

Town of Arnstadt
B VII/2020-0234

On the basis of Sections 19 para. 1, 20 para. 2 and 21 of the Thuringian Municipal and District Act (Thüringer Kommunalordnung - ThürKO) in the version published on 28 January 2003 (Law and Ordinance Gazette p. 41), last amended by Article 3 of the Act of 11 June 2020 (Law and Ordinance Gazette pp. 277, 278) and the provisions of the Thuringian Act on the Education, Upbringing and Care of Children in Kindergartens, Other Child Day Care Facilities and in Child Day Care (Thüringer Kindergartengesetz - ThürKigaG) of 18 December 2017 (Law and Ordinance Gazette p. 276), last amended by Article 11 of the Act of 11 June 2020 (Law and Ordinance Gazette p. 277, 281), of Sec. 20 para. 8 ff. of the Infection Protection Act of 10 July 2000 (Law and Ordinance Gazette. 1 p. 1045), last amended by Art. 1 and 2 of the Act of 19 May 2020 (Law and Ordinance Gazette 1 p. 1018), the town council of the town of Arnstadt adopted the new version of the statutes of the town of Arnstadt on the use of municipal day-care facilities for children in its meeting on ... :

**New version of the Statutes of the town of Arnstadt on the use of the day care facilities for children
in municipal sponsorship
(Kita-Benutzungssatzung - KitaBenS) dated 26 Nov 2020**

Contents

- § 1 Sponsor and legal form
- § 2 Tasks and principles
- § 3 Entitled persons
- § 4 Opening hours / closing hours / scope of care
- § 5 Registration / admission
- § 6 Catering
- § 7 Parents' obligations to cooperate
- § 8 Preventive health care
- § 9 Duty of supervision
- § 10 Duties of the pedagogical staff
- § 11 Behaviour in case of accidents, insurance
- § 12 Parents' council
- § 13 Parental contributions
- § 14 Exclusion of a child
- § 15 Amendment of contract, end of contract, termination
- § 16 Stored data
- § 17 Entry into force

§ 1 Sponsor and legal form

The day care centres

- child care “Zauberland”, Schulplan 4
- child care “Pustebume”, Ritterstraße 10
- child care “Haus der lustigen Strolche”, Zum Sportplatz 21
- child care “Benjamin Blümchen”, Karl-Liebnecht-Straße 38
- kindergarten “Wipfrataler Strolche”, Lehdegasse 4
- day-care centre “Regenbogen”, Auf der Setze 9
- child care “Regenbogen”, Auf der Setze 9

are maintained by the town as public facilities.

Their use in accordance with these Statutes creates a public-law user relationship.

§ 2 Tasks and principles

- (1) The tasks of the day care facilities are determined by the provisions of the Thuringian Law on the Education, Upbringing and Care of Children in Kindergartens, Day Care Facilities and in Child Day Care (Thüringer Kindergartengesetz - ThürKigaG) and the relevant legal ordinances.
- (2) The rights and duties under these Statutes shall be exercised by the legal guardians or the parent having legal guardianship (hereinafter referred to as “Parents”). Persons to whom the upbringing has been transferred in whole or in part by law or contract shall be deemed equal to parents in this respect.
- (3) By registering and admitting their child to a child day care facility, parents accept the care regulations of these Statutes. The same applies to the pedagogical concept of any day care centre. This also includes consent to care for their child from the age of two until the age of three in a mixed-age group of children from the age of three until they start school.

§ 3 Entitled persons

- (1) In principle, the day care centres are open to all children who have their main residence in the town of Arnstadt as defined by the Registration Law, subject to the availability of capacity. According to Section 2 ThürKigaG, there is a legal entitlement to a spot in a day care centre only for children from the age of one year old.
- (2) For children under one year of age, a demand-based spot offer is provided in accordance with the budget of the town of Arnstadt. If the demand for day nursery capacity exceeds the number of spots available, admission is based on the following criteria:
 - primarily children whose care is urgently needed for social and/or educational reasons,
 - if the parents are gainfully employed, working or in education,
 - then according to the time of registration, whereby earlier registrations have priority over later ones.

