

# Schedule of Fees

## for daycare centers run by Studentenwerk Göttingen

Based on the German Act on Children and Youth Welfare (“Kinder- und Jugendhilfegesetz<sup>1</sup>”) and the Lower Saxonian Act on Daycare Facilities for Children (“Nds. Gesetz über Tageseinrichtungen für Kinder<sup>2</sup>”), the managing board of the Studentenwerk Göttingen has recently laid down the Schedule of Fees for daycare centers run by Studentenwerk Göttingen

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### Section I: General

#### § 1

#### Relationship of use

The Studentenwerk Göttingen (hereinafter referred to as childcare institution) supports and operates nurseries (daycare centers) for children according to the guidelines for daycare centers as stipulated by the Studentenwerk Göttingen.

The relationship of use between parents and the childcare institution will be formed under private law according to the following provisions. Each child will receive its individual Daycare Contract.

Parents as defined by the present Schedule of Fees shall include legal guardian(s).

#### § 2

#### Constituent parts of fees

Daycare shall be charged with a monthly fee under private law to be paid by parents.

The consideration is composed of

- a) monthly parental fees for daycare
- b) Food allowance

##### a) Monthly parental fees for daycare

. The amount charged varies according to the type of care as agreed in the contract (crèche, Kindergarten) and the number of childcare hours required. According to parents'/legal guardians' financial capacities, their fee will be classified to a scale of 7 different grades. Full-time shall be defined as 8 hours childcare per day. If further care exceeding 8 hours is being offered and demanded, each additional hour will be charged with an extra monthly fee (additional parental fee). This shall be valid regardless of whether the hours were taken at main daycare times or at extended daycare times. §§ 6 and 7 shall apply accordingly.

##### b) Food allowance

For educational reasons all children in full-time daycare shall be obliged to take part in common lunch meals at the daycare center. To this end, a fixed amount of food allowance must be paid in addition to the parental fee (see attachment).

Exceptions from this obligation to take part in common lunch meals including the obligation to pay food allowance can be granted only by the respective childcare institution.

Fees in the sense of this Schedule of Fees are defined as the payments mentioned in the sections above.

The extent of the different types of daycare services provided and the amount of fees charged as well as other payments due according to this Schedule of Fees shall be calculated according to the Appendix attached to this Schedule of Fees.

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1 Sozialgesetzbuch (SGB) Achtes Buch VIII: Kinder und Jugendhilfe / Kinder- und Jugendhilfegesetz (KJHG) as of 26 June 1990 (BGBl. I p. 1163) including Art. 32 published on 05.10.2021 (BGBl. I, P. 4607)

2 Nds. Gesetz über Tageseinrichtungen für Kinder (KiTaG) in the version published on 07.07.2021 (Nds. GVBl., 470) including Art. 13, published on 16.12.2021 (Nds. GVBL. P. 883)

### **§ 3 Fees and extent of services**

When daycare starts in the first half of a month (between 01<sup>st</sup> and 15<sup>th</sup> day of month) the fees shall be due in full amount.

If settlement of childcare will be in the second half of a month, the parental fee and food allowance will be reduced by 50 % for this month.

Fees shall be due in full for each month of the entire contract period.

The fixed amount of the monthly fees to be charged duly accounts for

- closing/holiday times of daycare centers (§ 2 of the guidelines of daycare centers run by Studentenwerk)
- times of children's absence (e.g. due to illness, holiday, treatment at a health resort)

## **Section II: Parental fees**

### **§ 4 Classification according to scale grades**

The financial capacity of parents shall be taken into account by classification according to one of the following scale grades: Classification according to scale grades is updated on a regular basis at the beginning of each childcare year or as a reaction to a special occasion. Until actually assessed by the relevant administrative office of the City of Göttingen, parents classify themselves on a tentative basis according to their gross income. If no such tentative self-classification has been made, parents will be obliged to pay the fee charged for grade 7 until their incomes have been finally assessed by the City of Göttingen. Classification according to one of the following scale grades takes parents' financial capacities into consideration.

