§ 2556. Buildings, sites, et cetera. 1. A board of education is authorized and it shall have power to purchase, repair, remodel, improve or enlarge school buildings or other buildings or sites, and to construct new buildings, subject to such limitations and restrictions and exceptions as are herein provided.

2. Whenever in the judgment of a board of education it is necessary to select a new site, or to enlarge a present site, or to designate a playground or recreation center, or to acquire title to or lease real property for other educational purposes authorized by this chapter, such board may take options on property desirable for such purposes but before taking title thereto shall pass a resolution stating the necessity therefor, describing by metes and bounds the grounds or territory desired for each of such purposes, and estimating the amount of funds necessary therefor. An item for such amount, if funds are not available for the purchase or lease of such property, may be included in the next annual budget, if not included in a special budget as herein provided.

3. Whenever in the judgment of a board of education the needs of the city require a new building for school purposes or for recreation or other educational purposes authorized by this chapter, or when in its judgment a building should be remodelled or enlarged, such board shall pass a resolution specifying in detail the necessity therefor and estimating the amount of funds necessary for such purpose. An item for such amount, if funds are not available for the construction of such building, may be included in the next annual budget, if not included in a special budget as herein provided.

4. No site shall be designated except upon a majority vote of a board of education and no building shall be constructed, remodelled or enlarged until the plans and specifications therefor are approved by the board of education.

5. It shall be unlawful for a schoolhouse to be constructed in the city of New York without an open-air playground attached to or used in connection with the same. Existing playgrounds shall not be sold, leased

or transferred, or permanently authorized for other uses such as school building construction, renovation, placement or storage of building materials for such work that would eliminate the use of such playground space for outdoor recreational activities unless a plan is established and implemented to provide suitable and adequate physical activities or space to accommodate the physical and recreational needs of the pupils of such building. The provisions of this subdivision shall not apply to school construction or renovation activities that occur on or require the use of such playgrounds for a duration of no more than one year.

* 5-a. (a) Notwithstanding subdivision three-a of section four hundred eight of this chapter, it shall be unlawful for a new schoolhouse to be constructed in the city of New York within five hundred feet of a controlled-access highway unless (i) the president of the New York city school construction authority determines that there is no other appropriate site to erect such schoolhouse; (ii) if such schoolhouse is planned to contain a secondary school, the community district, as such term is defined in section twenty-five hundred ninety-a of this title, in which the site of such schoolhouse is to be located has a projected enrollment rate for secondary school education greater than seventy percent of its capacity, based on the most recent report issued pursuant to section 21-988 of the administrative code of the city of New York; (iii) if such schoolhouse is planned to contain an elementary school or a middle school, the subdistrict, as such term is defined in section 21-989 of the administrative code of the city of New York, in which the site of such schoolhouse is to be located has a projected enrollment rate for elementary school education or middle school education, as applicable, greater than seventy percent of capacity, based on the most recent report issued pursuant to section 21-988 of the administrative code of the city of New York; (iv) the site of such schoolhouse is located on a property a portion of which is used or is planned to be used for residential or commercial purposes; or (v) plans for such schoolhouse include adequate engineering controls to address air quality, based on regulations promulgated by the New York city department of environmental protection.

(b) For purposes of this subdivision, neither the construction of a new schoolhouse upon the site of an existing schoolhouse nor an addition nor an annex constructed to serve an existing schoolhouse shall be

considered construction of a new schoolhouse.

(c) For purposes of this subdivision, a "controlled-access highway" shall mean: (i) a controlled-access highway as defined by section one hundred nine of the vehicle and traffic law under the jurisdiction of the commissioner of transportation which has been functionally classified by the department of transportation as principal arterial - interstate or principal arterial - other freeway/expressway on official functional classification maps approved by the federal highway administration pursuant to part 470.105 of title 23 of the code of federal regulations, as amended from time to time; and (ii) a divided highway under the jurisdiction of the New York state thruway authority for mixed traffic with access limited as the authority may determine and generally with grade separations at intersections.

(d) Nothing in this subdivision shall be construed to create a private right of action to enforce the terms of this subdivision.

* NB Effective December 21, 2029

6. After a site has been selected and plans and specifications for a building thereon have been approved as provided herein, a board of education in a city having a population of more than four hundred thousand but less than one million may, in its discretion, by regulation deliver such plans and specifications to the common council or other local legislative body which may thereupon, in its discretion, award a contract for the erection of such building in the same manner and in accordance with the provisions of law regulating the awarding of contracts for the construction of municipal buildings of such city.

7. a. The board of education of the city of New York, with the permission of the department of parks and of the board of estimate, may construct schoolhouses and school playgrounds upon a portion of the public parks in the district east of the Bowery and Catharine street and south of Fourth street in such city.

b. The board of education of the city of New York, with the permission of the department of parks and recreation and of the board of estimate, may construct a temporary schoolhouse upon a portion of a public park in the borough of Queens, commonly referred to as Equity Park.

Notwithstanding any inconsistent provision of subdivision nine of this section, such park land shall revert to the control and management of the department of parks and recreation seven years after the date of the completion of the construction of such temporary schoolhouse without further action of the board of education or of the board of estimate.

8. In a city having a population of one hundred twenty-five thousand or more and less than two hundred fifty thousand in which the common council, the board of estimate and apportionment and the board of contract and supply and the commissioner of public works or other city officials, or any one or more thereof, had the authority under the law in force prior to June eighth, nineteen hundred seventeen, to erect, remodel, improve, or enlarge school buildings or to purchase supplies or real property for any school purpose, such officers, board or boards shall continue to possess such powers and duties and to perform such functions.

