

# **EXHIBIT 1**

# Definition of a School

Provides definitional information to California Department of Education staff for purposes of managing school and program information.

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The purpose of providing this information is to ensure consistency among divisions of the California Department of Education (CDE) regarding department identification and management of school and program information.

In providing this information, the CDE hopes to accomplish the following:

1. List the essential attributes that define a school such that it is possible to distinguish schools from non-school entities.
2. Assist in resolving difficulties associated with reporting information on schools.
3. Provide definitions that anticipate future changes in institutions for education and learning.

## Definition of a School

The term "school" is used to refer to all educational institutions that have the following characteristics:

- Have one or more teachers to give instruction
- Have an assigned administrator
- Are based in one or more buildings
- Contain enrolled or prospectively enrolled students

## Definition of a Public School

The CDE further defines a public school as a kindergarten through grade twelve and/or adult educational institution that:

- Is supported with public funds.
- Is authorized by action of and operated under the oversight of a publicly constituted local or state educational agency.
- Provides educational services to all students who are enrolled.
- Has an appropriately credentialed teacher (or teachers) who provides instruction.
- Has at least one appropriately credentialed administrator, usually a principal, who is responsible for all aspects of school administration including supervision and evaluation of staff, fiscal responsibility, student discipline and safety, supervision and evaluation of curriculum, and assessment of academic achievement and school accountability.
- Administers California statewide assessments to its students at the required grade levels.
- Has an administrator, usually a principal, with access to and responsibility for maintaining official student records for all enrolled students.

With the exception of charter schools: Implements a curriculum that fully meets state requirements as specified in the California Education Code relating to required courses of study.

Is non-sectarian.

With the exception of charter schools: Contains a budget structure that is consistent with the budget structure of schools operated by the authorizing agency.

Is based in one or more buildings that are "Field Act" compliant,\* unless exempt.

\*Earthquake resistant construction. The Field Act was one of the first pieces of legislation that mandated earthquake resistant construction (specifically for schools in California) in the United States.

## Definition of a Private School

A private school is a school, as defined, that is owned or operated by a private person, firm, association, organization, or corporation, rather than by a public agency.

### Is it a Program, or is it a School?

In determining whether a given entity is a school or a program, consider the following questions:

Is the *educational component* of the entity *secondary* to its primary purpose, which is other than education?

Do students, who are enrolled in the entity, remain members of the school that referred them?

Do all students enroll on a part-time basis?

If the answer to *any* of those three questions is *yes*: This entity is not a school, and it may be a program.

Next, consider these questions:

Except for State Special Schools, can the entity, if it accommodates grade twelve students, grant a diploma to its graduates?

Do the students have full access to all of the facilities and amenities of the entity?

If the answer to *either* of those two questions is *no*: This entity is not a school, and it may be a program.

# **EXHIBIT 2**

-----Original Message-----

From: Steve Tietjen [mailto:STietjen@mcoe.org]  
Sent: Friday, October 19, 2018 1:04 PM  
To: Douglas Smurr  
Subject: Wolfe Center

Dear Mr. Smurr,

Please see the responses below that were provided by my administrator in charge of the programs at the Wolfe Center.

Steve

From: Douglas Smurr <dsmurr@grsm.com<mailto:dsmurr@grsm.com>>  
Date: October 18, 2018 at 5:19:32 PM PDT  
To: "'stietjen@mcoe.org<mailto:stietjen@mcoe.org>'"  
<stietjen@mcoe.org<mailto:stietjen@mcoe.org>>  
Subject: Function of the Wolfe Educational Center  
Dear Mr. Tietjen:

I have some questions concerning the Wolfe Educational Center located at 732 W. 13th Street, Merced, CA 95341. I am representing a client with a permit matter currently pending before the Planning Commission of the City of Merced. The function of the Wolfe Educational Center may impact the permitting process. If you could answer the following nine questions regarding the Wolfe Educational Center it would greatly help the Planning Commission reach a proper decision. Just a yes or no response would suffice, though you may give more information if you wish.

