**§ 2590-p. Educational facilities capital plan.** 1. In accordance with subdivision three of this section, the chancellor shall prepare proposed five-year educational facilities capital plans. Each such plan shall describe each program element proposed in the plan, and shall set forth an estimate of the cost of each program element, an estimate of the capital funding required each year and the expected sources of such funding. The plan shall also set forth an estimate of the cost of each project identified in the plan, shall assign priorities to the projects included therein and shall state the year in which each such project's design and construction is proposed to be initiated and estimated to be completed. In preparing the plan and each project contained therein, the chancellor shall factor and account for the effect of data provided by the office of city planning, the department of buildings, the department of housing preservation and development and the department of health and mental hygiene pursuant to subdivisions thirteen-a, thirteen-b, thirteen-c, and thirteen-d of section seventeen hundred twenty-eight of the public authorities law.

2. Program elements shall mean the following categories of work and, with respect to each such category, the plan shall include the following information:

a. New construction: The plan shall identify the type, approximate size in terms of gross square footage and student capacity and approximate location of each proposed new educational facility, and if the construction of such new facility is to result in the closing or replacement of an existing educational facility or facilities, the plan shall identify each such facility to be closed or replaced.

b. Building additions: The plan shall identify each educational facility for which a building addition is proposed and describe the nature, purpose and approximate size of such addition.

c. Major modernization and rehabilitation: The plan shall identify each educational facility at which a rehabilitation or major modernization is to be performed, describe the general scope of such work at each such facility and describe the nature and estimated cost of

the arrangements proposed in order to accommodate any students who will be temporarily displaced as a result of the work.

d. Athletic fields, playgrounds and pools: The plan shall identify each educational facility at which an athletic field, playground or pool is to be constructed or at which an existing athletic field, playground or pool is to be the subject of a major repair or rehabilitation.

e. System replacements: The plan shall identify (i) each particular system to be replaced, in part or in its entirety, including electrical, plumbing, boilers, elevators, heating, ventilation and air conditioning, roof replacement, window replacement, kitchens and warming pantries, lighting, exterior masonry and painting and plaster, (ii) the general standards to be adopted for such replacement systems and (iii) the number, and to the extent ascertainable, the identity of educational facilities in each borough at which each such system replacement is to be performed.

f. Security: The plan shall describe the nature of security devices and systems proposed to be installed at educational facilities and the number, and to the extent ascertainable, the identity of facilities in each borough at which such a security system is to be installed.

g. Educational enhancements: The plan shall describe programs for the redesign and reconfiguration of space within educational facilities in order to enhance educational activities therein, including the installation of wiring or other facilities to permit or facilitate the use of computers or other educational devices and equipment and shall identify the number, and to the extent ascertainable, the identity of educational facilities in each borough at which such educational enhancement programs shall be undertaken.

h. Emergency, unspecified and miscellaneous: The plan shall include an estimate of the funding requirements to perform emergency projects, unspecified projects and miscellaneous capital activities; provided, however, that the cost of such program element shall not exceed five percent of the total estimated cost of the five-year capital plan.

* 3. a. No later than January sixth, nineteen hundred eighty-nine, the chancellor shall, in conjunction with the submission of the educational facilities master plan required by section twenty-five hundred ninety-o of this chapter, submit the initial proposed five-year educational facilities capital plan to each community district education council, which shall conduct a public hearing on both the educational facilities master plan and the five-year educational facilities capital plan and shall prepare and submit recommendations to the chancellor on or before February twentieth, nineteen hundred eighty-nine with respect to matters in the plans that involve that school district. The chancellor shall consider the recommendations received from the community district education councils on both the proposed educational facilities master plan and the proposed five-year educational facilities capital plan, and, on or before March eighth, nineteen hundred eighty-nine, shall submit a final proposed five-year educational facilities capital plan to the city board for its approval. On or before March twenty-second, nineteen hundred eighty-nine, the city board shall approve the five-year educational facilities capital plan submitted by the chancellor or such plan as is determined by the city board, which shall take effect on July first, nineteen hundred eighty-nine.

b. Commencing on November first, nineteen hundred ninety-three, and every five years thereafter, the chancellor shall submit a proposed five-year educational facilities capital plan to take effect on the succeeding July first to each community school district education council, which shall conduct a public hearing and shall prepare and submit recommendations to the chancellor on or before January first of the ensuing year with respect to matters in the plan that involve that school district. Upon submission of such recommendations to the chancellor, the board shall make public, pursuant to this paragraph:

(i) a summary of the issues raised at such hearing;

(ii) a statement of the reasons why any significant alternative recommendations at such hearing were or were not incorporated into the final plan; and

(iii) a description of any changes made to the proposed plan as a result of the issues raised at such hearing.

