

**General decree
to regulate the operation of day care facilities and schools in the context of the
fight against the SARS-CoV-2 pandemic**

Announcement from the Saxon Ministry for Social Affairs and Social Cohesion

from 23 June 2020, file number 15-5422 / 4

On basis of § 28 (1) Sentence 1 of the Infection Protection Act from 20 July 2000 (BGBl I p 1045), which was last amended by Article 3 of the law from 27 March 2020 (BGBl I p 587), the Saxon Ministry for Social Affairs and Social Cohesion in coordination with the Saxon Ministry for Culture issues the following

general decree:

1. Subject matter of the general decree

- 1.1. ¹ This general decree regulates the operation of publicly and privately funded schools, day-care facilities (crèches, kindergartens, after-school care and curative day-care centres) and day-care centres in the Free State of Saxon in response to the pandemic caused by the novel coronavirus SARS-CoV-2. ²These facilities are operated within the framework and in accordance with the following provisions.
- 1.2. The general provisions of the Infection Protection Act and the Saxon regulation of the Saxon Ministry of Social Affairs and Social Cohesion for protection against coronavirus SARS-CoV-2 and COVID-19 (Corona Protection Regulation) of 25 June 2020, according to which a regional closure of children's facilities and schools is possible, remain unaffected.

2. General access, notification and hygiene regulations

- 2.1. Access to facilities as defined in 1.1 is not permitted to persons if they
- 2.1.1. are proven to be infected with SARS-CoV-2,
- 2.1.2. shows symptoms that indicate SARS-CoV-2 infection, or
- 2.1.3. have had contact within the past 14 days with a person who has been proven to be infected with SARS-CoV-2 within the meaning of the Infection Protection Act, unless this contact was unavoidable for professional reasons and took place while observing the protective measures typical of the profession.
- 2.2. ¹Persons with illnesses whose illness symptoms are similar to a SARS-CoV-2 infection must, by means of suitable proof, in particular by presenting a medical certificate or other medical document, convincingly demonstrate the innocuousness of the illness.

document that demonstrates that these symptoms are harmless.

²Point 2.1.2. does not apply if a verification of harmlessness is submitted.

- 2.3. Educators and teachers who show symptoms of SARS-CoV-2 infection and who have not been shown to be pre-diseased within the meaning of Point 2.2. shall immediately notify the management of the establishment where they are employed and allow themselves to be tested for SARS-CoV-2.
- 2.4. Persons employed at or working on the premises of a facility referred to under 1.1, pupils that are legal adults and guardians of underage children trained or cared for in such a facility are obliged to immediately inform the management of this facility if they or the child being trained or cared for in the facility is proven to be infected with SARS-CoV-2.
- 2.5. ¹In the case of infections caused by SARS-CoV-2, the competent health authority determines quarantine measures for the infected person and their contact persons, including their readmission, in accordance with the Infection Protection Act. ²Children who exhibit symptoms in the sense of 2.1.2 on more than two days in a row are only permitted to enter the facility after medical verification of harmlessness or two days after the last appearance of the symptoms. ³The provisions of the Infection Protection Act remain unaffected.
- 2.6. ¹Should a person seeking to enter or stay in a facility referred to in Point 1.1 show symptoms as defined in Point 2.1.2, they may be refused access to the facility or be expelled from it. ²Pupils or children in care who show symptoms during the lesson or care period should be accommodated in a separate room; collection by a legal guardian or an authorised person must be promptly arranged. ³The duties of supervision continue to apply without restriction until the child is picked up.
- 2.7. ¹Whosoever enters a facility as defined in Point 1.1. must promptly and thoroughly wash or disinfect their hands. ²The facility shall ensure that suitable installations for washing hands are available. ³The person responsible for the facility shall ensure that the necessary hygienic supplies, in particular hand cleaners and disinfectants, are available in sufficient quantities. ⁴Persons who are staying at the facility are to be instructed to comply with these hygiene measures in a suitable and age-appropriate manner. ⁶Particularly in the entrance area of a facility, the pertinent information shall be posted.
- 2.8. ¹Regularly used surfaces, objects and rooms must be thoroughly cleaned every day, and rooms must be ventilated several times a day. ²Technical media equipment that requires direct physical contact for operation should not be used by several persons within a short time period. ³They must be cleaned thoroughly after each use.
- 2.9. The "General hygiene plan in accordance with § 36 of the Infection Protection Act for schools and other educational institutions in which children and adolescents are looked after" and the "General hygiene plan in accordance with § 36 Infection Protection Act for children's facilities (crèches, nurseries, day-care centers, including integrative ones)" are to be observed.