1. Are any kindergarten through grade twelve classes taught at the Wolfe Educational Center?

**Not at this time, however the Wolfe Educational Center (WEC) has been utilized in the past for grades 9-12 and could be utilized for those grade levels again in the future.**

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8. If the Wolfe Educational Center accommodates grade twelve students, does the Wolfe Educational Center grant a diploma to its graduates?

**Currently there are no grade twelve students.**

Steve M. Tietjen, Ed.D.  
County Superintendent of Schools

MERCED COUNTY OFFICE OF EDUCATION  
632 West 13th Street  
Merced CA 95341  
(209) 381-6601  
(209) 381-6767 Fax  
stietjen@mcoe.org

# **EXHIBIT 3**

-----Original Message-----

From: Daphne Post [mailto:DPost@mcoe.org]

Sent: Tuesday, October 23, 2018 4:35 PM

To: Douglas Smurr; Susan Coston

Cc: Steve Tietjen

Subject: RE: Wolfe Center - Question 8 Clarification

Hello Mr. Smurr,

The Wolfe Educational Center is a location and not an actual entity (13 separate rooms utilized as either classrooms or office space). The Wolfe Educational Center houses several different programs operated by MCOE:

1. Several MCOE Adult Regional Occupational Programs (ROP) to include Medical Assisting, Foundations in Early Education, Computerized Office Technology, Accounting Occupations, Office Administration, and soon, Marketing Customer Services (serves adults only)
2. The Workforce Innovation and Opportunity Act (WIOA) MCOE Youth EMPOWER Program (serves adults ages 18-24)
3. The California Student Opportunity and Access Program (Cal-SOAP) for Merced County, operated by MCOE (work with high school aged youth throughout the school year and provide a summer program for high school youth)
4. The Foster Youth Services Coordinating Program (FYSCP) for Merced County, operated by MCOE (works with foster youth of all ages and operates several different student centered programs and events)
5. One Special Education Classroom for young adults

The ROP, WIOA, Cal-SOAP and FYSCP Programs do not grant high school students a diploma. As indicated, both the Cal-SOAP and the FYSCP work with high school aged youth throughout the year.

I do not know whether or not the one Special Education Classroom awards high school diplomas to students. Susan Coston is the MCOE Assistant Superintendent in charge of Special Education. She can be reached at 209-381-6711 or by e-mail at [sucoston@mcoe.org](mailto:sucoston@mcoe.org).

I hope this helps.

Please let me know if I can be of any further assistance.

Best Regards,  
Daphne

Daphne L. Post  
Merced County Office of Education  
Coordinator  
632 W. 13th Street  
Merced, CA 95341  
209-381-5918  
[dpost@mcoe.org](mailto:dpost@mcoe.org)

# **EXHIBIT 4**



-----Original Message-----

From: Susan Coston [mailto:[SuCoston@mcoe.org](mailto:SuCoston@mcoe.org)]  
Sent: Tuesday, October 23, 2018 6:17 PM  
To: Douglas Smurr  
Cc: Daphne Post; Steve Tietjen  
Subject: Re: Wolfe Center - Question 8 Clarification

The special education students attending Wolfe Center will receive a certificate of completion upon their 22nd birthday, not a diploma.

Susan Coston

Sent from my iPad

# **EXHIBIT 5**

# **CURRENT PROGRAMS ASSOCIATED WITH THE WOLFE EDUCATIONAL CENTER**

1. The EMPOWER Program
2. Break The Code Website Development Program
3. Foster Youth Services Program
4. Cal-SOAP (The California Student Opportunity and Access Program)
5. Merced County Regional Occupational Program

And information regarding:  
Daphne L. Post  
WIA Programs/Cal-SOAP Coordinator

# The EMPOWER Program

EMPOWER		
1-209-381-5926	<a href="https://www.mcoe.org/deptprog/edservices/CandC/empower/Pages/empower.aspx">https://www.mcoe.org/deptprog/edservices/CandC/empower/Pages/empower.aspx</a>	632 W. 13th St., Merced
<p>Provides educational assistance and job training to help out-of-school youth ages 18-24 succeed in school, then transition to college and/or a career. Youth that do not have a high school diploma are provided with basic education skills, tutoring, and study skills, in order to obtain a GED or high school diploma. EMPOWER youth are also provided work experience, support services, and comprehensive guidance and counseling.</p>		