In all other respects, the admission criteria are determined according to Section 2 para. 4 ThürKigaG.

Should the situation of a day nursery child that led to its admission, change in such a way that the admission criteria are no longer met, the town of Arnstadt may terminate the nursery care by individual decision.

- (3) Children who reside in another municipality/town may be admitted to the day care centres on the basis of the right of request and choice according to Section 5 ThürKigaG or Section 5 of the Eighth Book of the Social Code (SGB VIII) if there is capacity available.
- (4) Children of the following ages are cared for in the day care centres:
 - child day care centre "Zauberland": end of first year of life until starting school
 - child day care centre "Pusteblume": end of second year of life until starting school
 - child day care centre "Haus der lustigen Strolche": end of second year of life until starting school
 - child day care centre "Benjamin Blümchen": end of first year of life until starting school
 - child day care centre "Wipfrataler Strolche": end of first year of life until starting school
 - day-care centre "Regenbogen": three months to 3.5 years
 - child day care centre "Regenbogen": end of second year of life until starting school
- (5) Once the maximum occupancy of the respective facility as stipulated in the operating permit has been reached, further admissions are only possible after capacity is available.

§ 4

Opening hours / closing hours / scope of care

- (1) The day care centres are usually open on weekdays from Monday to Friday from 6:00 am to 5:00 pm.
The detailed opening hours are regulated in the respective house rules of the day care centre. The opening hours of a day care centre are redefined by the day care centre's management after the parents' council has been consulted.
- (2) Parents have the option of choosing between full-day and half-day care:
 1. Full-day, with an average care time of 9 hours per day over a period of one care week (the scope of care should not exceed 10 hours per day).
 2. half-day (not more than 5 hours) from the opening of the day care facilities until lunch included.
- (3) The children should attend the facility regularly. In order to ensure an orderly daily routine and the participation of all children in the educational and play activities, parents are required to bring their children by 9:00 a.m. at the latest.
- (4) On Saturdays, Sundays and public holidays, on 24 December and 31 December the day care centres are closed.
Closure of the day-care centres on a daily basis for "straddle days", between Christmas and New Year, for building work and for the purpose of further training of the pedagogical staff is possible after consultation with the parents' council.

The determination of these closing days is usually announced to parents by 30 November for the following calendar year by posting in the day care centres and by publication in the official gazette of the town of Arnstadt. In the event of other urgent closures or reductions in opening hours (e.g. in the event of accidents or staff shortages), parents will be informed immediately. In the event of short-term closures, the town of Arnstadt is obliged to provide alternative spots within the scope of the available possibilities if there is evidence of a need for childcare that can be justified as urgent.

§ 5 Registration / admission

- (1) Based on the legal entitlement according to the ThürKigaG, parents are sent a day care card by the administration without having to request it. On presentation of this card, parents usually register their child for attendance at a day-care centre six months before the desired admission by presenting the valid child care card to the management of the day care centre of their choice. Registrations at short notice can be considered in justified exceptional cases (e.g. move, change of profession, etc.) as far as there is free capacity. If the child attends another day care centre at the time of registration, the parents must confirm that the care in this centre is effectively terminated at the time of the desired admission to the day care centre in question.
- (2) Children from other municipalities within Thuringia can be admitted due to their right of request and choice according to Section 5 ThürKigaG if there are free spots. Parents should apply for this with the town at least six months before the desired admission, stating their favourite desired day care centre.
- (3) The binding admission of a child to a day care centre is effected by signing the contract on the date specified therein. From the date specified in the contract, parents are obliged to pay the fee in accordance with the Fee Schedule, unless they have cancelled the care spot again in writing to the town council in good time at least four weeks before the planned admission of their child. Parents are also obliged to pay the fee if the child is not allowed to be cared for in the day care centre due to failure to present proof in accordance with paragraph 8 pursuant to Section 20 para. 9 clause 6 of the Law on the Prevention and Control of Infectious Diseases in Humans (Infektionsschutzgesetz - IfSG).
- (4) If the parents and their children intend to move their residence outside the area of the town of Arnstadt and if the child is to continue to be cared for in the day care centre they already attended before the move, as a rule, the parents must also inform the town of Arnstadt six months before the planned move.
- (5) The care in the day care centre can be revoked if the child has its main residence in another municipality/town or moves from the town of Arnstadt to another municipality/town and the spot is needed for the care of a child of our own town. For this purpose, the admission decision shall in principle come with a revocation proviso. The revocation must be delivered to the parents six months before the intended termination of the childcare. The parents must be heard beforehand.