The chancellor shall consider the recommendations received from the community district education councils, and, on or before February first of such year, shall submit a final proposed five-year educational facilities capital plan to the city board for its approval pursuant to paragraph (d) of subdivision one of section twenty-five hundred ninety-g of this article.

* NB Effective until June 30, 2028

* 3. a. No later than January sixth, nineteen hundred eighty-nine, the chancellor shall, in conjunction with the submission of the educational facilities master plan required by section twenty-five hundred ninety-o of this chapter, submit the initial proposed five-year educational facilities capital plan to each community school board, which shall conduct a public hearing on both the educational facilities master plan and the five-year educational facilities capital plan and shall prepare and submit recommendations to the chancellor on or before February twentieth, nineteen hundred eighty-nine with respect to matters in the plans that involve that school district. The chancellor shall consider the recommendations received from the community school boards on both the proposed educational facilities master plan and the proposed five-year educational facilities capital plan, and, on or before March eighth, nineteen hundred eighty-nine, shall submit a final proposed five-year educational facilities capital plan to the city board for its approval. On or before March twenty-second, nineteen hundred eighty-nine, the city board shall approve the five-year educational facilities capital plan submitted by the chancellor or such plan as is determined by the city board, which shall take effect on July first, nineteen hundred eighty-nine.

b. Commencing on November first, nineteen hundred ninety-three, and every five years thereafter, the chancellor shall submit a proposed five-year educational facilities capital plan to take effect on the succeeding July first to each community school district education council, which shall conduct a public hearing and shall prepare and submit recommendations to the chancellor on or before January first of the ensuing year with respect to matters in the plan that involve that school district. The chancellor shall consider the recommendations received from the community school district education council, and, on

or before February first of such year, shall submit a final proposed five-year educational facilities capital plan to the city board for its approval. On or before March first of such year, the city board shall approve the five-year educational facilities capital plan submitted by the chancellor or such plan as is determined by the city board. Upon submission of such recommendations to the chancellor, the board shall make public, pursuant to this paragraph:

(i) a summary of the issues raised at such hearing;

(ii) a statement of the reasons why any significant alternative recommendations at such hearing were or were not incorporated into the final plan; and

(iii) a description of any changes made to the proposed plan as a result of the issues raised at such hearing.

* NB Effective June 30, 2028

* 4. Following approval by the city board of a five-year educational facilities capital plan, the chancellor shall submit such plan to the mayor and the council of the city of New York for their approval. After consultation with the chancellor and the city board, the mayor shall include in the city's executive capital budget for the fiscal year in which the five-year plan is to commence an appropriation for educational facilities in an amount he or she recommends as sufficient to provide for the funding of a five-year capital program for the city board and shall specify amounts for each fiscal year within such five year period. Such five-year appropriation, which shall specify the annual amounts for each fiscal year to be made available, shall be subject to adoption, veto, and, except as hereinafter provided, amendment in accordance with the procedures set forth in the charter of the city of New York. Upon adoption of a five-year appropriation pursuant to such process, the capital program of the city board shall, if the amount so appropriated differs from the cost estimated in the plan approved by the city board, be amended to reflect the funding so provided. No reduction shall thereafter be made by the city in the amount of such appropriation until completion of the plan, unless (i) the chancellor with the approval of the city board shall so recommend or (ii) a general, across-the-board reduction is made in the city's capital appropriations in order to accommodate an unforeseen reduction in the availability of city capital funds. In the event the chancellor with the approval of the city board

so recommends or such a reduction is made, the appropriation may be reduced in accordance with such recommendation or proportionately to the reduction in the city's general capital appropriations. In the event the chancellor with the approval of the city board requests additional appropriations from such city during the five-year period of the then effective plan, the chancellor shall specify the needs to be met by such additional appropriations. The city may appropriate an additional amount for the five-year educational facilities capital plan; provided that in no event shall such an additional appropriation be conditioned upon a reduction or alteration of the five-year plan then in effect. The authority may not spend more in any fiscal year of the capital program than the amount specified in the five-year city appropriation therefor, as amended from time to time; provided that any amounts not expended during a fiscal year may be expended in any succeeding fiscal year; and provided further that the mayor may authorize funds to be expended at a rate faster than the amounts so specified, within the balance of the five-year appropriation available therefor.