3. Regulations on school operations

- 3.1. Visiting schools, including second-chance schools, is permitted for the purpose of fulfilling compulsory education by pupils or for teaching, including conducting examinations and consultations for the pupils there.
- 3.2. ¹The compulsory schooling is generally to be fulfilled in classroom instruction at the school (mandatory school attendance). ²If compulsory school attendance is suspended by virtue of this general decree or for other reasons relating to the prevention of infection, compulsory school attendance shall be fulfilled within the framework of learning sessions at home, unless a medical exemption from the lesson exists. ³Time for in-person lessons and at home learning sessions is to be equally secured by the teachers and assistants. ³The teachers shall make the lesson material available to the pupils with each home study period and shall be available for questions on the material.
- 3.3. ¹Should pupils or persons living in the pupil's household have an underlying disease that significantly reduces their physical resistance to SARS-CoV-2 infection, compulsory school attendance for these pupils will be suspended if the risk of infection cannot be significantly reduced within the school and on the way to and from school. ²The headmaster shall decide on the exemption on the basis of a medical certificate.
- 3.4. Persons who are not part of the school are prohibited from entering the school premises during lessons and childcare hours, unless
- 3.4.1. they are needed to maintain the operation of the school or of necessary ancillary facilities,
 - 3.4.2. they work for the Food Inspection and Veterinary Office,
 - 3.4.3. they work for the health offices in the field of school social work, child and youth medical service or child and youth dental service,
 - 3.4.4. they work as school assistants, integration helpers, sign language interpreters or as other personal assistance for pupils with disabilities financed by rehabilitation agencies in accordance with Book Nine of the Social Code, or as employees of outpatient care services in accordance with Book Five of the Social Code,
 - 3.4.5. they are taking a final exam at the school as an external exam participant,
 - 3.4.6. they are fetching an underage child or
 - 3.4.7. the school management allows them access for some other important reason.
- 3.5. ¹The persons defined in 3.4.1 through 3.4.7 are required to wear a mouth and nose covering during their stay at the school grounds.

²Should an important reason arise, particularly for teaching, the school management shall permit exceptions to this rule.

