

General Disposal
Enforcement of the Infection Protection Act
On account of the corona pandemic
Cessation of the operation of schools and day care for children

Announcement from the Saxon State Ministry for Social Affairs and Social Cohesion
Social cohesion
April 17, 2020, Ref: 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 Infection Protection Act (IfSG) following

General Disposal

1. Up to and including May 3, 2020:

- 1.1 No classes or other school events take place at 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. When performing school work, pupils are obliged not to make personal contact with the school.

Sentences 1 and 2 do not apply to the conduct of examinations and consultations. In addition, lessons can be given in the final classes and grades at general education schools (including the corresponding courses at secondary education schools), at vocational schools and at special schools (with the exception of the focus on intellectual development). The prerequisite is that when schoolchildren, non-school examiners, teachers and other necessary staff in the school buildings stay in compliance with the hygienic requirements when school operations resume in accordance with the letter dated April 9, 2020, file number 23-5422.19 / 6 (Appendix 3) is guaranteed.

- 1.2 The childcare facilities are no longer available in daycare centers, daycare for children and special needs daycare centers.
- 1.3 Boarding schools are still closed. There is no support. This does not apply to securing examinations and teaching in the final years (see 1.1). It also does not apply to the institutions mentioned in section 1 of the general decree of the Saxon State Ministry for Social Affairs and Social Cohesion from March 19, 2020.
- 1.4 Children, schoolchildren, non-school examination participants and students may not enter the facilities mentioned in sections 1.1 to 1.3 except for the purpose of teaching in the final classes and grades, exam preparation and examination participation.
2. In all primary and special schools, day care centers, special needs education day care centers and day care for children, emergency care is provided as follows:
- 2.1 For pupils in grades 1 to 4 at elementary and special schools, the Free State of Saxony generally provides emergency care at the location of the elementary and special schools in coordination with the school and after-school care provider during the usual teaching and after-school hours.
- 2.2 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.

- 2.3 At the kindergartens and crèches as well as curative education daycare facilities, the emergency care offer is secured by the institution's sponsor during normal opening hours.
- 2.4 At the day care centers for children, the emergency care offer is secured by the day care worker during normal opening times.

3. There is a right to emergency care if

- Both persons with legal guardianship or the sole person with legal guardianship or, in the case of handling arrangements, who are currently authorized to apply for child protection in a sector of the critical infrastructure according to Appendix 1 and are prevented from looking after the child due to business or operational reasons,
- only one of the legal guardians is active in the following areas and is prevented from looking after the child due to business and operational reasons and care cannot be secured by the other legal guardian:
 - o Healthcare and care,
 - o Rescue service (including professional fire brigade),
 - o Public transportation,
 - o Police or prison service,
 - o School service and day care for children (including pupils in final classes with their own children who need childcare),
 - o Local or state administration if a custodian is entrusted with the task of combating the corona pandemic.

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. This does not apply to persons with legal guardianship who work in the health care sector and who care for sick patients while exercising their work and using the appropriate protective equipment for Covid-19.

4. The legal guardians provide evidence of their work in writing to the management of the school or childcare facility in a form (Appendix 2, available at www.coronavirus.sachsen.de). Evidence requires written confirmation from the respective employer or employer (in the case of the self-employed and freelancers, by signature at the same place on the form), in which it is also confirmed that the custodian is mandatory for the operation of the critical infrastructure. The confirmation by the employer, if this cannot be done immediately, can be submitted within one working day. In the case of schoolchildren with their own children with childcare needs, proof is provided by means of appropriate credibility.
5. There is also a right to emergency care if there is a risk to the child's welfare. In these cases, the child's consent requires the consent of the local youth welfare office.
6. The legal guardians are responsible for ensuring that the requirements set out in sections 1, 3 and 4 and the resulting obligations are observed.

7. On the fine regulation of § 73 para. 1 a No. 6 IfSG as well as the law enforcement provision of § 74 IfSG is pointed out.
8. This general decree comes into force on April 18, 2020. March 23, 2020, file number 15-5422 / 4, will expire on that day.

Annexes:

1. List of critical infrastructure sectors
2. Form to explain the need for emergency care in kindergarten and school
3. Letter from the Ministry of Social Affairs and Social Cohesion of April 9, 2020; Ref .: 23-5422.19 / 6

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, for the minutes of 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 Electronic Legal Transactions and on the Special Electronic Authorities Mailbox (Electronic Legal Transactions Ordinance - 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(2). 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.

There is still a risk of infection and the maintenance of infection chains in schools and day care centers.

For an interruption of infection chains in schools and in day care for children, the facilities must be closed at least for a further period, as this is the only way to effectively prevent the occurrence of infection. The IfSG is also used in other federal states.

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 entry into families and other areas of social life will take place via schools and the aforementioned community facilities. 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 close the facilities mentioned in Section 1 for a limited period of time until May 3, 2020 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 or greatly minimizes infection-related contacts in almost 5,000 care and educational institutions for a further period. The aim is to further limit the spread of the Covid-19 disease. 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 order 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. Students 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 preparation and execution of examinations is excluded. It is possible to take exams at general and vocational schools as well as at secondary education schools because the entire school building can be used and only a few students, non-school examiners, teachers and other necessary staff are in the school building. At a high school, for example, only around one eighth of the usual student body takes the Abitur exams. The examination process can be spatially rectified in such a way that infections can be largely avoided according to human judgment. Under these conditions, tests can also be carried out from the point of view of infection protection. However, the school must comply with the requirements listed in Appendix 3 to Number 1.1.

The exception also covers classes in final classes and grades for which the same requirements apply. This also applies to special schools with the exception of the focus on intellectual development.

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 May 3, apart from the emergency care according to paragraphs 3 to 5, 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 makes it clear that boarding schools are also covered by the previous closure.

On paragraph 1.4.

The number accompanies the aforementioned measures with an entry ban on schools and child-care facilities for schoolchildren, children and students. Exempt from the entry ban is the school attendance of pupils, non-school examination participants, teachers and other necessary personnel for the purpose of exam preparation and examination execution.

On paragraph 2

It is necessary to set up childcare facilities for children of critical infrastructure workers in accordance with Annex 1 in order to ensure the functionality of the critical infrastructure facilities. 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 childcare entitlements can only be offered in narrowly limited individual cases for pupils with multiple and severe multiple disabilities at special schools.

On paragraph 3

Limiting the groups of people who are entitled to care for their children as employees in the critical infrastructure ensures that only some of the children and pupils 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 paragraph, due to the particularly prominent position of these activities if only one of the legal guardians is active in areas of critical infrastructure and the other legal guardian is prevented from providing care for professional reasons.

On paragraph 4

The section regulates the proof of the requirements for the right to emergency care.

On paragraph 5

There is also a right to emergency care if there is a risk to the child's welfare. In this case, only the approval of the youth welfare office is required for emergency care.

Item 6

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 7

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

Regarding paragraph 8

The General Decree will enter into force on April 18, 2020 and will expire on May 3, 2020.

Dresden, April 17, 2020



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for social and social cohesion