#### **a) Scale grade 1**

Parental fees of scale grade 1 shall be charged to

- Parents/single parents, who are granted accommodation allowance pursuant to the German Act on Housing Subsidies ("Wohngeldgesetz"),
- Parents/single parents, who are granted basic financial benefits for those who seek work according to the German Code of Social Law (SGB) II,
- Parents/Single parents, who have the right to receive or waiver the care fee according § 90 Abs. 4 SGB VIII
- Parents/Single parents, receive the benefits according to the 3rd and 4th chapters of the SGB XII
- Parents/Single Parents, who receive benefits according §§ 2 and § 3 of the Asylum Seekers Benefits Act (AsylbewerberLeistungsGesetz AsylbLG)
- Parents/single parents, who are granted children's allowance according to § 6 of the German law on child benefits ("Bundeskindergeldgesetz – BKGG"),
- Parents/single parents, who are entitled to compensation of their parental fee from youth welfare funds according to SGB VIII, (WiJuHi)
- Foster parents of the foster child in daycare, if the child is cared for as laid down in SGB in the sense of help in educating and bringing up a child by means of childcare provided in a foster home where care allowance is granted according to SGB VIII.

Fees of grade 1 must be paid starting with the month in which the certificate of enrolment and the residence permit are received by or submitted to the Studentenwerk.

Entitlement to the allowances mentioned shall be proven by presentation of an applicable certificate of approval. Scale grade 1 will be granted starting with the month in which the applicable certificate of approval has been received by the youth welfare service department ("Fachbereich Jugend"). Parents submitting the applicable certificate of approval later due to reasons beyond their responsibility, will receive compensation for all preceding months amounting to the remaining amount after deducting scale grade 1 from the scale grade actually paid.

b) Scale grades 2 – 7

Daycare fees will be classified according to scale grades 2 – 7, if parents do not fulfill the criteria of scale grade 1. Classification to scale grades 2 – 7 depends on the extent of applicable incomes according to § 5 a) adjusted according to the deductions set in § 5 b). Pursuant to this procedure, parents will be classified according to their annual gross income (see the appendix F) classification to grades).

Thereafter, parents with their total annual income adjusted for the deductions (§ 5 b.) within the meaning of § 5 a. assigned to the scale levels as follows. Allocation is based on the income limits listed in the appendix to the schedule of fees for day care centers of the Studentenwerk Göttingen (see appendix point F).

If classification into contribution levels 2 to 7 for the care fees resulting from these contribution levels would result in an entitlement to partial assumption of the care fee, there will be a downgrading to the contribution level for which the administration fee can be levied in full from the existing income, provided that an application for assumption is made is provided of the care fee has been provided.

Food allowance must be paid notwithstanding the scale grade allocated.

## § 5

### Relevant incomes for classification according to scale grades 2 to 7

The amount of fee to be paid for scale grades 2 to 7 depends on the overall income of parents, who share the same household with their child (relevant child) as well as on all further children supported by such parents. Should the relevant child share the household with only one parent, this single parent shall be deemed as parents.

Parents support a child if its incomes (e.g. support payments, pensions) are not sufficient to secure its required lifetime demand in the legal sense of SGB XII. The incomes of such a child shall be deemed as covering his or her lifetime demand if they amount to at least the sum of the standard rate pursuant to § 28 SGB XII increased by 10 % plus proportionate cost of accommodation and heating.

If incomes are not proven, parents will be obliged to pay fees according to scale rate 7. This provision can be cancelled with retroactive effect for a maximum period of 3 months after receipt of such proof.

Incomes are set as follows:

#### a. Incomes

Incomes as defined in § 5 shall mean all annual gross incomes from the calendar year preceding the applicable childcare year, if incomes of the current calendar year are not expected to be lower or higher by at least 15 % as compared to those of the year before. Incomes shall be calculated from positive incomes unreduced by any losses of individual types of income in the legal sense of § 2 sections 1 and 2 of the German Income Tax Act, if such incomes must not remain unaffected due to any other applicable legal provision. Apart from this, incomes shall include support payments (for both, spouses and children), wage replacement benefits and revenues which are exempted from taxation or taxed on a lump-sum basis.

If incomes have changed as compared to the assessed calendar year, the current incomes of all family members belonging to the relevant household will be taken into account for an update. In this case, the assessment period may be shorter.

For changes occurring during the current childcare year, § 8 shall apply.

#### b. Deductions

The following items shall be deducted from incomes as defined in section a.:

- 30 per cent of revenues for officials, magistrates, soldiers, pensioners and old age beneficiaries 25 per cent of revenues;
- support payments for children up to and including the legally entitled or agreed fixed amount. If they impair income tax, such payments shall extend to other entitled persons, if any.

