

Early Learn – 3-K – Pre-K Comparison Sheet

| Use/space /construction related requirements | | | | |
|---|--|--|---|---|
| Note -Facilities must comply with: ADA as required by Code; NYC Health Code (Art. 47 for 3K and PK); NYC Building Code; NYC Fire Code | | | | |
| Facility Type | Early Learn (6 weeks thru 3 or 4 years old) | 3-K (3 yrs old by Jan 1 st school year) | Pre-K (4 yrs old by Jan 1 st school year) | Comments |
| Zoning use Group | 3 | 3 | 3 | |
| Location of classrooms in building | <ul style="list-style-type: none"> • No CRs in Cellar or in Basement with no windows • Basement with windows OK • Infants (less than 12 mos) and toddlers (12 to 24 mos) not above 1st floor • 3 year olds CRs on 1st, 2nd and 3rd floors • Two types of Early Learn: Child Care and Head Start | <ul style="list-style-type: none"> • No CRs in Cellar or in Basement with no windows • Basement with windows OK • 3 year olds CRs on 1st, 2nd and 3rd floors • No Classrooms above 3rd floor | <ul style="list-style-type: none"> • No CRs in Cellar or in Basement with no windows • Basement with windows OK • No Classrooms above 3rd floor | <p>3K and PK can be considered part of a “school” when the operation, management and control is provided by the school (e.g. DOE)</p> <p>Younger than 3K is a “child care service”</p> <p>Article 47: (B) A kindergarten or pre-kindergarten class operated as part of or located within any Elementary school; except that school programs that provide care to children younger than three years of age shall be deemed child care programs subject to this Code. "Operated as part of an elementary school" shall mean that there is identical ownership, operation, management and control of kindergarten or pre-kindergarten classes and elementary school classes.</p> |
| Location of other support spaces | 1 st , 2 nd and 3 rd floors only | No restriction | No restriction | |
| Building code occupancy group | I-4 | E | E | |
| CR space requirements | 30 SF /occupant | 30 SF /occupant | 30 SF /occupant | |
| Maximum class size | | 17 | 20 | |
| Maximum occupants/room | Max 10 for room with one door | Based on door egress capacity | Based on door egress capacity | |

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| WC Plumbing requirements | 1 WC/15 occupants for children 24 months and older | 1 WC/50 occupants | 1 WC/50 occupants | Toilets convenient to playrooms and CRs, with height and size usable by children without assistance |
| Plumbing requirements | Drinking water in or near classrooms and playrooms - Art 47 | Drinking water dispensing and cups or bubbler | Drinking water dispensing and cups or bubbler | Sinks (tempered water) in each PK CR or easy access to water |
| Hardware requirements for toilet rooms | No locks on toilet doors | Locks OK as long as door can be opened from outside | Locks OK as long as door can be opened from outside | Unisex toilet rooms for kids |
| Permit | Building C of O and Renewal every 2 years. Capacity to be listed on permit - Health code section 47 | C of O only | C of O only | |
| Students clothes storage | Garment hooks for each individual | Garment hooks for each individual | Garment hooks for each individual | Health code section 45 |
| Indoor play area | | Indoor play area available | Indoor play area available | Health code section 45 |
| Outdoor play area | Min. 5' fence surrounding | Shady outdoor play available | Shady outdoor play available | Health code section 45 |
| Outdoor Roof top play area | If roof top, 10' fence with additional 45 degree panel required | If roof top, 10' fence with additional 45 degree panel required | If roof top, 10' fence with | Health code section 47 |
| Safety plan | Fire safety statement required – | Safety plan required | Safety plan required | Health code section 43and 47 |
| Fire Safety | Art 47 for Child Care Facilities: Facilities obtaining a new permit or that are located in premises undergoing material alterations must be equipped with a sprinkler system that complies with the New York City Building Code. | Sprinkler required for fire area greater than 20,000 SF and for educational space below exit discharge level | Sprinkler required for fire area greater than 20,000 SF and for educational space below exit discharge level | BC903.2.3 Sprinklers in educational spaces below exit discharge level not required if each CR has a door that exits directly from CR to grade level |
| Fire Alarm | Manual or automatic FA system required. Interior FA required if more than 30 occupants Health code section 47 | Manual or automatic FA system required | Manual or automatic FA system required | BC907 |
| Window Guards | Required in all rooms, hallways and stairs – Art 47 | | | |
| Staff/child ratio | 1:4 | 1:20 for CR activity | 1:20 for CR activity | |
| Staff/child ratio | 1:4 | 1:10 for other activity | 1:12 for other activity | |
| cribs | Cribs 2' apart. Stackable cribs not allowed - Health code section 47 | NA | NA | |

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|--|----|--|--|------------------------|
| Student chairs | NA | Seats with backs | Seats with backs | Health code section 49 |
| Internal circulation in multi-use building | | Circulation paths between occupancies should not cross | Circulation paths between occupancies should not cross | DOE |
| | | | | |