- 3.6. ¹Other school events shall generally not take place. ²With the approval of the school management, parent conferences, discussions with parents, conferences and committee meetings on basic school matters as well as events at the end of the school year can be carried out in compliance with the general hygiene regulations and with sufficient distancing on the school premises.
- 3.7. For the primary level (1 to 4) of basic and of special needs schools, the lower level (1 to 3) of schools focused in intellectual development, and comparable class levels and study courses, the following apply:
- 3.7.1. ¹Pupils shall be taught in person in a classroom setting. ²Physical education lessons may take place in class groups according to general hygiene provisions, in particular hygiene restrictions to prevent the spread of coronavirus in the the general decree of the Saxon Ministry of Social Affairs and Social Cohesion on the enforcement of the Infection Protection Act measures for the event of a corona pandemic.
- 3.7.2. ¹The school attendance obligation shall be suspended for a pupil if the person with custody of the pupil declares to the school management in written or electronic form that schooling of the pupil in person should not take place. ²Point 3.2 Sentences 2 and 3 apply.
- 3.7.3. ¹Legal custodians or persons authorised by them are obliged to declare to the school in writing every day that the pupil does not exhibit any symptoms that indicate a SARS-CoV-2 infection before the pupil may enter the school premises. ²For this, the "Gesundheitsbestätigung" (health confirmation) form should be used. ³The declaration must be submitted to the teacher or the substitute teacher. ⁴It may be submitted later at any time. ⁵If no declaration is provided, the student shall be considered an outsider to the school in the meaning of Point 3.4. ⁶Point 2.6 applies to unaccompanied pupils. Sentences 2 and 3 accordingly.
- 3.7.4. ¹The lessons shall take place for a class in a designated classroom or other room of the school suitable for teaching (lesson room). ²The lesson room may not be entered during teaching hours by any person other than the pupils of the class group being educated there, the teaching staff or the supervisory staff assigned to the class group or to individual pupils. ³There is no obligation for students to wear a mouth and nose covering in the classroom during lessons.
- 3.7.5. ¹The teacher shall ensure that pupils of a class group are separated from other groups of pupils starting from arrival on the school premises.

- 2 The school management shall take suitable measures to separate the pupils on the school premises, which needs to be used by different class groups at the same time.
- 3.7.6. The school management, in consultation with the class teachers, should arrange for lessons and breaks to be allocated in such a way that pupils from different classes are not outside their classrooms on the school premises at the same time.
- 3.7.7. ¹For each school class, in the class diary (contact log) shall be noted daily who was in the class group, who taught it and which other people had contact with this class on the school premises based on the scope of regular school activities. ²This documentation should ensure that possible chains of infection can be traced and infected persons who are or have been in direct contact with the school can be identified.
- 3.7.8. ¹When picking up a pupil, it must be ensured that only a limited number of outsiders to the school are authorised to be on the school premises at one time. ²The school management can define areas on the school premises where pick ups with sufficient distancing can be ensured.
- 3.7.9. Schools, with the exception of those focused on intellectual development, whose school level organisation deviates from the requirements of § 4 (2) of the Saxon School Act, have to build school levels and classes as defined in Section 3.7.
- 3.8. For the secondary level I (5 to 10) and II (11 to 13), including the vocational schools, as well as for the middle-, upper- and work-level schools with focus on intellectual development (4 to 12), and corresponding class levels and study courses, the following applies:
- 3.8.1. ¹Pupils shall be taught alternating between classroom instruction at school and learning sessions at home. ²The school management is responsible for the design of this "alternating model", taking into account the basic tenets named in this general decree, in consultation with the teachers.
- 3.8.2. ¹During classroom lessons, there must be a sufficient distance between pupils and from the teacher to the pupils in the lesson room. ²The same distance rules apply for other areas of the school. ³On a given school day, only as many students in a class may be present on the school premises as can maintain the sufficient distancing requirement.
- 3.8.3. ¹Teachers and students are obliged to wear a mouth and nose covering during their stay on the school premises. ²An obligation to wear a face covering in the learning room does not exist, as long as

the teacher does not impose the wearing of such for important reasons.
³The school management can order that a mouth and nose covering be worn outside the classrooms.

3.8.4. ¹Pupils who do not attend school lessons in person shall be taught exclusively at home. ²The school attendance obligation is suspended for them for the time period specified by the school management. ³Pupils who are studying at home are considered outsiders to the school in the meaning of Point 3.4.

3.8.5. During the home study period, there is a right to extra-curricular support at school at the secondary schools as well as in the schools, classes and educational courses with a focus on intellectual development above the lower level, if there is a risk to the child's well-being and if the local youth welfare office agrees to this support or if a pupil has multiple or severely multiple disabilities and the custodians of the pupil cannot provide this support.

3.8.6. Schools, with the exception of those with a focus on intellectual development, whose school level organisation deviates from the requirements of § 4 (2) of the Saxon School Act, have to build classes as defined in Point 3.8.