* NB Effective until June 30, 2028

* 4. Following approval by the city board of a five-year educational facilities capital plan, the chancellor shall transmit such plan to the mayor and the council of the city of New York. After consultation with the chancellor and the city board, the mayor shall include in the city's executive capital budget for the fiscal year in which the five-year plan is to commence an appropriation for educational facilities in an amount he recommends as sufficient to provide for the funding of a five-year capital program for the city board and shall specify amounts for each fiscal year within such five year period. Such five-year appropriation, which shall specify the annual amounts for each fiscal year to be made available, shall be subject to adoption, veto and, except as hereinafter provided, amendment in accordance with the procedures set forth in the charter of the city of New York. Upon adoption of a five-year appropriation pursuant to such process, the capital program of the city board shall, if the amount so appropriated differs from the cost estimated in the plan approved by the city board, be amended to reflect the funding so provided. No reduction shall thereafter be made by the city in the amount of such appropriation until completion of the plan unless (i) the city board shall so recommend or (ii) a general,

across-the-board reduction is made in the city's capital appropriations in order to accommodate an unforeseen reduction in the availability of city capital funds. In the event the city board so recommends or such a reduction is made, the appropriation may be reduced in accordance with such recommendation or proportionately to the reduction in the city's general capital appropriations. In the event the city board requests additional appropriations from such city during the five-year period of the then effective plan, the city board shall specify the needs to be met by such additional appropriations. The city may appropriate additional amount for the five-year educational facilities capital plan, provided that in no event shall such an additional appropriation be conditioned upon a reduction or alteration of the five-year plan then in effect. The authority may not spend more in any fiscal year of the capital program than the amount specified in the five-year city appropriation therefor, as amended from time to time; provided that any amounts not expended during a fiscal year may be expended in any succeeding fiscal year, and provided further that the mayor may authorize funds to be expended at a rate faster than the amounts so specified, within the balance of the five-year appropriation available therefor.

* NB Effective June 30, 2028

5. * a. The chancellor may in his or her discretion submit amendments to an approved five-year educational facilities capital plan to the city board, mayor, and city council for their approval.

* NB Effective until June 30, 2028

* a. The chancellor may in his discretion submit amendments to an approved five-year educational facilities capital plan to the city board for its approval.

* NB Effective June 30, 2028

b. The chancellor shall submit such amendments in the event (i) the estimated cost of any program element shall increase by more than ten percent from the estimate contained in the plan, (ii) a project will not be commenced within six months from the date set forth in the plan, (iii) a project to be performed at an identified educational facility is proposed to be performed at a different educational facility or (iv) a

project not identified in the plan, other than projects to be performed pursuant to paragraph h of subdivision two of this section, is proposed to be initiated.

c. In the event the city shall appropriate an amount less than the amount proposed to be funded by the city in the then approved five-year educational facilities capital plan, or in the event an appropriation shall be reduced below such level as provided in subdivision four of this section, the chancellor shall prepare and submit to the city board for its approval an amendment to such plan to reflect the reduced amount of funding from the city.

d. If the effect of any plan amendment would require an additional appropriation by the city, no such amendment shall be implemented unless and until the city shall make such additional appropriation.

e. Amendments submitted by the chancellor as described in paragraph c and in clauses (iii) and (iv) of paragraph b of this subdivision shall also be submitted to each affected community school board, which may conduct a public hearing and prepare and submit recommendations to the city board within forty-five days of such submission.

