

# Proposed Local Law Number 6 Of 2021

## County of Ulster

### **A Local Law Repealing Local Law Number 2 Of 2013, And Establishing The Ulster County School-Based Mental Health And Safety Act Of 2021**

**BE IT ENACTED**, by the Legislature of the County of Ulster, as follows:

#### **SECTION 1. LEGISLATIVE FINDINGS.**

The Ulster County Legislature finds that a lack of adequate mental health services significantly affects school attendance and limits academic success for students' suffering from mental health issues. It has been demonstrated that access to school-based mental health treatment services improves school attendance and academic performance, and is especially effective in rural areas, like Ulster County, where families are often unable to travel great distances to reach mental health professionals.

It is imperative that students receive greater access to mental health services, which will both increase school attendance and academic performance, and also alleviate the pressure on families in Ulster County struggling with their child's mental health needs, coupled with a lack of access to adequate mental health service. The stigmatization of people dealing with mental health issues combined with the economic pressures on schools has reduced access to mental health services in Ulster County. Recent funding cuts to Ulster County-based mental health programs have only exacerbated this gap in services.

The Ulster County Legislature believes it is in the best interests of the citizens of Ulster County to share its sales tax receipts with school districts for educational purposes. Several other counties in New York share sales tax receipts with school districts. To that end, the Ulster County Legislature has developed a financing plan to overcome the financial obstacles to the establishment of a school-based mental health treatment services plan by removing the need for school districts to subsidize these services.

This plan shall include an annual contribution codified by the Ulster County Legislature of not less than 2.75 percent of Ulster County Government's net sales tax receipts to be shared with School Districts. Proceeds must be distributed based on student population and used to offset costs associated with mental health programs and for the funding of **additional staff, including but not limited to, psychiatrists, clinicians, counselors, mental health nurse practitioners, and School Resource Officers.**

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School districts in Ulster County depend on the Ulster Board of Educational Cooperative Services (BOCES) for a variety of programs and services to meet their educational and financial goals. The BOCES model provides accountability, municipal sharing, efficiency and equity.

As such, schools may choose to use this funding to create or enhance existing school-based mental health programs or authorize Ulster BOCES centralize mental health professionals and deploy staff to meet the individual needs of each school district.

**SECTION 2. TITLE.**

This Law shall be known as the Ulster County School-Based Mental Health And Safety Act of 2021.

**SECTION 3. DEFINITIONS.**

As used in this local law, the following terms shall have the following meanings:

“Ulster County Charter and Government (Ulster County)”: shall mean the government of Ulster County as defined by Article I of Chapter C. Except as outlined herein, no function, agreement, duty or power of any city, town, or village, is or shall be transferred, altered, or impaired by this Law.

“Ulster County Legislature (Legislature)” pursuant to Article II section 5 of the Ulster County Charter, is defined as the appropriating and policy-determining body of the County and, as such, shall have and exercise all powers and duties now or hereafter conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, and all the powers assigned to it by the Ulster County Charter and restricted as therein provided. Among such powers and duties, but not by way of limitation. Further, Section C11(O) of the Ulster County Charter authorizes the Legislature to approve the execution of all contracts in excess of \$50,000 entered into by the County and Section A2-6(A)(3) of the Ulster County

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Administrative Code provides that the Chairman of the Ulster County Legislature can, upon approval of the County Legislature, enter into an inter-municipal Shared Services agreement (ISSA) on behalf of the County of Ulster.

“School-Based Mental Health Clinic (SBMH)” shall mean a mental health clinic inside a school and offer an assortment of programs and services targeting those students who have emotional and behavioral difficulties in education settings.

“Ulster County School Districts” shall mean (Schools); all public schools within Ulster County, as defined by the New York State Education Department.

“Board of Cooperative Educational Services (BOCES)” created in 1948 by the New York State legislature. BOCES serve New York State schools. BOCES has grown from the birth of the cooperative services concept in 1948 to the present through an evolutionary process combining the success of BOCES services with appropriate changes in legislation. The BOCES of New York State have become true educational service agencies serving local school districts, the community, and the State Education Department. New York General Municipal Law, Section 119-n(a), the definition of a municipal corporation includes a board of cooperative educational services (BOCES).

“Ulster County Mental Health Department (UCMHD)” pursuant to Article VI of the Ulster County Charter, is the Local Government Agency responsible for planning, funding and monitoring of community mental health, mental retardation/developmental disability and alcohol and substance abuse services in Ulster County.

“Commissioner of the Ulster County Mental Health Department (Commissioner of Mental Health)” pursuant to Article VI, Section C-44 of the Ulster County Charter, is experienced in public mental health administration and meets the qualifications for this position as specified in the New York State Mental Hygiene Law and/or by the State Commissioner of Mental Hygiene. He or She shall have and exercise all the powers and duties conferred or imposed upon a Director of Community Mental Health or Community Services Board by the Mental Hygiene Law or any other law.