9. When the real property of a city under the control and management of the board of education is no longer needed for educational purposes in the city, such board shall notify the common council of such fact and in a city having no common council, the council or other legislative body or the commissioners of the sinking fund, and such common council or such council or body or such commissioners of the sinking fund, as the case may be, may then sell or dispose of such property in the manner in which other real property owned by the city may be sold or disposed of and the proceeds thereof shall be credited to the funds under the control and administration of the board of education in such city, except that in a city where the proceeds of such sales were required by statute, in effect prior to June eighth, nineteen hundred seventeen, to be paid to the credit of the sinking fund established and maintained therein, the proceeds of such sales shall continue to be paid to the credit of the sinking fund of such city as required by statute, and except that in a city having a council or a board of estimate and apportionment, such council or board may, by resolution, authorize the use of the proceeds of such sale for other municipal purposes.

10. The board of education shall let all contracts for public work and

all purchase contracts to the lowest responsible bidder after advertisement for bids where so required by section one hundred three of the general municipal law.

10-a. In a city having a population of one million or more if the several parts of the work or labor to be done and/or the supplies, materials and equipment to be furnished shall together involve an expenditure of not more than fifteen thousand dollars, the same may be procured on order awarded to the lowest responsible bidder upon bids submitted without public advertisement under such regulations as shall be made by the board of education. Purchases of two hundred fifty dollars or less may be made without competition.

11. In all contracts by a board of education, in a city having a population of one million or more, for the construction, repair, alteration or remodeling of buildings or for the purchase of supplies, furniture or equipment, a stipulation may be inserted for liquidated damages for any breach, failure or delay in the performance thereof; and such board of education is authorized and empowered to remit the whole or any part of such damages as in its discretion may be just and equitable; and in all suits commenced on any such contracts or on any bond given in connection therewith it shall not be necessary for such board, whether plaintiff or defendant, to prove actual or specific damages sustained by reason of any such breach, failure or delay, but such stipulation for liquidated damages shall be conclusive and binding upon all parties.

12. In a city having a population of one million or more a board of education may make rules and regulations governing the qualifications of bidders entering into contracts for the erection and construction of buildings, and for the alteration of buildings when the entire cost of such alteration shall exceed twenty-five thousand dollars. The bidding may be restricted to those who shall have qualified prior to the receipt of bids according to standards fixed by the board of education, provided that notice or notices for the submission of qualifications shall be published in the official publication of the municipality, and in an appropriate trade journal published in such city, at least once, not

less than ten days prior to the date fixed for the filing of qualifications.

13. A board of education, in a city having a population of one million or more, may through its duly designated officers, agents or employees enter upon public or private property for the purpose of making surveys, soundings or test borings necessary for the exercise of the powers or the performance of the duties, of such board of education, provided however, that the mayor had formally approved the acquisition of the real property as a school site.

14. a. The chancellor of a city school district in a city having a population of one million or more shall compile an inventory of and issue a written report about the outdoor schoolyards in the city school district. Such inventory and report shall:

(i) identify each outdoor schoolyard located at educational facilities, as defined in subdivision nine of section twenty-five hundred ninety-a of this title, of the city school district. Each outdoor schoolyard shall be identified by the community school district in which the outdoor schoolyard is located, its address, approximate size and physical condition;

(ii) identify which outdoor schoolyards are used for physical education, activity and/or recreation; for each such outdoor schoolyard, a description of how often students of the city school district use the outdoor schoolyard and any limitations on the uses of the schoolyard;

(iii) identify which outdoor schoolyards are not used for physical education, activity or recreation. For each such schoolyard, an explanation of why it is not being used for physical education, physical activity or recreation by students of the city school district;

(iv) whether each outdoor schoolyard is used and the frequency of such use during the school day and whether it is available for use by students or the general public during after school hours;

(v) for each outdoor schoolyard, a description of the capital plans for construction, placement, renovation and/or reconfiguration thereof, and any plan to increase or decrease the availability and utilization thereof; and

(vi) any other facts, information and recommendations which the

chancellor deems necessary to improve the outdoor schoolyards of the educational facilities of the city school district. Such improvements shall be those that enhance the physical education, physical and mental fitness, and well-being of the students of the city school district.

b. On or before December thirty-first, two thousand twelve, the chancellor shall submit the inventory and report, compiled pursuant to paragraph a of this subdivision, to the governor, the temporary president of the senate, the speaker of the assembly, the chairs of the senate and assembly committees on education, and the department.

c. For the purposes of this subdivision, "outdoor schoolyard" means outdoor space which is located at educational facilities, and is used or intended to be used by students for physical education, physical activity and/or recreation.

15. a. The chancellor of a city school district in a city having a population of one million or more shall compile an inventory of and issue a written report and develop recommendations regarding transportable classroom units ("TCU" or also commonly known as a "trailer"). Such inventory, report and recommendations shall:

(i) identify each transportable classroom unit located in the city school district. Each transportable classroom unit shall be identified by the community school district in which it is located, its address with identification of any school building it is part of or associated with, its approximate size, its age, and a description of its physical condition;

(ii) identify the number of students served within each transportable classroom unit, including the grade level of such students, if applicable, the average class size within each transportable classroom unit, and a description of the amount of the school day the students spend within each transportable classroom unit;

(iii) provide recommendations to minimize the number of transportable classroom units within the city school district.

b. On or before December thirty-first, two thousand seventeen, the chancellor shall submit the inventory, report, and the recommendations

to minimize the number of transportable classroom units within the city school district, compiled and developed pursuant to paragraph a of this subdivision, to the governor, the temporary president of the senate, the speaker of the assembly, the chairs of the senate and assembly committees on education, and the department. Annually, on or before December thirty-first, the chancellor shall update such inventory, report and recommendations and provide such updated information and recommendations to the governor, the temporary president of the senate, the speaker of the assembly, the chairs of the senate and assembly committees on education, and the department.