- (6) Children from municipalities outside of Thuringia can be admitted as part of their right of choice according to Section 5 Social Code (SGB) - Eighth Book (VIII) - Child and Youth Welfare - if there are free spots, if the costs of the spot not covered by parental contributions are borne by the municipality of residence or the locally responsible agency of the local youth welfare of the child and/or by the parents themselves.
- (7) Before a child is admitted to a day care centre run by the town of Arnstadt for the first time, proof must be provided in the form of a medical certificate from a public health officer or a doctor that the child is fit and free of contagious diseases in accordance with the Law on the Prevention and Control of Infectious Diseases in Humans (IfSG). The certificate should also contain information about intolerances and allergies. In addition, prior to admission, parents must provide proof that medical advice has been given regarding the child's complete, age-appropriate and sufficient vaccination protection according to the recommendations of the Standing Commission on Vaccination. The medical certificate and the proof of vaccination counselling must not be older than four weeks from the first day of admission. Children suffering from contagious diseases according to IfSG are not admitted.
- (8) Prior to the start of care for a child from the age of one, proof must be provided to the management of the day care centre that the child has been sufficiently vaccinated against measles or is immune to measles, or that the child cannot be vaccinated due to a medical contraindication. Sufficient vaccination protection exists if at least one vaccination against measles has been given to the child in question from the age of one and at least two vaccinations from the age of two. Proof of sufficient vaccination protection or immunity against measles must be presented to the day care centre:
 1. vaccination documentation pursuant to Section 22 paras. 1 and 2 IfSG or a medical certificate, also in the form of documentation pursuant to Section 26 para. 2 clause 4 of the Fifth Social Code, stating that the child to be cared for has sufficient vaccination protection against measles according to the requirements of Section 20 para. 8 clause 2 IfSG,
 2. a medical certificate stating that the child in care is immune to measles or must not be vaccinated due to a medical contraindication, or
 3. confirmation from a state agency or the management of another community facility within the meaning of Section 33 No. 1 or 2 IfSG that proof in accordance with No. 1 or No. 2 has already been provided.
- (9) Parents are obliged to provide truthful information about the child and their person when registering, insofar as this is necessary for the admission of the child. All changes to the personal data collected during registration must be reported immediately to the administration or the management of the day care centre. If data is refused, incomplete or incorrect, the conclusion of a care contract may be refused.
- (10) The care begins with an acclimatisation period, which is arranged individually in consultation with the management of the facility according to the pedagogical concept of the day care centre.
- (11) The children admitted are cared for in age-homogeneous or mixed-age groups. The management of the respective day care centre decides on the formation of groups according to pedagogical and organisational aspects on the basis of the specialist staff available and the rooms available as well as according to the regulations of the ThürKigaG and the Thüringer Kindertageseinrichtungsverordnung (ThürKitaVO).

§ 6
Catering

- (1) A warm lunch consisting of an age-appropriate, healthy, varied meal rich in vitamins is provided in all day care centres. The costs for meals are to be borne by the parents and are settled directly between the parents and the external provider.
- (2) For the provision of catering in the day care centres, the parents conclude a contract under private law with the caterer. If a child does not share in the meals provided, he/she is to be brought after breakfast or picked up before lunch/mealtime.