- an amount pursuant to § 33b sections 1 – 3 of the German Income Tax Act for a disabled child (standard deduction for disabled persons);
- child-related deduction amounting to the tax credit for a child's living wage concerning food and items required for everyday use (child tax credit) as well as amounting to the tax credit for childcare, education and professional training according to § 32 section 6 of the German Income Tax Act (EStG) for each child entitled to child benefit or child tax credit.

## **§ 6**

### **Non-contributory Kindergarten years**

Based on and within the framework of Section 22 (2)NKiTaG, children are entitled to free support in a day-care center from the first day of the month in which they turn three until they start school. The entitlement exists for the minimum care time required by the legal entitlement up to a care time of eight hours a day. The meal allowance remains unaffected. The use of early and late services is chargeable.

## **§ 7**

### **Siblings discount**

If one or more siblings attend any daycare institution within the City of Göttingen which has been granted an operating license by the State Youth Welfare Office ("Landesjugendamt"), the parental fee to be paid will be reduced

- by 50% for the second, younger child
- by 100 % for each additional younger child (there will be no parental fee).

The aforementioned provision shall also apply if the older child/children attend private daycare.

The reduced parental fee for younger siblings will be granted as soon as adequate proof in writing has been submitted to the Studentenwerk. Parental fees already paid cannot be compensated retroactively.

The aforementioned discount shall not extend to food allowance and other minor payment requests.

Older siblings, who are attending Kindergarten and who are free of charge won't be considered for the siblings discount. This applies too, if for the older child only fees for care or extended service above 8 hours/day will be charged.

## **§ 8**

### **Obligation to notify changes in personal and economic conditions**

The parents/legal guardians shall be obliged to notify immediately any essential changes in personal and/or economic conditions even if occurring in the current calendar year to the relevant childcare institution.

An essential change to be notified in the sense of this Schedule of Fees shall be existent especially, if

- the number of parents or siblings sharing one household with the child has changed (e.g. due to the birth of siblings or due to parent(s) moving in or out).
- entitlement to accommodation allowance, unemployment benefit ("Arbeitslosengeld II") / basic financial benefits for those who seek work, compensation of parental fees by youth welfare funds (SGB VIII), support payments for general subsistence or old-age in case of reduced income capacity (SGB XII) or children's allowance changes or does no longer apply or if any such entitlements becomes void for foreign parents/legal guardians who are enrolled as students and classified according to scale grade 1.
- The child's principal residence is being deregistered.

If essential changes resulting in an increased parental fee are disclosed to the institution only at a later point in time, the increased parental fee amounting to the scale grade actually corresponding to current conditions shall be due from the point in time when the change actually occurred. Such payment of arrears shall be due upon special notice to pay.

Any further obligation to notify to the administrative office of the City of Göttingen, Fachbereich Jugend, Fachdienst "Finanzielle Hilfen", applying on a larger scale to individuals entitled to youth welfare benefits according to SGB VIII, shall remain unaffected.

#### b. Scale grades 2 to 7

A change in income shall be deemed as essential if the deviation amounts to at least 15 per cent as compared to the incomes taken as a basis for calculation of relevant incomes.

The amount of fees will be re-calculated on a regular basis from the point in time when an essential change occurs. Updated fees must be paid from the point in time when the essential change occurred and shall be retroactively effective, if applicable.

Reductions in income may be claimed regardless of the reduction's scope. Reductions in income will be considered once such change has been notified.

### **Section III: Other payments**

#### **§ 9**

#### **Food allowance**

The amount of food allowance to be paid each month is shown in the Appendix of this Schedule of Fees.

### **Section IV: Joint provisions**

#### **§ 10**

#### **Due dates and mode of payment**

All fees shall be due on the fifth day of the same month.

Parents undertake to grant direct debit authorisation for their bank account.

If parents do not grant direct debit authorisation (payments are made by means of single payment, bank transfer or money transfer order) or if debits are cancelled, additional administrative costs will incur for the month affected.

This provision shall apply accordingly if parents are in debt of small particular payments (e. g. food allowance or proportionate parental fees).

The amount of additional administrative costs is laid down in the Appendix of this Schedule of Fees. Additional administrative costs shall be due and payable jointly with the principal claim.

#### **§ 11**

#### **Default of payment**

Default with regard to periodic payments shall commence upon the day following the due date and must not be announced by means of an explicit reminder. Notwithstanding the aforesaid, the respective childcare institution shall be entitled to issue reminders at the expense of parents, if payments are not made within 14 days after their due date.

Reminders are usually issued 14 days after the due date. Collection expenses shall be due upon receipt of the reminder.

