

General Disposal
Implementation of the Infection Protection
Act Measures on the occasion of the Corona
Pandemic Exit restrictions
Cessation of the operation of schools and day care centers

**Announcement from the Saxon State Ministry for Social Affairs and Social
Cohesion**
of March 23, 2020, Az: 15-5422/4

The Saxon State Ministry for Social Affairs and Social Cohesion, in coordination with the Saxon State Ministry for Culture, decrees on the basis of § 28 para. 1, sentence 1, Infection Protection Act (IfSG) following

General Disposal

1. Up to and including April 17, 2020:
 - 1.1 Schools in schools in public and private sponsorship within the meaning of the Saxon School Act and the law on privately owned schools in the Free State of Saxony will be discontinued. There are no classes and no other school events.
 - 1.2 The childcare facilities are no longer available in day care centers, day care for children and special needs day care facilities.
 - 1.3 Children and schoolchildren and students may not enter the facilities mentioned in sections 1.1 and 1.2 for the purposes mentioned above.
2. In all primary schools and day care centers as well as day care for children, emergency care is available as follows:
 - a) For pupils in grades 1 to 4 at elementary and special schools, the Free State of Saxony, in coordination with the school and day care provider, provides emergency care during the usual teaching and after-school hours-offer,
 - b) for pupils with multiple and severely multiple disabilities at special needs schools, regardless of the grade, provided that custodians cannot provide care regardless of their professional activity, the Free State of Saxony ensures in coordination with the school and day-care provider during the usual lessons and after-school hours an emergency care offer
 - c) at the kindergartens and crèches, emergency care is provided by the institution
 - d) At the day care centers for children, the emergency care offer is secured by a day care worker.

3. There is a right to emergency care if
 - **Both** persons with legal guardianship or the sole persons with legal guardianship or, in the case of handling regulations, the person currently authorized to use the child guardians are active in areas of critical infrastructure and are prevented from looking after the child due to business or operational reasons,
 - **only one** of the legal guardians (or in the case of handling arrangements) is active in the healthcare sector, in the area of outpatient or inpatient care or in the police enforcement service and is prevented from looking after the child due to official and operational reasons.
 - Parents or daycare specialists fear for the child's well being. In these cases, the responsible local youth welfare office must be informed in order to secure emergency care with their consent.
 - The prerequisite for emergency care is that the children and their legal guardians
 - o have no symptoms of Covid-19 disease, and
 - o have not been in contact with a person infected with SARS-CoV-2 or 14 days have passed since contact with a person infected with SARS-CoV-2 and they have no symptoms of the disease Covid-19, and
 - o have not been in an area that the Robert Koch Institute identified as a risk area for infection with the SARS-CoV-2 pathogen at the time of the stay, or was identified as such within 14 days after or since returning from 14 days have passed in this risk area and they show no symptoms of Covid-19 disease.
4. Legal guardians in areas of critical infrastructure within the meaning of Section 3 must work in one of the areas listed in Appendix 1 to this General Order. The legal guardians provide evidence of the activity in a form (Annex 2, available at www.sms.sachsen.de or www.smk.sachsen.de) to the management of the school or childcare facility in writing. Evidence requires written confirmation from the employer or employer. The confirmation by the employer, if this cannot be done immediately, can be submitted within one working day.
5. The legal guardians are responsible for ensuring that the requirements set out in sections 1, 3 and 4 and the resulting obligations are observed.
6. On the fine regulation of § 73 para. 1 a No. 6 IfSG and the law on prosecution in § 74 IfSG is pointed out.
7. This general decree will enter into force on March 24, 2020. The general decree dated March 18, 2020, file number 15-5422/4, will expire on that day.

Legal Instructions

An action against this general order can be filed within one month of its notification at the locally responsible Saxon Administrative Court in writing, to the clerk of the court's office or electronically in a form approved for the replacement of the written form.

The Saxon Administrative Court, in whose district the plaintiff is based or domiciled, is locally responsible:

- Administrative court Chemnitz, Zwickauer Straße 56, 09112 Chemnitz,
- Administrative Court Dresden, Specialist Court Center, Hans-Oster-Strasse 4, 01099 Dresden,
- Administrative Court Leipzig, Rathenaustrasse 40, 04179 Leipzig.

The Dresden Administrative Court, Specialist Court Center, Hans-Oster-Strasse 4, 01099 Dresden, has local jurisdiction for plaintiffs without a seat or domicile in the Free State of Saxony.

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 decision should be annexed in original or in transcript. The lawsuit and all written submissions should be accompanied by copies for the other parties involved.

Note regarding legal recourse

- An objection procedure is not planned against administrative acts of the Saxon State Ministry for Social Affairs and Social Cohesion. The time limit for action is not met by filing an objection.
- The filing for a legal remedy by simple E-mail is not permitted and leads to no legal effects.
- If the lawsuit is filed in 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 Section 55a (4) of the Administrative Court Ordinance (VwGO). The further requirements for the transmission of the electronic document result from Chapter 2 of the Ordinance on the Technical Framework of the Electronic Right-hand traffic and the special electronic authority mailbox (Electronic Legal Traffic Regulation - ERVV).
- Under federal law, a procedural fee is due in litigation before the administrative courts as a result of the filing of the lawsuit.