§ 7
Parents' obligations to cooperate

- (1) Parents shall ensure regular and continuous attendance of the children in compliance with the opening hours of the facility as well as the chosen scope of care.
- (2) When the child is admitted to the day care centre, the parents declare in writing who, apart from themselves, is authorised to collect the child and can be notified in case of emergency (authorised person). The person authorised to collect the child should be at least 14 years old. This declaration may only be revoked or amended in writing.
In the care contract, the parents must indicate any other options to inform the parents (current private and business addresses as well as corresponding telephone numbers). Changes to this information must always be communicated to the management of the respective institution without being requested to do so.
Parents shall inform the day care centre of any significant changes affecting the child's personal care or health.
- (3) The parents hand over their child to the educational staff of the day care centre at the beginning of the care time and collect him/her again from the educational staff of the centre at the end of the care time.
If a child is not collected within the regular care time specified in paragraph 5, the child will continue to be cared for at the parents' expense. If the regular care time is exceeded several times, a fee may be charged in accordance with the day care Fee Schedule (Kita-Gebührensatzung - KitaGebS) after prior warning. In accordance with the house rules, the youth welfare office of the Ilm district will then be then informed via the rescue coordination centre of the district office. The costs for any expenses are borne by the parents.
- (4) If the child will be absent, the educational staff of the day care centre must be informed immediately, but no later than 9:00 a.m. on the first day of his/her absence. The expected duration of the absence must be indicated.
In the event of a child's unexcused absence, the spot may be reallocated after one month of uninterrupted absence and after the parents have been heard.
- (5) In the interest of the child and in the interest of cooperative partnership, parents must participate in parents' meetings and cooperate with the pedagogical staff in questions of education.

- (6) Parents must pay a fee in accordance with the respective valid fee statutes for the care of their child in a child day care facility. Parents must observe the provisions of the Statutes, including the Fee Schedule.
- (7) The house rules of the day care centre are binding for the parents.

§ 8 Healthcare

- (1) In the event of a suspicion or occurrence of a contagious disease within the meaning of the German Protection against Infections Act with the child or in the community the child lives in, the parents are obliged to inform the management or the pedagogical staff of the facility immediately. In these cases, the child must not come to the facility again until a medical clearance certificate has been obtained. In case of doubt, it is the public health officer who makes the decision.
- (2) In the event of a suspicion or clear occurrence of a contagious disease, the parents must immediately inform the management or the pedagogical staff of the day care centre. In case of any contagious illness (e.g. vomiting, diarrhoea) or suspicion of such illness, a medical clearance certificate may be requested by the management.
- (3) If symptoms of a child's illness are detected by the pedagogical staff, the parents will be informed immediately. You are obliged to collect the child immediately or arrange for collection.
- (4) As a rule, the educational staff does not administer any medication to the children. In exceptional cases, emergency preparations can be given by the pedagogical staff so instructed on the basis of a written order by the parents in connection with a doctor's order. The physician's written instructions must be clear and precise. The preparations are only accepted in their original packaging. The drugs are kept under lock and key.
- (5) Adults suffering from an infectious disease according to the Protection against Infections Act are not allowed to enter the day care facilities.

§ 9 Supervision

- (1) The care and thus the legal obligation to supervise the children begins with the physical takeover of the children by the pedagogical staff at the day care centre. The duty of supervision ends when the child is physically handed over to the parents or the person authorised to collect the child. On the way to the day care centre and on the way home, the parents or other authorised persons are responsible for supervision.
- (2) If the parents allow their child to travel to and/or from the day care centre alone, they must submit a written declaration to the management of the day care centre. In this declaration, the parents affirm that their child is experienced.

In these cases, the duty of supervision of the pedagogical staff ends with the departure of the child.