3.8.7. The school management may decide that Points 3.7.1 through 3.7.8 shall apply accordingly to middle- and upper-level school classes (4 to 9) of schools with a focus on intellectual development or the corresponding classes and programmes instead of Points 3.8.1 through 3.8.4.

3.9. At clinic and hospital schools, the school management can decide, in agreement with the clinic management, that individual lessons can be offered to the students, while taking into account the health situation of the students and ensuring protection against infection.

3.10. Oral supplementary examinations for the acquisition of the Graecum, Hebraicum and Latinum for examinees at the Technische Universität Dresden and the Universität Leipzig can be conducted at these institutions.

3.11. ¹In order to prepare and conduct the practical athletic parts of the Abitur examinations at Gymnasium schools with in-depth sports training and the final examinations at upper-level sports schools, the necessary sports facilities will be opened exclusively for the examination participants, the subject examination committees and for the personnel necessary for conducting the examinations. ²Coordination with the Saxon Ministry of the Interior is carried out directly with Olympiastützpunkt Chemnitz Dresden e.V. upon request by the school management.

4. Regulations on special needs diagnostics and reading-writing disorder (LRS) diagnostics

4.1. ¹Special needs diagnostics as part of the procedure for determining special educational needs according to §§ 13 and 15 of the Regulation for special needs schools ("Schulordnung Förderschulen") at special needs schools as well as basic schools which include special needs committees shall be carried

out with the consent of the legal custodians. ²The same applies for children who are to be enrolled in the 2020/2021 school year.

- 4.2. Completion of the still open diagnostics as part of the LRS assessment procedures at the LRS support schools shall be ensured.

5. Regulations for the operation of day care centres and of the childcare

- 5.1. The entitlement to childcare and day care proceeds within the framework of the respective childcare contract.

- 5.2. Outsiders to the facility may not enter the facility during care hours, unless

5.2.1. they are persons defined in Point 3.4.1 or 3.4.2,

5.2.2. they are bringing or picking up a child cared for in the facility,

5.2.3. they work for the health authorities in the field of pediatric and youth medical service, pediatric and youth dental service or as a specialist daycare advisor, or

5.2.4. the school management allows them access for some other important reason.

- 5.3. Persons defined in 5.2.1 to 5.2.4 are obliged to wear a mouth and nose covering during their stay on the premises of the facility.

- 5.4. ¹Other events in the facility generally do not take place. ²With the approval of the facility management, parent conferences, discussions with parents, conferences and committee meetings on basic matters of the facility in compliance with the general hygiene regulations and with sufficient distancing can be carried out on the premises of the facility.

- 5.5. ¹Legal custodians or those authorised by them are obliged to declare to the facility in writing every day before entering the care facility that neither their child nor a member of their household shows symptoms that indicate SARS-CoV-2 infection. ²For this, the "Gesundheitsbestätigung" (health confirmation) form should be used. ³If this declaration is not furnished, the child will not be received by the daycare that day. ⁴The childcare contract remains unaffected if this occurs.

- 5.6. Rooms where childcare takes place must be equipped in accordance with general hygiene and infection prevention regulations and cleaned daily.

- 5.7. ¹It is to be noted daily in a contact log which children were looked after in which groups, who was entrusted with the care and to which other persons on the premises of the facility regular contact

was made. ²The documentation must be done in such a way that any arising infection chains can be followed and infected persons who are or were in direct contact with the facility can be identified.