# EMPOWER

Merced County Office of Education  
632 West 13th Street Merced,  
CA 95341  
*Steve M. Tietjen, Ed.D. Superintendent*

## AFTER HIGH SCHOOL.. WHAT NEXT?

EMPOWER **Program** provides assistance with the following:

- Paid / Unpaid Work Experience = JOB = \$\$\$\$
- Assistance with GED fees = JOB = \$\$\$\$
- Vocational Training = JOB = \$\$\$\$
- One-on-one mentoring = JOB = \$\$\$\$

Serving  
Out-of-School Youth  
Ages 18-24 Years Old  
**CALL TODAY TO  
MAKE AN  
APPOINTMENT!!**  
**(209) 381-5926**

# NOW ENROLLING

Wolfe Education Center, W-9  
732 West 13th Street

## EMPOWER CONTACTS

Toula Eccles (209) 381-5923 tmoua@mcoe.org	Rebecca Lincoln (209) 381-5916 rlincoln@mcoe.org
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# Break The Code Website Development Program

## BENEFITS OF PARTNERSHIP

### BREAK THE CODE

#### WEB MASTERS



Participants completing the training will develop a website for a local small business and receive a \$600.00 stipend, a Chromebook and Certificate of Completion. They will gain valuable marketable skills as well as strengthen personal and professional relationships with their peers and local community.

#### BUSINESS



Small business owners who work with our trained website developers, will receive a free, completed professional starter website, assistance with a social media business strategy, guidance with purchasing and directing a domain name to their site, and will be shown how to maintain their website. When Small Businesses and Non-profits partner with our opportunity youth, they are investing quality time into that youth's future as well as improving their own personal business.

#### Completed Website Examples

- <http://www.safetoneval.com>
- <http://www.ludismath.com>
- <http://www.laliferencsafetoneval.com>

Revised 1/2018

## CONTACTS

Monica Rocha  
Training Technician  
(209) 381-5920  
[mrocha@mcoe.org](mailto:mrocha@mcoe.org)

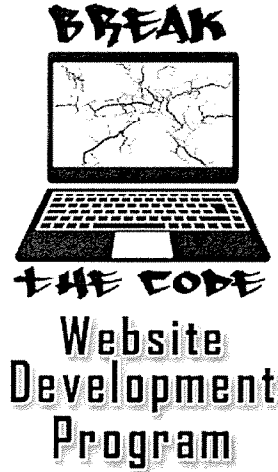
Martha (Marti) Rose  
Training Technician  
(209) 381-5920  
[btcmrose@gmail.com](mailto:btcmrose@gmail.com)

Daphne L. Post  
Coordinator  
Educational Services  
(209) 381-5918  
[dpost@mcoe.org](mailto:dpost@mcoe.org)

FB@BTCBreakTheCode  
[breakthecodewebdesign.com](http://breakthecodewebdesign.com)



BreakThe Code is operated by the  
MERCED COUNTY OFFICE OF EDUCATION  
Steve M. Tietjen, Ed.D.,  
County Superintendent of Schools



*"Building Healthy Relationships and  
Economic Success Through Technology"*



[breakthecodewebdesign.com](http://breakthecodewebdesign.com)

Merced County Office of Education  
632 W. 13th Street, Building B, Merced, CA 95341  
(209)381-5920

# ABOUT US

# Break The Code Website Development Program

Break The Code is modeled after an award winning program originating in the Bay Area. We are a network of young adults, small businesses, and local government who work together to implement a 7-week immersive Healthy Relations and Web Development Program.

We are in partnership with (H-REP) Healthy Relationships and Economic Pathways, which is a California Adolescent Health Collaborative Project, whose purpose is to improve the lives of opportunity youth. Together our goals are to introduce young adults, ages 18-24 to healthy personal and professional work environments, build critical thinking skills, and learn about careers in the technology and social media fields.