- (3) For children who come to the day care centres alone, the duty of supervision of the pedagogical staff begins as soon as the child has reported to the pedagogical staff.
- (4) At joint events of the day care centre and the parents (e.g. parties, excursions, etc.), the parents are responsible for supervision, unless another arrangement has been made beforehand regarding the supervision.

§ 10

Duties of the pedagogical staff

- (1) The day care centres fulfil their mandate for the well-being of the child in constant exchange with the parents and guarantee their right to information and advice regarding all questions about the development of their child. The pedagogical staff is available for information on the child's developmental status by arrangement. Only the parents are entitled to receive information. If necessary, the parents are referred to family education and early intervention services by the educational staff.
- (2) The mayor of the town of Arnstadt or a person authorised by him/her exercises the property rights of the facility. The management of the day care centre is authorised by the mayor to exercise the property rights of the facility.
- (3) The management of the day care centre or a person appointed by it shall conduct the admission interview with the parents and carry out the instruction in accordance with Section 34 para. 5 IfSG. They will request proof in accordance with Section 20 para. 9 clause 1 IfSG from the parents of children over the age of one year. If the diseases mentioned in the IfSG or a suspicion thereof occur, the management is obliged to immediately make the notifications and take the precautions prescribed by law.
- (4) The content of the pedagogical work is presented transparently by the pedagogical staff.

§ 11

Behaviour in case of accidents, insurance

- (1) Every child who is cared for in a day care centre of the town on the basis of an existing care contract is insured against accidents by law. The statutory insurance cover also applies on the direct way to and from the day care centre as well as for joint activities and events outside the centre (e.g. excursions) including the necessary ways there and back. Parents must immediately report accidents on the way there and back to the management of the day care centres.
- (2) The day care centres have taken out liability insurance. No liability is assumed for personal items brought along.

- (3) If the child suffers an accident in the day care centre or becomes seriously ill so that immediate help is required, the educational staff of the centre is to arrange for the necessary treatment by a doctor or hospital and inform the parents immediately.

§ 12 Parents' council

- (1) The parents of the day care centres have the right to establish a parents' council. The parents' council is elected in accordance with the regulations of Section 12 paras. 4 and 5 ThürKigaG. The town ensures the participation rights of the parents' council in decisions according to Sections 12 para. 2 and 2 ThürKigaG. In addition, the parents' council is involved in accordance with the regulations of Section 29 ThürKigaG in the event of a planned increase in the parents' fees or the catering fees.
- (2) Furthermore, the parents have the right to form a town parents' representation for the entirety of the day care centres of the town of Arnstadt.

§ 13 Parents' contributions

For the use of the facility, the parents of the children are charged a parental contribution to be paid in advance in accordance with the valid Fee Schedule forming part of these Statutes. The parental contribution is determined by means of an official notice.

§ 14 Exclusion of a child

- (1) The town of Arnstadt is entitled to exclude children from its day care centres on a temporary or permanent basis, subject to individual assessment:
1. children whose parents repeatedly violate the provisions of these Statutes or the Fee Schedule despite written warning.
 2. children whose parents counteract the continuous partnership with the staff of the institution in the education, upbringing and care of the child.
 3. children whose pick-up is not guaranteed by the closing time of the day care centre several times without excuse within a period of one month.
 4. children who are absent without excuse for more than one month without interruption or whose parents are more than two months in arrears with the payment of the care fee will be excluded for a limited period of time as of the following month, unless otherwise agreed in writing.
 5. Furthermore, the town of Arnstadt is entitled to exclude those children from attending a day care centre run by the town of Arnstadt on a temporary or permanent basis after a case-by-case assessment
 - who repeatedly and frequently seriously endanger the educational work in the institution and cannot be integrated into the community or
 - where there is a risk of the child endangering the health of other children or employees,
 - whose care requires an additional need for pedagogical staff, which cannot be met with the existing staffing ratio.
- Consultation of the parents must precede any intended exclusion.