- 5.8. ¹Persons who bring or pick up a child should keep a sufficient distance from other persons on the premises of the facility. ²Point 5.3 applies.
- 5.9. ¹For the care of pupils in basic and special needs schools as well as for pupils in the lower level of schools with a focus on intellectual development, Points 5.1 through 5.8 apply with the following requirements:
- 5.9.1. As health confirmation within the meaning of Point 5.5, the declaration that applies in accordance with Point 3.7.3 shall be submitted to the school.
- 5.9.2. ¹The daycare centre and school shall coordinate the care of pupils with each other. ²Rules must be made in particular for arrival at school and daycare, supervision during breaks and during meal times and for the transition from school to daycare.
- 5.9.3. ¹Children are to be looked after in separate groups (fixed care group model). ²They should be looked after by dedicated personnel. ³The composition of the school class groups should be taken into account as much as possible when forming the after-school daycare groups.
- 5.9.4. ¹A daycare group should be permanently assigned an individual room or area that may not be used for any other purpose. ²If there is an important reason, part of a room or area for childcare can be assigned to another childcare group if the groups accommodated there always have sufficient space and separation from other groups within the room or area is guaranteed. ³A switch to another room for childcare may be made after it has been thoroughly cleaned and disinfected. ⁴ Care rooms are to be equipped, prepared and cleaned daily in accordance with the general hygiene and infection protection regulations.
- 5.9.5. Care and common areas, care areas and open spaces should only be used by children and caring staff from one care group at the same time, unless it is possible to separate the different care groups while using them.
- 5.9.6. ¹People who bring or pick up a child must keep a sufficient distance from other people on the premises of the facility. ²Child drop-off and pick-up areas shall be designated. ³Point 5.3 applies.
- 5.12. Points 5.1 through 5.8 accordingly apply to childcare businesses.

6. Efficacy and repeal

- 6.1. This General Decree will take effect on 29 June 2020 and will expire on 17 July 2020.
- 6.2. The general decree regulating the operation of childcare facilities and schools in the context of the fight against the SARS-CoV-2 pandemic of the Saxon Ministry for Social Affairs and Social Cohesion of 4 June 2020, file number 15-5422/4 will cease to be in effect on 28 June 2020.

Attachments:

- Formular zur Gesundheitsbestätigung (health confirmation form)

Legal appeal 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, for the minutes of 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 with a simple email.

If a complaint is filed in a permissible 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 using a secure means of transmission in accordance with § 55a (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 Saxon, in whose district the plaintiff is habitually resided or domiciled. The Dresden Administrative Court has local jurisdiction for plaintiffs without habitual residence or domicile in the Free State of Saxon. 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 claim must designate the plaintiff, the defendant and the subject-matter of the claim and should consist of a written application. The facts and evidence on which the reasons are based are to be stated, and the contested general decree is to be enclosed in a transcript. The application and all pleadings shall be accompanied by copies for the other parties.

We would like to point out that objection proceedings against general decrees of the Saxon Ministry for Social Affairs and Social Cohesion are not foreseen. 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.

Rationale

A. General part

According to § 28 (1) Sentence 1 of the Infection Protection Act (IfSG), the competent authority takes the necessary protective measures, in particular those that are mentioned in §§ 29 to 31 IfSG, if sick persons or persons suspected of being ill, infected or excreting disease-causing agents are identified or if a deceased person is found to have been sick, suspected of being sick or of excreting disease-causing agents, insofar as and for as long as is necessary to prevent the spread of communicable diseases.

SARS-CoV-2 is a pathogen in the sense of § 2 Number 1 IfSG, which has spread in Saxon and beyond throughout Germany and continues to threaten the health of the population. Persons suspected of having the illness have already been identified in numerous counties and independent cities in the Free State of Saxon.

B. Special part For

1:

For 1.1:

This general decree regulates the general conditions and requirements under which childcare facilities and schools can generally be operated again. It thus continues the approach of the respective general decree of 4 June 2020 for the school sector, with which, in view of the containment of the infection, children and schoolchildren could once again be offered regular education at institutions and schools. For crèches and kindergartens, this general decree enables normal operation under hygiene requirements. Therefore, protection against infection continues to be critical, so specific regulations are required to take this into account. This general decree makes use of the possibility created from § 2 (4) of the Saxon Corona Protection Regulation to instate alternative rules for schools and daycare centres. The basis for these deviations – especially in the area of daycare centres and primary schools – is the Concept for the reopening of daycare for children, elementary schools and the primary level of special education schools in the Free State of Saxon ("Konzept...") developed by a multi-professional ad hoc working group as well as further consultations by this working group, which also took into account the currently low infection rate in the Free State of Saxon.