We train our participants in website development, customer service, and social media strategies for small businesses in our local communities. We utilize technology as a means to expose young adults to careers in technology and social media, and to help build strong and meaningful professional relationships, leading to economic success.



## SUCCESS

*"Technology is best when it brings people together"*

*— Matt Mullenweg, WordPress*

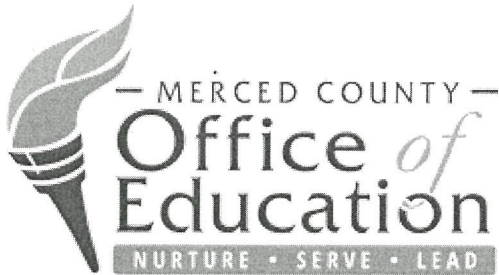
## TEAMWORK



### Collaboration > Business Trips > Guest Speakers > Celebration

Trips to businesses that represent social media and technology, along with guest speakers and activities, that promote and strengthen healthy personal and professional relationships, are valuable and fun activities you will experience as part of the Break The Code training.

# Foster Youth Services Program



Steve M. Tietjen, Ed.D | County Superintendent of Schools

## Foster Youth Services Coordinating Program

Educational Services>College & Career>Foster Youth Services

- Cal-SOAP
- College & Career Staff
- EMPOWER
- Forms
- Foster Youth ServicesCurrently selected
- Regional Occupational Program (ROP)
- Phoenix Project
- Work Permits

Site Contents  
Merced County Office of Education

## Foster Youth Services Coordinating Program

### Foster Youth Services Coordinating Program

The Foster Youth Services Coordinating Program (FYSCP) provides support services to foster children who suffer the traumatic effects of displacement from family and schools and multiple placements in foster care. FYSCP has the ability and authority to ensure that health and school records are obtained to



establish appropriate placements and to coordinate instruction, counseling, tutoring, mentoring, vocational training, emancipation services, training for independent living, and other related services. The FYSCP increases the stability of placements for foster children and youth. These services are designed to improve the children's educational performance and personal achievement, directly benefiting them as well as providing long-range cost savings to the state.

**The following services are provided in cooperation with Merced County collaborative partners:**

- Provide AB 490 advocacy and advocacy trainings
- Ensure appropriate school placement and minimize changes of school placements
- Facilitate prompt transfer of educational records
- Provide educational case management
- Assist school districts to establish foster youth protocols
- Provide trainings on educational laws pertaining to foster youth

<https://www.mcoe.org/deptprog/edservices/CandC/fys/Pages/fosteryouth.aspx>

## **Our History**

**The Merced County Foster Youth Services Coordinating Program (FYSCP) launched in 1999. The FYSCP is a grant funded program through the California Department of Education.**

**The responsibilities of the FYSCP are stated in California Education Code 42921 found on line at: <http://www.leginfo.ca.gov/cgi->**

[bin/displaycode?section=edc&group=42001-43000&file=42920-42926](http://bin/displaycode?section=edc&group=42001-43000&file=42920-42926)

PLEASE CLICK ON LINK BELOW FOR MORE INFORMATION

CDE FYSCP

## **FYSCP Location**

### **Location**

**Foster Youth Services Coordinating Program location:**

Wolfe Educational Center

732 W. 13th Street

Merced, CA 95341

Room W12

# Cal-SOAP

(The California Student Opportunity and Access **Program**)

Cal-SOAP		
1-209-381-5919	<a href="http://www.mcoe.org/deptprog/edservices/CandC/calsoap/Pages/calsoap.aspx">http://www.mcoe.org/deptprog/edservices/CandC/calsoap/Pages/calsoap.aspx</a>	632 W. 13th St., Merced
<p>Cal-SOAP provides services to in-school youth to help them prepare for college and career. Students can receive tutoring, information about applying for college, assistance in seeking financial aid, and many other services.</p>		



# California Student Opportunity & Access Program



## Welcome to Merced County Cal-SOAP

The California Student Opportunity and Access Program (Cal-SOAP) is a statewide program designed to increase the number of students seeking higher education. We are committed to providing financial/academic information and support for students and their families to ensure their educational success, especially those who are recognized as being from limited income families, first generation college students, or from areas/schools with low eligibility or college participation rates.