- (2) The decision on exclusion is made by the municipal department in consultation with the management. Before permanent exclusion, it must be examined as part of an error-free exercise of discretion whether a temporary exclusion is sufficient to achieve the corresponding obligations to cooperate or act.
- (3) Normally, the intended temporary or permanent exclusion of the child must be announced to the parents with at least two weeks' notice. They are to be heard in advance. Any exclusion shall be made by official notice and, if permanent, shall be deemed to be deregistration. A temporary exclusion according to paragraph 1 no. 5 may also be ordered with immediate effect.
- (4) In the event of a ban on entering the premises in accordance with Section 20 para. 9 clause 6 IfSG or in the event of Section 8 para. 1, the childcare shall continue to exist as long as it has not been effectively terminated in accordance with the provisions of these Statutes. Parental contributions are still payable.

§ 15

Amendment of contract, end of contract, termination

- (1) Requests for changes to the contract (e.g. scope of care or spot of care) must be made in writing. As a rule, they must be received by the administration or management of the day care centre at least four weeks before the desired change in the care. They can only be made with effect from the 15th day of a month or at the end of a month.
- (2) Parents of children who are exempted from paying parental contributions in the following kindergarten years due to the legally regulated exemption from parental contributions have the opportunity, taking into account Section 30 para. 4 ThürKigaG, to choose or change the scope of care for their child by 31st January of the current year, which is to apply from 1st March before the start of the exemption from contributions until the end of the care in the day care centre. In principle, a reduction in the scope of care is also possible after 1st March, subject to compliance with the deadlines in paragraph 3. An increase in the scope of care in compliance with the deadlines according to paragraph 3 is possible in justified exceptional cases. For this purpose, the reasons for the increase in the scope of care must be explained to the town along with the application.
- (3) The care ends with the end of the contract, through termination of the contract or exclusion of the child. The contracting parties may terminate the care contract for good cause at any time with four weeks' notice in writing or by having it recorded with the competent department or the management of the day care centre with effect from the 15th day of a month or at the end of a month. The date of receipt of the mail at the day care centre or at the municipal administration is decisive for the observance of the deadline.
- (4) Children who are admitted to school are considered to be deregistered after the last possible day of care at the day care centre, unless they have already been deregistered beforehand in due time at the end of a month.

§ 16
Stored data

- (1) The personal data of the child, the parents and other children of the family required for the tasks according to the ThürKigaG, these Statutes and the Fee Schedule forming part of these Statutes are stored in automated files for the processing of the admission to a day care centre, for the collection of the user fees and for the legally required development documentation:
 - a) General data:
Names of parents, child, other siblings, dates of birth of children, habitual residence/residential address of parents and child, contact details (e.g. telephone numbers, e-mail addresses), desired admission or date and duration, chosen scope of care as well as data required for cash processing (e.g. bank details of the person liable for the fees).
 - b) Care charges:
Basis of calculation (e.g. presence of children, number of children entitled to child benefit in a family).
- (2) The data collected for the use of the day care centre will be deleted by the town after the purpose of the collection no longer applies.
- (3) The collected and stored data will also be used for the necessary notifications of the public health department according to the regulations of IfSG.

§ 17
Validity

These Statutes shall enter into force on the day following their publication in the "Arnschter Ausrufer" paper, the official gazette for the town of Arnstadt and its districts. Simultaneously, the 2nd Amendment of the Statutes of the Town of Arnstadt on the Use of Municipally-Owned Child Day Care Facilities (Kita-Benutzungssatzung - KitaBenS) dated 22 May 2015 as amended by the 1st Amendment Statutes dated 18 June 2018 and the 2nd Amendment of the Statutes of the Municipality of Wipfratal on the Use of Municipally-Owned Child Day Care Facilities dated 25 February 2016 are repealed and replaced.

Arnstadt, 26 November 2020
Town of Arnstadt

"signature illegible"
Frank Spilling
Mayor

- Official stamp -
<round stamp>
Thuringia
Town of Arnstadt