For 1.2:

This regulation is based on the agreement between the Prime Minister and the Federal Chancellor from 6 May 2020 on that regional consequences have to be drawn from a certain development of the infection event.

For 2:

For 2.1 to 2.9:

To ensure protection against infection, it is necessary that only people without a proven SARS-CoV-2 infection or without signs of such an infection enter the community facilities in accordance with Number 1.1 of this general decree. That concerns

all persons who carry out teaching, training, caring, supervising or other regular activities in the community facilities, parents or other persons who bring the child to day care, and the pupils and the children to be cared for.

In order to interrupt possible chains of infection in the community facilities listed in Point 1.1, there is the requirement

- that the above-mentioned circle of people promptly inform the facility if an infection with SARS-CoV-2 occurs or if they come into contact with a person infected with SARS-CoV-2,
- that children who exhibit symptoms of SARS-CoV-2 infection during class or during school hours be separated from the group or class and be picked up,
- an entry ban for sick persons.

In consideration of the claim to education and care in the context of infection prevention, and given the low level of infection, the time period that children with symptoms must wait out before they can return to the facility was reduced (2.5).

Application of the listed personal hygiene protection measures and rules as well as other specified measures for infection prevention and hygiene is necessary to avoid infection with SARS-CoV-2. Posting the listed information in the entrance area is particularly necessary in order to provide school age-appropriate information about personal hygiene protection measures and general measures to protect against infection and to bolster compliance with them.

For 3:

For 3.1 to 3.3:

Pupils who are not allowed to enter the school grounds due to Point 2.1 shall fulfill their compulsory schooling by performing school duties in the home environment. The tasks shall be imparted by analogue or digital means. The arrangement of these learning opportunities shall be ensured by the teachers. The same applies for pupils who are exempt from the school attendance obligation according to the decision of the headmaster based on a medical certificate (3.3) or if their parents according to 3.7.2 declare that in-person schooling should not take place.

For 3.4 to 3.5:

For reasons of infection protection, people who are not required to maintain the school and the operation of necessary ancillary facilities are generally prohibited from entering the school grounds during lesson and care hours. Exceptions apply to the scope of persons covered by Point 3.4, whose presence is necessary to support pupils when they go to school or to enable them to attend school at all.

Also allowed are, explicitly named here for clarification, the food inspection and veterinary officers, workers in the field of school social work as well as the child and youth medical service and the child and youth dental service. The headmaster decides on the wearing of a mouth and nose covering by this group of people as part of the exercise of the householder's right.

For 3.6:

Permitted school events are regulated here, which also includes events at the end of the school year.

For 3.7:

The provisions made in this Point and its Sub-points 3.7.1 to 3.7.9 are based on the plan of action adopted on 8 May 2020 and developed by a multi-professional ad hoc working group, "Konzept zur Wiedereröffnung der Kindertagesbetreuung, der Grundschulen und der Primarstufe der Förderschulen im Freistaat Saxon".

It is based on the consideration that strict enforcement of distancing rules in schools at the primary level is not possible or is only to a limited extent. That is why it is important to ensure that primary-level school groups remain constant. The repeal of the distancing requirement for children of primary school age results primarily from their developmental characteristics and out of pedagogical considerations. Primary school children rely on interaction with their teacher and classmates to secure the foundation for further learning. They cannot acquire new learning content and learning techniques through self-learning.