Reason

Under Section 28 para. 1 sentence 1 IfSG, the competent authority takes the necessary protective measures, in particular the measures mentioned in Sections 29 to 31 IfSG, if sick people, suspected illnesses, suspected contagion or excretors are found or it turns out that a deceased person was sick, suspected of illness or was excreted, to the extent and as long as is necessary to prevent the spread of communicable diseases.

SARS-CoV-2 is a pathogen in the sense of § 2 No. 1 IfSG, which is currently very widespread in Saxony and beyond in Germany. Suspects of illness and contagion have already been identified in numerous counties and independent cities in the Free State of Saxony.

As of today, more and more schools and day care centers are affected by SARS-CoV-2 infection and Covid-19 disease. In schools and day care centers there is a considerable risk of infection and the maintenance of infection chains.

In order to interrupt the chain of infection in schools and day care centers, the facilities must be closed, as this is the only way to effectively prevent the infection. The health authorities have already acted in a similar manner at schools in the Free State of Saxony. The IfSG is also used in other federal states.

Since, according to the current data situation, a further increase in infections with SARS-CoV-2 and the disease Covid-19 can be assumed and a widespread spread in the free state of Saxony is likely, there is a risk that more and more schools, day care centers and Child day care centers are affected.

According to current knowledge, children and adolescents do not usually develop Covid-19. However, like adults, they can be carriers of SARS-CoV-2 without showing symptoms of the disease themselves.

A full guarantee of hygiene regulations and hygiene chains can also not always be guaranteed in schools and day care centers - depending on the age of the children and adolescents being looked after. There are also diverse social contacts in everyday school life that can support the spread of infection. Without further action, there is a risk that schools and the above-mentioned community facilities will make an ongoing entry into families and other areas of social life. This increased the pressure of infection on the middle generation of the employed as well as on the older age groups, where the risk of severe course of the disease with Covid-19 increased massively.

For the reasons mentioned, it is necessary to have a limited time for

April 17, 2020 to close the facilities mentioned in section 1 in order to slow down the infection process in the Free State of Saxony and to contribute to the slowdown of the infection process in the neighboring federal states and beyond. This prevents infection-relevant contacts in almost 5,000 care and educational institutions for a period of around 5 weeks. The aim is to slow the further spread of the disease Covid-19. This also enables stronger decoupling with the influenza wave. The measure makes a decisive contribution to spreading cases of illness over a longer period of time, avoiding supply bottlenecks in hospitals. The measure serves overall health protection.

Reasons for the health protection of the population (Article 2 para. 2 sentence 1 of the Basic Law) make the general decree necessary. The rights of children and adolescents, parents and staff at schools and institutions, on the other hand, are withdrawn. Proportionality is also preserved with regard to the time limit.

On paragraph 1

On paragraph 1.1

According to section 1.1, lessons and other school events are no longer required at schools in Saxony. Pupils are exempt from attendance in class and at school. This also applies to other school events. However, they are obliged to provide school services at home without coming into personal contact with the school. Tasks are conveyed to you via analog or digital channels, which you can work through at home. The school management and the State Office for Schools and Education are responsible for the exact design of these learning opportunities.

The use of the school building and the school grounds for other purposes is not affected. The respective school authority decides on this.

The teachers are still on duty. The same applies to school administration staff.

On paragraph 1.2

For the period up to April 17, apart from emergency care in accordance with sections 3 and 4, the care offers are no longer valid. This measure serves the protection of health and the interruption of infection chains, also against the background that the risk of transmitting the SARS-CoV-2 pathogen is particularly high in the age group up to 10 years. The legal claim according to § 24 SGB VIII is limited.

On paragraph 1.3

The number accompanies the aforementioned measures with an entry ban on schools and childcare facilities for schoolchildren, children and students.

On paragraph 2

It is necessary to set up childcare facilities for children of employees in the critical infrastructure in order to ensure the functionality of the critical infrastructure facilities in accordance with Section 4. Otherwise there is a risk that the facilities will lose their ability to work if parents are unable to perform the service or work because childcare is not guaranteed during this time. This would in turn make the fight against the pandemic with Covid-19 in the Free State of Saxony considerably more difficult or prevent it. Further entitlement to supervision can only be offered in narrowly limited individual cases for pupils with multiple and severe multiple disabilities at special schools.

On paragraph 3

The narrow limitation of the groups of people who, as employees in the critical infrastructure, have the right to care for their children in accordance with Section 2, ensures that only a small number of children and schoolchildren remain in the care facilities and schools. This ensures that the vast majority of schoolchildren and children are not in schools and childcare facilities during the period in which the general disposition applies, and that a far-reaching interruption of infection chains is thus guaranteed.

In principle, both parents or both persons with legal guardianship must work in areas of critical infrastructure. In the cases regulated in the second coat of paint, it is sufficient due to the particularly prominent position of these activities if only one of the persons with custody is active in it and the other person is prevented from providing care for professional reasons.

On paragraph 4:

The paragraph regulates how the proof of the requirements for the right to emergency care is to be provided.

On paragraph 5

The legal guardians are not allowed to bring the children to the facilities. The legal right to care according to § 24 SGB VIII accordingly withdraws.

On paragraph 6

The imposition of fines follows from § 73 para. 1a No. 6 IfSG.

On paragraph 7

This general decree will enter into force on March 24,

2020. Dresden, the 23rd.March 2020

Saxon State Ministry for Social Affairs and Social Cohesion

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for social and social cohesion