Interest on late payments will be payable from the first day of delay. The amount of payable collection expenses shall be fixed according to § 288 section 1 clause 1 of the German Civil Code (BGB) (5 % above basic interest rate).

Furthermore, the childcare institution shall be entitled at its own discretion to conduct a pre-court collection procedure before taking legal action for performance.

These provisions shall correspondingly apply to the enforcement of non-recurring pecuniary claims.

## **§ 12**

### **Continuation of parental fee payments in the event of reduced daycare times**

Reconstruction, restoration and renovation works required for the operation of daycare centers are usually conducted during the institutions' closing/holiday times.

If children cannot be cared for due to special reasons (e.g. force majeure, fire damage, unforeseeable damage to the building or restoration or renovation works exceeding closing times) within the daycare center agreed by contract, childcare may alternatively take place in another daycare center or to a reduced extent in terms of opening hours. For a transition period not exceeding 10 childcare days in one childcare year, payments shall be due in full also in the event of

- daycare taking place in another institution or
- daycare being reduced in terms of opening hours.

Should restraints continue for a longer period of time, fees shall be proportionately reduced from the 11th childcare day. This does not apply to the use of emergency care based on legal provisions.

Should daycare be cancelled completely, fees must no longer be paid proportionately on a daily basis from the 4<sup>th</sup> cancelled childcare day.

## **§ 13**

### **Reservation of the right to adjust fees**

Due to increasing costs in personnel and material or in order to generally increase the parental share in financing the total cost of childcare, the relevant institution reserves the right to fix a new amount for fees and/or food allowance upon a minimum notice of 2 months at the beginning of each kindergarten year. If payments due consequentially result in a higher amount, parents/legal guardians shall be granted the right of extraordinary termination.

## **§ 14**

### **Special provisions**

In individual cases, the childcare institution shall be entitled to agree on other provisions in favour of the parents/legal guardians.

## **§ 15**

### **Effectiveness**

This Schedule of Fees shall come into effect on 01 August 2023. The Schedule of Fees which was previously valid will become ineffective on the same day.

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## Appendix of the Schedule of Fees

### Standard pay scale for daycare centers run by Studentenwerk Göttingen

This Appendix comprises the standard pay scale for full-time daycare from 1<sup>st</sup> August 2023 as set out in the Schedule of Fees.

#### A) Amount of monthly parental fee (provided that parents and child have their principal residence in Göttingen\*)

	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7
<b>Crèche</b> all Crèche groups run by SW	266,00 €	291,00 €	332,00 €	385,00 €	451,00 €	531,00 €	624,00 €
<b>Kindergartengroup</b> in Kita am Nordcampus and Kita Theodor- Heuss-Straße	192,00 €	212,00 €	241,00 €	279,00 €	327,00 €	385,00 €	452,00 €

\* The City of Göttingen grants operating cost benefits for the following financial year (01 January – 31 December) only for children whose principal residence was registered in Göttingen on 01 January of the same year. Should the principal residence be deregistered during contract duration, parents/legal guardians shall be obliged to compensate the communal operating cost share, which in this case will no longer be granted by the City of Göttingen\*\*.

If Göttingen is deregistered as principal residence with no notification to the institution, Studentenwerk Göttingen will demand damages amounting to the reductions made by the City of Göttingen.

#### B) Amount of additional monthly parental fee

Each additional childcare half an hour commenced will be charged as set out below

	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7
<b>Crèche</b> all crèche groups run by SW	16,50 €	18,00 €	21,00 €	24,00 €	28,00 €	33,00 €	39,00 €
<b>Kindergartengroup</b>	11,00 €	12,50 €	14,00 €	16,00 €	19,00 €	22,00 €	26,00 €

No discounts to this minor payment requests, s. § 7.

#### C) Food allowance

Food allowance amounts to **66,00 €/month** for each child in each daycare.

#### D) Collection expenses

The amount of collection expenses shall depend on the total sum of the amount due and shall comply with the applicable German decree concerning the cost of execution proceedings instituted by administrative authorities for collecting debts due to the government ("Verordnung über die Kosten des Verwaltungszwangsverfahrens zur Vollstreckung von Leistungsbescheiden und von Geldforderungen").

#### E) Classification to scale grades 2 – 7 according § 4 b Schedule of Fees

Grade 2	<=	35.900 €	Grade 5	<=	53.800 €
Grade 3	<=	41.800 €	Grade 6	<=	59.600 €
Grade 4	<=	47.800 €	Grade 7	>	59.600 €

Stand/Version ab 08/2023