Another part of the concept is that the parents shall declare in writing every day that their child has no symptoms of SARS-CoV-2 infection. If such symptoms are present or if this declaration is not available, students are prohibited from attending school in accordance with 3.4. Unaccompanied students are according to 2.6 to be supervised until they are picked up from school by a legal guardian. In view of a low level of infection, the regulation is henceforth focused on the specific child.

Points 3.7.4 to 3.7.6 provide rules to prevent a mixing of class groups in everyday school life, ie to avoid contact between students in different class groups. The goal of the approach is to be able to trace the chains of infection in the case of an infected person. It is therefore also required that the schools keep a daily contact log in the class diary, to document not only the composition of the class group, but also the contact of the teachers and other staff with the respective class (see Point 3.7. 7) This also serves as justification for not closing the entire school in the case of a SARS-CoV-2 infection.

For reasons of infection prevention, it is necessary to make rules for bringing and picking up schoolchildren that prevent outsiders to the school from entering the school or the school grounds beyond a designated area at the entrance to the school premises or school building. The rules should also help to avoid the accumulation of outsiders to the school. The obligation to wear a mouth and nose covering for persons from outside the school should also minimise the infection risk (see Point 3.7.8).

Schools which, due to private school autonomy, as test schools according to § 15 SächsSchulG or as special schools according to § 63d SächsSchulG, undertake class formation that deviates from the school levels according to § 4 (2) SächsSchulG or § 5 (2) SOFS are also subject to the differentiated provisions of Points 3.5 and 3.6 for lessons, taking into account the age and previous school career of the students. These schools must also observe the regulatory objective of making different stipulations for children in primary education or in the lower level of schools with a focus on intellectual development than for older children and to take this into account when forming class groups (see 3.7.9).

(see section 3.5.9).

For 3.8:

Under this point are rules for pupils in schools of secondary levels I and II. For these pupils, unlike in daycare for children and in primary level schools, the learning groups cannot be kept strictly constant. Therefore, for the period of validity of this general decree, the alternating model from in-person lessons and home study periods will be sustained. However, the aim is to provide regularly in-person schooling for all pupils.

Therefore, home study periods must be systematically combined with in-person periods. Since both the spatial and personnel conditions at the individual schools are very different, the arrangement can only be done in a targeted manner by the school. During home study periods, 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 which they can work on at home are conveyed to them via analog or digital channels. The school administration and the State Office for Schools and Education are responsible for the exact arrangement of these learning opportunities.

The measures in 3.8.2 to 3.8.4 together serve the preservation of health and are intended to help largely avoid infections caused by human decisions. They will be continued in accordance with the previously tried and tested procedure for opening schools to pupils in the final and near final grade levels. They are also intended to ensure that even in special teaching sequences and processes in which it is not possible to maintain the minimum distance consistently from a pedagogical or organisational point of view, infection protection is provided by wearing a mouth and nose covering.

Point 3.7.9 is to be justified in view of Point 3.8.6. With view of the specific situation of the pupils in the focus schools for intellectual development, who even beyond the lower level cannot comply with distancing and hygiene rules, with Point 3.8.7 all levels of the schools with a focus on intellectual development or corresponding classes and courses are given the possibility to proceed according to the regulations for the primary level, as standardised in Point 3.7.

For 3.9:

For clinic and hospital schools, the provisions of the current general decree have been updated. In view of the smallest group sizes up to completely individual solutions, infection protection can be maintained. Appropriate decisions, which also take the special circumstances of vulnerable pupils into account, can be made on site by the school management of the clinic and hospital school after thorough consideration of the individual case in agreement with the clinic management.

For 3.10:

The rule follows the logic of generally allowing for testing. Supplementary examinations for the acquisition of the Graecum, Hebraicum and Latinums for students of the Technical University of Dresden and the University of Leipzig, which supplement the Abitur, are held at the universities. The corresponding infection protection measures can be implemented for this limited group of people at the universities.