6. a. For each project included in an approved five-year educational facilities capital plan, the chancellor shall develop a detailed scope of the project, which shall include the following: (i) the purposes and public to be served, (ii) the programs to be conducted in the facility, (iii) the gross amounts of space and bulk for any building or structure, (iv) identification of the intent to use architectural, engineering or other consultant services and estimated fees for such consultant services, (v) the schedule of design and construction, (vi) the total estimated project costs, including costs for site acquisition, preparation and tenant relocation, design, construction and equipment, (vii) maximum estimated expenditures for the project for each fiscal year until its completion, (viii) costs associated with maintenance and operation of the physical plant, (ix) how the data provided by the office of city planning, the department of buildings, the department of housing preservation and development and the department of health and

mental hygiene pursuant to subdivisions thirteen-a, thirteen-b, thirteen-c, and thirteen-d of section seventeen hundred twenty-eight of the public authorities law is factored and accounted for, and (x) such other information as the chancellor shall specify. In the event, a project consists of a program element without identification of the particular education facility at which such project is to be performed, the detailed scope of the project shall specify the nature of the work to be performed, applicable price and quality standards, a list of the schools eligible for such work, annual performance targets and the total estimated costs of such project during each fiscal year until its completion.

b. The chancellor may request the New York city school construction authority, and the authority shall be authorized, to develop preliminary plans for each project, to assist the chancellor in the development of the detailed scope of project, to proceed with site acquisition for such project and to assist in responding to emergency projects undertaken pursuant of paragraph h of subdivision two of this section. The authority may expend moneys for such purposes for projects to be funded pursuant to subdivision four of this section in such amounts as are consistent with the city capital budget appropriation therefor.

* c. The chancellor shall prepare preliminary scopes (i) for each project contained within the program elements defined in paragraphs a and b of subdivision two of this section and, where appropriate, paragraph g of subdivision two of this section, (ii) for each major modernization project contained in paragraph c of such subdivision two, and (iii) for each new construction project contained in paragraph d of such subdivision two, and shall transmit such preliminary scopes to the affected community district education councils. The community district education council may hold hearings on such scope; provided, however, that the community district education council must submit any comments to the chancellor no later than thirty days following the date of submission. The chancellor shall consider the comments in preparing the scope that he or she will submit to the director of management and budget of the city pursuant to paragraph d of this subdivision.

* NB Effective until June 30, 2028

* c. The chancellor shall prepare preliminary scopes (i) for each

project contained within the program elements defined in paragraphs a and b of subdivision two of this section and, where appropriate, paragraph g of subdivision two of this section, (ii) for each major modernization project contained in paragraph c of such subdivision two, and (iii) for each new construction project contained in paragraph d of such subdivision two, and shall transmit such preliminary scopes to the affected community school boards. The community school board may hold hearings on such scope, provided, however, that the community school board must submit any comments to the chancellor no later than thirty days following the date of submission. The chancellor shall consider the comments in preparing the scope that he will submit to the director of management and budget of the city pursuant to paragraph d of this subdivision.

* NB Effective June 30, 2028

* d. For projects to be funded pursuant to subdivision four of this section, the chancellor shall transmit the detailed scope of each such project to the director of management and budget of the city for approval.

(i) Except as provided in paragraph b of this subdivision, no expenses shall be incurred by the city board or the authority for any such project prior to approval of the detailed scope of any such project.

(ii) No detailed scope of project shall be approved unless the total estimated costs of such project, together with the aggregate estimated costs of all projects for which a detailed scope has theretofore been approved, are within city capital budget appropriations available therefor. A detailed scope of project that is not disapproved by the director of management and budget within thirty days of its submission shall be deemed approved. To the extent the director disapproves all or part of a scope, he or she shall set forth in writing the reasons therefor.

(iii) Upon approval of the detailed scope of project, the chancellor shall refer such project to the New York city school construction authority for implementation in accordance with an agreement between the authority and the city board and shall transmit the approved project scope to the comptroller, whereupon the total estimated costs of such project as set forth in such approved project scope shall be available for expenditure.

(iv) Approval of the director of management and budget shall be required for any material change in the approved detailed scope of project or for any increase in the total cost of such project in excess of any reserve provided in the approved detailed scope of project. Such approval shall be given or deemed given in the manner provided herein.

(v) The provisions of this paragraph shall not apply to emergency projects undertaken pursuant to paragraph h of subdivision two of this section, the estimated costs of which, together with the costs of other projects undertaken pursuant to said paragraph h, does not exceed the amount set forth in the educational facilities capital plan for activities pursuant to paragraph h of subdivision two of this section.

