

**General decree
to regulate the operation of primary schools in the Free State of Saxony
in the fight against the SARS-CoV-2 pandemic**

Announcement from the Saxon State Ministry for Social Affairs and
Social Cohesion

of May 16, 2020, Ref: 15-5422/4

According to § 28 para. 1 sentence 1 of the Infection Protection Act of July 20, 2000 (BGBl. I P. 1045), which was last amended by Article 3 of the Law of March 27, 2020 (BGBl. I P. 587), the Saxon State Ministry for Social Affairs and Social Cohesion in coordination with the Saxon State Ministry for Culture issues the following

General decree:

Part 1

**Change of general order
to regulate the operation of facilities
for childcare and schools**

The General Decree regulating the operation of daycare facilities and schools in connection with the fight against the corona pandemic of the Saxon State Ministry for Social Affairs and Social Cohesion of May 12, 2020, Az: 15-5422/4, is amended as follows:

1. In section 2.2. the following sentence 5 is added after sentence 4:

"⁵The above sentences do not apply to legal guardians who, for professional reasons in a professional environment, in particular as a doctor, nurse or carer, had contact with a person who has been proven to be infected with SARS-CoV-2."

2. In section 3.3. after the word "school premises" and before the word "forbidden", the words "during normal teaching and childcare times" are inserted.

3. In section 3.6.5. the words "Sections 3.5.1. to 3.5.9." are replaced with the words "Sections 3.5.1. to 3.5.10."

4. In section 3.5.9. the word "for" is deleted before the word "schools".

5. After section 3.5.9. the following point 3.5.10. is added:

"3.5.10.¹Pupils are exempt from the obligation to attend school if the legal guardians explain in writing to the school management that schooling should not take place in attendance classes. ²Pupils who do not take part in attendance classes have to comply with compulsory schooling as part of their domestic learning time. ³Section 3.1. Sentence 2 and 3 apply accordingly."

Part 2

Effectiveness, Ineffectiveness

This general decree will take effect on May 18, 2020 and will expire on June 5, 2020.

Legal appeal

A complaint against this general decree can be filed within one month of its notification at the local administrative court, in writing, at the clerk of the court's office, or electronically in a form approved for the replacement of the written form. It is not possible to file a lawsuit by a simple email.

If a complaint is filed in an admissible electronic form, the electronic document must either be provided with a qualified electronic signature of the person responsible, or be signed by the person responsible and submitted via a secure means of transmission in accordance with § 55a paragraph (4) of the Administrative Court Regulations. The further requirements for the transmission of the electronic document result from Chapter 2 of the Ordinance on the Technical Framework of Electronic Legal Transactions and on the Special Electronic Authorities Mailbox (Electronic Legal Transactions Ordinance - ERVV).

The local court is the administrative court in the Free State of Saxony, in whose district the plaintiff is habitually resident or domiciled. The Dresden Administrative Court has local jurisdiction for plaintiffs without habitual residence or domicile in the Free State of Saxony. The locally responsible administrative courts are the *Administrative Court Chemnitz, Zwickauer Straße 56, 09112 Chemnitz*, the *Administrative Court Dresden, Hans-Oster-Straße 4, 01099 Dresden*, and the *Administrative Court Leipzig, Rathenaustraße 40, 04179 Leipzig*.

The lawsuit must identify the plaintiff, the defendant (Free State of Saxony) and the subject of the claim, and should contain a specific request. The facts and evidence on which they are based are intended to indicate that the contested general decree should be annexed in original or in transcript. The lawsuit and all written submissions should be accompanied by copies for the other parties involved.

We would like to point out that an objection procedure against general decrees of the Saxon State Ministry for Social Affairs and Social Cohesion is not planned. The time limit for action cannot be met by filing an objection. Under federal law, a procedural fee is due in litigation before the administrative courts as a result of the filing of the lawsuit.

Dresden, May 16, 2020

Dagmar Neukirch
State Secretary
Saxon State Ministry for Social Affairs
and Social Cohesion