For 3.11:

These regulations for a very limited group of people serve to make examinations possible – including Abitur candidates at Gymnasium schools with in-depth sports training and exam participants at upper-level sports schools.

For 4:

The implementation of procedures for determining special educational support needs at primary and special schools (even if the focus of support is changed) as regulated in Sections 4.1 to 4.2 is also permitted, as is the completion of still open LRS diagnostics, since diagnostics in these areas is a prerequisite for adequate support. It is the responsibility of the participating schools to organise this in such a way that protection against infection is taken into account, taking into account the ongoing school operations. This can be done, among other things, by appropriately staggered time windows.

For 5:

With this general decree, the transition from restricted regular operation realised since 18 May 2020 to normal operation under hygiene requirements is made possible for crèches, kindergartens and day care for children. This is a key result of the advice given by the ad hoc working group from 17 June 2020.

This change is possible and necessary in consideration of the various concerns, the currently low level of infection and the documentation that still has to be provided to all persons present, in order to assert the legal right to care on the one hand and to take adequate account of the protection against infection on the other. Unlike in the area of primary school with fixed class structures, maintaining fixed groups in daycare is not a universal pedagogical principle. This fact is taken into account with the current procedure.

According to current scientific knowledge, children are the least involved in the spread of infection. In order so that they do not suffer from the current situation, healthy children in terms of COVID-19 should be looked after. Since the minimum distances between children and the educational specialist cannot be implemented in a daycare, there are extensive regulations that must be complied with in order to act towards infection prevention.

For 5.1:

In contrast to restricted regulated operation, normal operation under hygiene conditions should in principle no longer restrict the contractually agreed upon scope of care. This means that nurseries, kindergartens and daycare centres can be reshaped in accordance with the underlying paedagogical concept.

For 5.2 and 5.3:

Here, access bans, the corresponding exception, and the necessary protective measures are regulated with the aim of preventing the introduction of infections as far as possible.

For 5.4:

Here, it is ruled that parent conferences and discussions with parents as well as a series of events can be carried out in the facilities in compliance with general hygiene regulations. For this, rules comparable with corresponding rules in the school sector are created and at the same time under the protection of the measure set in place, makes possible

the realisation of an improved educational partnership between parents and the institution.

For 5.5:

This Point continues the previous practice of submitting a “health confirmation” every day. In view of a low level of infection, the regulation is now concentrated on the specific child and thus, in analogy to the regulation for the primary level of schools (3.7.3), a reasonable relief for the families concerned is made possible.

Without this declaration, the child cannot be accepted into care. Furthermore, educators can refuse care if the declaration by the parents is not provided or if the child exhibits symptoms of COVID-19 (see also 2.6).

For 5.7:

Even in normal operations, there is a need for daily documentatison of the persons who have been in the facility in order to follow a possible chain of infection.

For 5.8:

The prior regulations regarding the drop-off and pick-up area shall be appropriately loosened due to the low level of infection.

For 5.9:

In this general decree, daycare centres shall generally adhere to the same rules as that for the primary level of schools. This concerns in particular the model of the fixed care groups, corresponding to the model of the fixed class groups. Among others, one reason for this is that the school plus daycare centre is treated as one large institution. With the pedagogically reasoned approach, a closure of the entire facility, or of the school plus daycare, can be avoided entirely in the event of an infection. With the implementation of the principle of the closed groups and classes, childcare during off-peak hours may not be able to be offered.

The provisions in 5.9.3 through 5.9.6 comply with the provisions of the previous general decree from 4 June 2020 (see 5.5. to 5.8.) that apply to all daycare facilities and childcare businesses.

Common rooms and open and common areas are subject to extensive restrictions as actual meeting spaces with regard to COVID-19. In order to ensure protection against infection, their use must also follow the requirements of reasonable separation of groups.

Dresden, 23 June 2020

Uwe Gaul
State Secretary
Saxon Ministry for Social Affairs and Social Cohesion