmother should be granted reasonable accommodation. Section 504 of the Rehabilitation Act and the Americans With Disabilities Act mandate that this woman should be able to visit and observe the meal site. In other words, have access and/or be able to interact with the organization.*

### Scenario Seven

Richard is a paraplegic, disabled veteran of 69 years of age. Richard would like to attend the elder adult educational programs offered by an adult day care center in his neighborhood. When he expresses his interest in being enrolled in these workshops, he is told that he can be enrolled in the group for disabled people or not at all.

When he questions this, he is told that his presence in the non-disabled group would be detrimental to those participants learning process and would slow down the instructor.

*Richard should be allowed to enroll in the programs based on his ability to learn and interact with other participants. Clearly, the organization is placing unreasonable qualifications on him. Violations are indicated with respect to Title IX of the Education Amendments of 1972.*

### Scenario Eight

Child Fusion Learning Academy, a school for gifted and special needs students, operate the National School Lunch Program. The building is designed to be visually appealing and stimulating to the students and is built on several elevations. The main cafeteria is located at the lowest level and is accessible only by flights of stairs.

*If this school accepts children who are disabled and have access issues, violation of the Americans With Disabilities Act of 1990 is clear. All areas of the campus should be accessible via ramps or elevators.*

## And Here's The Answer Key

# Civil Rights and the Special Nutrition Programs

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## The Scenarios (contd.)

### Scenario Nine

Amie Tan is an Asian woman operating the CACFP day care home program. She will only sponsor other Asian women as day home providers because she feels she can only trust other Asians

*If Amie has other non-Asian day home provider applicants who are equally qualified, failure to sponsor the non-Asian applicants would likely be a violation of Title VI of the Civil Rights Act of 1964.*

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**And Here's The Answer Key**

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