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“Ulster County Department of Finance (UCDF)” pursuant to Article VIII, shall be under the direction of a Commissioner of Finance.

“Commissioner of Finance (Finance Commissioner)” pursuant to Article VIII, Section 53 of the Ulster County Charter, b(1) is charged with the administration of all the financial affairs of the County: b(2) collect, receive, have custody of, deposit and disburse all revenues, fees and other funds of the County or for which the County is responsible; and, among other duties, b(7) have all the powers and perform all the duties conferred or imposed by law upon a county commissioner of finance and perform such other duties required by the County Legislature.

“Community Services Board (CSB)” pursuant to Article VI, Section C-45 of the Ulster County Charter, consists of 15 members who have demonstrated interest in behavioral health services.

“Ulster County Sheriff (Sheriff)” pursuant to Article XX of the Ulster County Charter, is the Chief Law Enforcement Official in Ulster County. The Sheriff is responsible for protecting life and property, preventing crime, solving problems and fostering good will through courtesy and professionalism.

“Ulster County’s portion of Sales Tax receipts (Receipts)” shall mean the portion of Sales Tax receipts reserved exclusively for the Ulster County Government. It shall not include the portion of Sales Tax that is subject to an agreement with Ulster County Municipalities and the City of Kingston.

“School Resource Officer (S.R.O.) Program” shall mean an educator, law enforcer and counselor who visits classrooms and teaches students concepts of safety, traffic laws, general law, and crime prevention techniques. The S.R.O. will work closely with individual teachers to create special programs tailored to specific units of study to help increase student awareness and understanding of laws and personal safety. The S.R.O. provides a positive image of law enforcement in an effort to help young people make constructive choices in their lives. The S.R.O.’s primary duty is to protect the school’s safe environment and to maintain an atmosphere where students, teachers and staff feel safe enough to learn.

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“Inter-municipal Shared Services Agreement (ISSA)” a shared service agreement is the joint provision, performance or delivery of a service, facility, activity, project or undertaking by two or more municipalities which each may lawfully undertake separately. For purposes of this Local Law, School Districts shall be considered and treated as municipalities.

“Superintendent of Schools (Superintendent)” is the chief executive officer of a school district.

**SECTION 4. ADMINISTRATION.**

This local law shall be implemented and administered in the following manner:

1. The Commissioner of Finance is hereby authorized to perform the following actions:
  - a. Disburse not less than 2.25 percent of the Ulster County portion of Sales Tax receipts to Ulster County School Districts for the creation or enhancement of school-based mental health programs and services.
  - b. Disburse an additional .50 percent of the Ulster County portion of Sales Tax receipts to Ulster County School Districts for **additional staff, including but not limited to, psychiatrists, clinicians, counselors, mental health nurse practitioners, and** school resource officers. Funds shall be allocated based on student population as of September 1<sup>st</sup> of the current school year.
  - c. Submit an annual estimate of revenue for each ensuing fiscal year to the Superintendent of Schools and the President of Boards of Education for each School District on, or before, the first day of January of each calendar year.

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d. The Commissioner of Finance is hereby is authorized to distribute county sales tax receipts to the Superintendents of Schools of each School District in the amount prescribed.

2. The Commissioner of the Ulster County Mental Health Department, in consultation with the Community Services Board, shall be authorized and directed to perform the following actions:

a. Conduct a needs assessment of mental health services in Ulster County School Districts and report its findings to the Legislature within 90 days.

b. Provide assistance to Ulster County School Districts and BOCES based upon the findings of the needs assessment.

c. Procure Intermunicipal shared services agreements on behalf of the County.

d. Report the Program's efficacy to the County Legislature on an annual basis.

e. The Commissioner of Mental Health Department, in consultation with the Legislature's ~~Health and Personnel~~ **Committee on Health, Mental Health and Social Services**, is hereby authorized to develop procedures necessary to implement this section.

3. School Districts will exercise the following options, as stated in Section 4 (1)(a);

a. For the purposes of funding a variety of services that may include counseling, conflict mediation and resiliency building, alternatives to violence and gangs, attendance monitoring, community referral and liaison work, school dropout, suicide prevention, crisis intervention, child and family advocacy, peer mediation and intervention programs, anti-bullying, and eating disorders awareness and prevention programs.

i. Receive their allocation in the form of direct aid, or

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ii. Receive their allocation in the form of mental health professional services through Ulster County BOCES.

b. Schools will use an allocation of .50 percent, as prescribed in 4(1)(b) for **additional staff, including but not limited to, psychiatrists, clinicians, counselors, mental health nurse practitioners, and School Resource Officers,** ~~in consultation with the Ulster County Sheriff, to safely provide security to those in educational settings.~~

**SECTION 5. REPEAL OF LOCAL LAW NUMBER 2 OF 2013.**

Local Law Number 2 of 2013 is hereby repealed.

**SECTION 6. SEVERABILITY.**

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section of part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 7. EFFECTIVE DATE.**

This Local Law shall become effective 120 days after its filing with the Office of the Secretary of State of the State of New York.