### Quick Links

[Educational Services Home](#)

## Cal-SOAP

### Cal-SOAP Quicklinks

[CA Student Aid Commission](#)

[Federal Student Aid](#)

[UC Merced](#)

[Merced College](#)

[Fastweb Scholarship Search](#)

[Occupational Outlook Handbook](#)

### General Information

[About Us](#)

[Our Services](#)

[Schools We Serve](#)

[Get Involved](#)

[Contact Us](#)

### For Students

[Types of Schools](#)

[School Requirements](#)

[Paying for College](#)

[Financial Aid](#)

[Apply for College](#)

[Research Careers](#)

[Volunteer](#)

### For Parents

[Research Colleges](#)

[Selecting a College](#)

## Merced County Regional Occupational Program

Merced County Regional Occupational Program		
1-209-381-6688 (high school program) 1-209-381-6684 (adult program)	<a href="http://mcoe.org/deptprog/edservices/CaliforniaC/ROP/Pages/rop.aspx">http://mcoe.org/deptprog/edservices/CaliforniaC/ROP/Pages/rop.aspx</a>	632 W. 13th St., Merced
<p>Provides vocational education and training to prepare students for employment. Also provides workplace learning experiences, hands-on training, and career counseling and education. Classes are available to high schoolers and adults.</p>		

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**Daphne L. Post**  
**WIA Programs/Cal-SOAP Coordinator**  
(209) 381-5918  
dpost@mcoe.org

Daphne L. Post has lived in Merced for over thirty-five years. She graduated from Merced High School (Go Bears!), received an AS from Merced Community College, a MS in Business from CSU, Fresno, a Single Subject Teaching Credential from Chapman University, and an Administrative Services Credential from CSU, Stanislaus she is currently completing her Master's Degree in Administration. Ms. Post has worked for Merced County Office of Education for 23 years. She worked just shy of sixteen years at Valley Community School eight years as an English teacher and eight years as a Vice Principal.

Mrs. Post is married and has one daughter currently enrolled at CSU Stanislaus to become an Elementary School Teacher she loves dogs (Three Chihuahuas) and spends her spare time traveling, gardening, and being artistic.

Mrs. Post is currently the Coordinator for the WIOA Youth EMPOWER Program, the California Student Opportunity and Access Program (Cal-SOAP) the Foster Youth Services Coordinating Program for Merced County, Homeless Youth, and the Healthy Relationship and Economic Pathways/Break The Code Program.

Mission Statement

My mission is to EMPOWER our youth to become successful citizens, learners, workers, and leaders in a global economy.

# **EXHIBIT 6**

## Douglas Smurr

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**From:** Michael Hawkins <michael@hawkinsstrategicadvocacy.com>  
**Sent:** Thursday, October 18, 2018 8:49 PM  
**To:** Douglas Smurr  
**Subject:** Fwd: Question Regarding School Definition

Mr. Smurr:

As requested, please find the response from California Bureau of Cannabis Control Attorney Paul Atienza to your question regarding the definition of the term "school." Mr. Atienza advised me that you could use his email in your upcoming hearing with the City of Merced.