* NB Effective until June 30, 2028

* d. For projects to be funded pursuant to subdivision four of this section, the chancellor shall transmit the detailed scope of each such project to the director of management and budget of the city for approval.

(i) Except as provided in paragraph b of this subdivision, no expenses shall be incurred by the city board or the authority for any such project prior to approval of the detailed scope of any such project.

(ii) No detailed scope of project shall be approved unless the total estimated costs of such project, together with the aggregate estimated costs of all projects for which a detailed scope has theretofore been approved, are within city capital budget appropriations available therefor. A detailed scope of project that is not disapproved by the director of management and budget within thirty days of its submission shall be deemed approved. To the extent the director disapproves all or part of a scope, he shall set forth in writing the reasons therefor.

(iii) Upon approval of the detailed scope of project, the chancellor shall refer such project to the New York city school construction authority for implementation in accordance with an agreement between the authority and the city board and shall transmit the approved project scope to the comptroller whereupon the total estimated costs of such project as set forth in such approved project scope shall be available for expenditure.

(iv) Approval of the director of management and budget shall be required for any material change in the approved detailed scope of project or for any increase in the total cost of such project in excess

of any reserve provided in the approved detailed scope of project. Such approval shall be given or deemed given in the manner provided herein.

(v) The provisions of this paragraph shall not apply to emergency projects undertaken pursuant to paragraph h of subdivision two of this section, the estimated costs of which, together with the costs of other projects undertaken pursuant to said paragraph h, does not exceed the amount set forth in the educational facilities capital plan for activities pursuant to paragraph h of subdivision two of this section.

* NB Effective June 30, 2028

e. For projects contained within a five-year educational facilities capital plan and not funded in whole or in part by the city, the chancellor shall refer such projects to the New York city school construction authority for implementation in accordance with any agreement between the authority and the city board.

* f. The chancellor and the president of the New York city school construction authority, shall notify the mayor of the amount of appropriated funds projected to be spent for (i) development of detailed scopes, (ii) development of preliminary plans, (iii) site acquisition and (iv) emergencies, and the mayor shall thereupon authorize the issuance of bonds therefor in accordance with the local finance law and shall notify the city comptroller of his or her authorization to expend such amounts for such purposes. Such notice shall be given or amended at least ten days prior to any expenditure included therein; provided that the chancellor, the president of the authority and the mayor shall develop procedures to expedite authorization of emergency expenditures. Neither the city board nor the authority shall expend funds for such purposes in excess of the amounts specified in such notice until the chancellor shall have amended such notice to reflect such excess. Upon approval of the detailed scope of a project, the mayor shall authorize the issuance of bonds therefor in accordance with the local finance law and shall notify the city comptroller of his or her authorization to expend appropriated funds for the entire estimated cost of such project.

* NB Effective until June 30, 2028

* f. The chancellor and the president of the New York city school construction authority shall notify the mayor of the amount of appropriated funds projected to be spent for (i) development of detailed

scopes, (ii) development of preliminary plans, (iii) site acquisition and (iv) emergencies, and the mayor shall thereupon authorize the issuance of bonds therefor in accordance with the local finance law and shall notify the city comptroller of his authorization to expend such amounts for such purposes. Such notice shall be given or amended at least ten days prior to any expenditure included therein; provided that the chancellor, the president of the authority and the mayor shall develop procedures to expedite authorization of emergency expenditures. Neither the city board nor the authority shall expend funds for such purposes in excess of the amounts specified in such notice until the chancellor shall have amended such notice to reflect such excess. Upon approval of the detailed scope of a project, the mayor shall authorize the issuance of bonds therefor in accordance with the local finance law and shall notify the city comptroller of his authorization to expend appropriated funds for the entire estimated cost of such project.

* NB Effective June 30, 2028

7. The provisions of subdivision a of section two hundred fourteen of the charter of the city of New York shall not apply to a proposed five-year appropriation made in accordance with subdivision four of this section, and the provisions of subdivision b of section two hundred seventeen of such charter shall apply only after the end of the fifth year of a five-year appropriation made pursuant to such subdivision. To the extent any other provision of chapter nine or ten of such charter is inconsistent with the provisions of this section, the provisions of this section shall govern.