Sincerely,

Michael Hawkins

Begin forwarded message:

**From:** "Atienza, Paul@DCA" <Paul.Atienza@dca.ca.gov>  
**Subject:** RE: Question Regarding School Definition  
**Date:** October 18, 2018 at 1:50:43 PM PDT  
**To:** Michael Hawkins <michael@hawkinsstrategicadvocacy.com>

Hi Michael,

I apologize that I have not been able to respond to you earlier. I believe that the definition we have been using for school is in Health and Safety Code section 11362.768, subsection (h): [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=11362.768.&lawCode=HS](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11362.768.&lawCode=HS) C. The definition is very similar to the one included in your email. At this point, I am not certain whether the facility described in your email would fall under this definition. However, the language of BPC 26054 allows a local jurisdiction to set a radius that is different from the one stated in the statute. Therefore, in many cases, it may come down to the local jurisdiction's rules regarding setback from schools. Section 5026 of the Bureau's regulations provide the requirements for showing that the licensed premises is compliant with local rules relating to distance from schools: [https://govt.westlaw.com/calregs/Document/I436D189998CB4E119F70B26A0EF3A869?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I436D189998CB4E119F70B26A0EF3A869?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)). As always, feel free to contact me if you have any further questions.



**Paul Atienza**  
Attorney III  
Phone: (916) 465-9032  
Email: [Paul.Atienza@dca.ca.gov](mailto:Paul.Atienza@dca.ca.gov)  
[www.bcc.ca.gov](http://www.bcc.ca.gov)  
<https://cannabis.ca.gov>





**From:** Michael Hawkins <[michael@hawkinsstrategicadvocacy.com](mailto:michael@hawkinsstrategicadvocacy.com)>  
**Sent:** Thursday, October 18, 2018 9:29 AM  
**To:** Atienza, Paul@DCA <[Paul.Atienza@dca.ca.gov](mailto:Paul.Atienza@dca.ca.gov)>  
**Subject:** Re: Question Regarding School Definition

Hey Paul,  
Just wanted to confirm you received this email. Seeking your advice.  
Thanks.  
Best,  
Michael

On Mon, Oct 15, 2018 at 11:47 AM Michael Hawkins <[michael@hawkinsstrategicadvocacy.com](mailto:michael@hawkinsstrategicadvocacy.com)> wrote:

Hello Paul,  
Hope all is well with you. I have a question I am hoping you might be able to shed some light. It relates to the 600 feet radius around a school.  
Question:  
What is the standard used by the State of California regarding the definition of "School." Current statutory language refers to K-12, but would it include non-high school instruction center for 18-22 year old students who are too old to enter high school yet want to obtain the high school equivalency and obtain a GED?  
Any guidance I would appreciate. Thank you.

Best regards,

Michael

Michael Hawkins  
Hawkins Strategic Advocacy  
1100 11th Street, Suite10  
Sacramento, CA 95814  
(916) 396-6507  
[Michael@HawkinsStrategicAdvocacy.com](mailto:Michael@HawkinsStrategicAdvocacy.com)

# **EXHIBIT 7**

## § 5026. Premises Location.

### 16 CA ADC § 5026 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness

Title 16. Professional and Vocational Regulations

Division 42. Bureau of Cannabis Control

Chapter 1. All Bureau Licensees

Article 3. Licensing



16 CCR § 5026

### § 5026. Premises Location.

(a) A premises licensed under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued.

(b) Notwithstanding subsection (a), if a local jurisdiction has issued a license or permit to conduct commercial cannabis activity at a premises that is located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center, the Bureau may approve the premises for licensure if the following conditions are met:

(1) The applicant submits a copy of a valid license or permit from the local jurisdiction with the application for licensure; and

(2) The local jurisdiction notifies the Bureau that the applicant is in compliance with all applicable local ordinances and regulations pursuant to Business and Professions Code section 26055(g)(2)(C).

(c) A premises shall not be in a location that requires persons to pass through a business that sells alcohol or tobacco or a private residence to access the licensed premises, or that requires persons to pass through the licensed premises to access a business that sells alcohol or tobacco or a private residence.

(d) A premises shall not be located within a private residence.

(e) Licensees shall ensure that the Bureau has immediate access to their licensed premises. If the Bureau is denied access to a licensee's premises for any reason, the licensee shall be held responsible and subject to discipline. If the Bureau is denied access to one licensee's premises because of another licensee's refusal to grant access when the only access to the first premises is through the second premises, both licensees shall be held responsible and subject to discipline.

Note: Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26051.5, 26054 and 26055, Business and Professions Code.

#### HISTORY